

TOWN OF READING ZONING BY-LAWS

(As amended through September, 2002)

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1.0. PURPOSE

- 1.1. The purposes of this Zoning By-Law include, but are not limited to, the following:
- a. To promote the health, safety and general welfare of the inhabitants of the Town of Reading;
 - b. To lessen congestion in the streets;
 - c. To conserve health;
 - d. To secure safety from fire, flood panic, congestion and other dangers;
 - e. To provide adequate light and air;
 - f. To prevent over-crowding of land;
 - g. To avoid undue concentration of population;
 - h. To encourage housing for persons of all income levels;
 - i. To facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
 - j. To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
 - k. To encourage the most appropriate use of land throughout the Town of Reading, including consideration of the recommendations of comprehensive plans adopted by Town Meeting; and
 - l. To preserve natural conditions and historic sites and to enhance beauty and amenities.

2.0 DEFINITIONS

- 2.1. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot".
- 2.2. The following terms in this By-Law shall have meanings hereby assigned to them.
- 2.2.1. **Accessory Use:** The use of a building or premises for purposes customarily incidental to a permitted principal use.
- 2.2.1.1. **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.
- 2.2.1.2. **Adult Uses:** The uses defined in Section 4.3.4. of these By-Laws.

- 2.2.2. **Apartment:** A dwelling arranged, intended or designed to be occupied by more than two (2) families.
- 2.2.2.1 **Aquifer:** Geologic formation composed of rock, sand or gravel, from which significant quantities of potable water may be obtained from wells.
- 2.2.3. **Automobile Graveyard:** The storage of three (3) or more unregistered automobiles other than in connection with an automobile sales room or office.
- 2.2.4. **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.
- 2.2.5. **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.
- 2.2.5.1. **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 other enabling authority, including such as may be appointed in combination with other cities or towns.
- 2.2.6. **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.
- 2.2.7. **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.
- 2.2.7.1. **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.
- 2.2.7.2. **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.
- 2.2.8. **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.
- 2.2.9. **Dwelling:** Any building or structure used in whole or in part for human habitation.
- 2.2.9.1. **One Family Dwelling:** A detached dwelling arranged, intended or designed to be occupied by a single family.
- 2.2.9.2. **Two Family Dwelling:** A detached dwelling arranged, intended or designed to be occupied by two (2) families.

- 2.2.9.3. **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.
- 2.2.10. **Earth Removal:** The removal of sand, loam, sod or gravel unrelated to landscaping or authorized construction on the lot.
- 2.2.11. **Family:** One (1) or more persons living together in one (1) dwelling unit as a single house-keeping unit, but not including fraternities, sororities or other fraternal or communal living arrangements.
- 2.2.12. **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.
- 2.2.12.1. **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.
- 2.2.13. **Frontage:** The continuous length of a lot 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, not burdened by access easement at the time of subdivision, across which access is legally and physically available for pedestrians and vehicles. The end of a street without a cul-de-sac shall not be considered frontage.
- 2.2.14. **Grade, Established:** The elevation of the street grade as established or approved by the Town.
- 2.2.15. **Grade, Natural:** The elevation of the undisturbed natural surface of the ground adjoining a building.
- 2.2.15.1. **Groundwater:** All water found beneath the ground surface. The slowly moving subsurface water present in aquifers and recharge areas.
- 2.2.15.2. **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 Laws Chapter 21C, or deemed as toxic or hazardous substance in Massachusetts General Laws, Chapter 94B, shall also be deemed a hazardous material for purposes of this By-Law.
- 2.2.16. **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.

- 2.2.17. **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.
- 2.2.17.1. **Impermeable Surface:** Natural or manmade material on the ground that does not allow surface water to penetrate into the soil.
- 2.2.18. **Kindergarten, Private:** A private school for children of pre-primary school age having an enrollment of three (3) or more children of different parentage.
- 2.2.19. **Landscaped Area:** Land area not covered by building, parking spaces and driveways.
- 2.2.19.1. **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.
- 2.2.20. **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.
- 2.2.21. **Lot Coverage:** That proportion expressed as a percent of the total lot area covered by principal buildings.
- 2.2.21.1. **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.
- 2.2.22. **Non-Conforming:** A condition structure or use inconsistent with this By-Law, and lawfully in existence at the time the provision with which it does not conform became effective.
- 2.2.23. **Nursing Home:** A convalescent or rest home, or an assisted living residence as defined in 651 CMR 12.02.
- 2.2.24. **Open Storage:** The storing of retail goods outside of a structure on a lot for the purpose of display and/or sales.
- 2.2.25. **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.
- 2.2.26. **Place of Assembly:** A theater, cinema, bowling alley or other similar enclosed place.
- 2.2.27. **Roadside Stand:** The sale of natural products raised on the premises and articles manufactured on the premises from such products.
- 2.2.28. **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.

- 2.2.29. **Sign:** Any word, number, emblem, picture, design, trademark or other device to attract attention.
- 2.2.29.1. **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.
- 2.2.30. **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.
- 2.2.30.1. **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.
- 2.2.30.2. **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.
- 2.2.30.3. **Townhouse Parcel:** A parcel of land upon which a townhouse development is located.
- 2.2.31. **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.
- 2.2.32. **Trailer Camp:** An area of land on which is located one or more trailers used for human habitation.
- 2.2.33. **Use:** An activity or purpose to which a lot or structure is, or is proposed to be, devoted; for purposes of these By-Laws, 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.
- 2.2.34. **Watershed:** An area drained by a stream or stream system.
- 2.2.34.1. **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 Bylaws.
- 2.2.35. **Yard:** An open space on the same lot with a building.
- 2.2.35.1. **Yard, Front:** The yard extending between the building and the street line and extending across the full width of the lot.
- 2.2.35.2. **Yard, Rear:** The yard extending between the building and the rear line of the lot and extending across the full width of the lot.
- 2.2.35.3. **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.

3.0. ESTABLISHMENT OF DISTRICTS

3.1. DISTRICTS

<u>Type</u>	<u>Full Name</u>	<u>Short Name</u>
Residence	Single Family 15 District	S-15
Residence	Single Family 20 District	S-20
Residence	Single Family 40 District	S-40
Residence	Apartment 40 District	A-40
Residence	Apartment 80 District	A-80
Business	Business A District	Bus. A
Business	Business B District	Bus. B
Business	Business C District	Bus. C
Industrial	Industrial	Ind.
Overlay	Flood Plain District	F
Overlay	Wetlands Protection District	W
Overlay	Municipal Building Reuse District	MR
Overlay	National Flood Insurance Flood Management District	NF
Overlay	Aquifer Protection District	AQ
Overlay	Planned Unit Development	PUD
Overlay	Planned Residential Development	PRD

3.2. ZONING MAP

Districts are shown, defined and bounded on the map entitled "Reading Zoning Map", dated November 1, 1986, as amended, consisting of an index map and 35 sheets containing 39 detailed maps, prepared and signed by the Community Planning and Development Commission, which constitutes a part of these By-Laws.

The map shall be kept on file and current by the Community Planning and Development Commission who shall supply copies to the Town Clerk, the Building Inspector and the Board of Appeals. They are to be appended to the "Reading Zoning Map" as Exhibits 1, 2, 3 and 4 the maps entitled "Flood Insurance Rate Map, Town of Reading, Massachusetts Middlesex County" with an effective date of July 2, 1981 consisting of Panel 1 of 4, Panel 2 of 4, Panel 3 of 4 and Panel 4 of 4; and Exhibit 5 the map entitled "Aquifer Protection Overlay District Map, Town of Reading" dated September, 1985 consisting of 1 Panel 1.

3.3. BOUNDARIES OF DISTRICTS

3.3.1. Boundaries of zoning districts shall be interpreted as follows:

3.3.1.1. Where a boundary is indicated within a street or railroad right of way, the boundary shall be the center line of such street or right of way.

Where a boundary is indicated approximately parallel to a street or railroad right of way, together with a single noted dimension, it shall be interpreted as parallel and located the noted distance from the center line of such street or right of way.

Where a boundary is indicated together with two or more dimensions, it shall be interpreted consistent with such dimensions.

Where an undimensioned boundary apparently follows property lines in existence at the time of the establishment of such boundary, it shall be so interpreted.

All other boundaries shall be indicated upon the map.

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

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

3.4. LOTS IN TWO DISTRICTS

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

3.5. INTENT OF DISTRICTS

- 3.5.1. Reserved
- 3.5.2. Reserved
- 3.5.3. Reserved
- 3.5.4. Reserved
- 3.5.5. Reserved
- 3.5.6. Reserved
- 3.5.7. Reserved
- 3.5.8. Reserved
- 3.5.9. Reserved

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

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

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

3.6.2. In addition to the purposes enumerated in Section 1.0., the purpose of the Municipal Building Reuse District is to provide for the conversion of surplus municipal buildings and the land on which they are situated to private use, in a manner which encourages residential development and use, which is situated and which fosters flexibility and creativity of development for the public benefit.

4.0. 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 By-Law.

4.1. APPLICATION OF USE REGULATIONS

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 By-Laws.

4.2. GENERAL REQUIREMENTS

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 By-Law. 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.

4.2.2. Table of Uses

PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
Residential Uses							
One Family Dwelling	Yes	Yes	No	Yes	No	No	No
Two Family Dwelling	No	Yes	No	Yes	No	No	No
Apartment	No	Yes	Yes	Yes	No	No	No
Boarding House	No	Yes	No	Yes	No	No	No
Planned Residential Development	SPP**	No	SPP**	No	No	No	No
Public and Quasi-Public Uses							
Private Kindergartens	SPA	SPA	SPA	No	No	Yes	No
School	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Church	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hospital	No	SPA	No	SPA	SPA	No	No
Nursing Home	SPA	SPA	No	SPA	SPA	No	No
Club or Lodge	No	No	No	Yes	Yes	No	No
Combined Service Use	SPA	SPA	SPA	No	No	No	No
Business and Service Uses							
Retail Sales	No	No	No	Yes	Yes	No	Yes
Consumer Services	No	No	No	Yes	Yes	No	Yes
Office	No	No	No	Yes	Yes	Yes	Yes
Financial Institution	No	No	No	Yes	Yes	Yes	Yes
Wholesale Business	No	No	No	Yes	Yes	Yes	Yes
Hotel or Motel	No	No	No	Yes	Yes	Yes	Yes
Tourist or Trailer Camp	No	No	No	No	No	No	No
Place of Assembly	No	No	No	Yes	Yes	No	Yes
Funeral Establishment	No	No	No	Yes	Yes	No	Yes
Veterinary Establishment	No	No	No	Yes	Yes	No	Yes
Planned Unit Development	No	No	No	No	No	No	SPP*
Adult Uses	No	No	No	No	No	No	SPA***

4.2.2. Table of Uses (Continued)

PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
Automotive Uses							
Sale of New or Used	No	No	No	Yes	Yes	No	Yes
Service Station	No	No	No	Yes	Yes	No	Yes
Repair Garage	No	No	No	Yes	Yes	No	Yes
Car Wash	No	No	No	No	No	No	No
Commercial Parking Lot	No	No	No	Yes	Yes	No	Yes
Auto Grave Yard	No	No	No	No	No	No	No
Industrial Uses							
Computer Services	No	No	No	No	No	Yes	Yes
Laboratories	No	No	No	No	No	Yes	Yes
Research and Development	No	No	No	No	No	Yes	Yes
Publishing and Printing	No	No	No	No	No	Yes	Yes
Communication Facilities	No	No	No	No	No	Yes	Yes
Commercial Communications Structures	SPA ****	No	SPA ****	SPA	SPA	SPA	SPA
Public Utilities	Yes	Yes	Yes	Yes	No	Yes	Yes
Enclosed Storage	No	No	No	Yes	Yes	No	Yes
Open Storage	No	No	No	No	No	No	No
Dry Cleaning Plant	No	No	No	No	No	No	No
Recreational Uses							
Commercial Amusements	No	No	No	SPS	SPS	No	SPS
Commercial Race Track	No	No	No	No	No	No	No
Other Uses							
Agriculture, Horticulture, Floriculture, Viticulture on 5+ acres	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Structures Accessory to Agriculture, Horticulture, Floriculture, Viticulture on 5+ acres	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture, Horticulture, Floriculture, Viticulture for Domestic Use Only	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture, Horticulture, Floriculture, Viticulture not for Domestic Use on Less than 5 acres	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Commercial Earth Removal	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Substantially Similar to Permitted	No	No	No	SPA	SPA	SPA	SPA
Municipal Building Reuse	SPA	SPA	SPA	SPA	SPA	SPA	SPA

4.2.2. Table of Uses (Continued)							
PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
Accessory Uses							
Accessory Apartment	SPA	SPA	No	SPA	No	No	No
Home Occupation	Yes	Yes	Yes	Yes	No	No	No
Roadside Stand	Yes	Yes	Yes	Yes	No	No	No
Other Retail Stores	No	No	No	Yes	Yes	Yes	Yes
Manufacturing and Industrial	No	No	No	Yes	Yes	Yes	Yes
Open Storage	No	No	No	SPP	No	No	SPP
Enclosed Storage	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Consumer Service	No	No	No	Yes	Yes	Yes	Yes
<p>* Planned Unit Development may be permitted only within a PUD Overlay District on the Zoning Map.</p> <p>** Planned Residential Development may be permitted only within a PRD Overlay District which may exist only in an S-15, S-20, S-40 or A-40 or A-80 underlying Zoning District on the Zoning Map.</p> <p>*** Adult Uses may be permitted only in the Industrial District by Special Permit granted by the Board of Appeals according to the requirements of Section 4.3.4.</p> <p>**** May be permitted only within a State-owned Interstate highway right-of-way.</p>							

4.3. SUPPLEMENTARY REQUIREMENTS

All uses shall be subject to the following additional requirements.

4.3.1. PRINCIPAL USES

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.

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.

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.

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:

- a. As of November 16, 1998, 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. A lot shall not be considered as abutting a

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.

- b. Any structure or parking area shall be located not closer than fifty (50) feet to any property line abutting a residence or a local public street.
- c. The nursing home structure shall not be less than one hundred (100) feet from the nearest dwelling existing at the time of application for the Special Permit.
- 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.
- e. The nursing home shall be tied into municipal water and sewer service when constructed.
- 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 By-Laws.

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.

- 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.
- 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.

- 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.

- 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.
- 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 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.

4.3.2. ACCESSORY USES

- 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.
- 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.
- 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.
- 4.3.2.4. In any Residence District, the erection of a garage for more than three (3) non-commercial motor vehicles is prohibited.
- 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.

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.

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.

4.3.2.8. Accessory Apartments

4.3.2.8.1. 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.

4.3.2.8.2. Restrictions:

The Special Permit Granting Authority may grant a Special Permit for an accessory apartment, if, as a minimum, the following conditions are met:

- a. The dwelling in which the accessory apartment is to be located was legally occupied prior to August 1, 1982;
- b. Notwithstanding the provisions of Section 4.3.2.6. of these By-Laws, 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;
- 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;
- 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 By-Laws;
- 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;

- f. There shall be no other apartment on the lot on which the accessory apartment is to be located;
- 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;
- 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 By-Laws for conversion to two family use;
- i. Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Laws, Chapter 40A, Section 9 or regulations pursuant thereto.

4.3.2.8.3. 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 Laws. 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.

4.3.2.9. 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.

4.3.2.9.1. 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.
- b. Open storage area shall use no more than 10% of total lot area.
- c. Products stored shall not impede upon pedestrian movement or vehicular circulation.

- d. Products stored shall not diminish required parking spaces nor access thereto.
- e. Products stored may be required to be shielded from any abutting residential properties.
- f. No products may be stored in any public right of way nor impede upon such way.
- g. Time period of the display shall be determined and reviewed by the special permit granting authority.
- 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.

4.3.2.9.2. Process:

Filing for a special permit for this use shall follow all procedures required for Site Plan Review under 4.3.3 of this By-Law.

4.3.3. SITE PLAN REVIEW

4.3.3.1. Applicability. The following types of activities and uses require site plan review by the CPDC:

- a. Construction, exterior alteration or exterior expansion of, or change of use within an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;
- b. Construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose.

4.3.3.2. Procedures. 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.

4.3.3.3. Requirements:

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.

4.3.3.3.2. The applicant may request, and the CPDC may grant by majority vote, an extension of the time limits set forth herein.

4.3.3.3.3. No deviation from an approved site plan shall be permitted without modification thereof approved by CPDC.

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.

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, 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 the CPDC, showing the entire project and its relation to 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.
- 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.
- 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 fire fighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including flood plain areas.
- 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 By-Law.

- 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.
- 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.
- 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. 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, grading, egress points, and other aspects of the development, so as to:
 - 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;
 - b. Maximize pedestrian and vehicular safety both on the site and approach/egression from it;
 - 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;
 - e. Minimize glare from headlights and lighting intrusion;
 - 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;
 - h. Ensure compliance with the provisions of the Zoning By-Law;
 - i. Maximize property enhancement through use of landscaping and other site amenities;

- j. Minimize environmental impacts to adjacent properties through hours of operation, deliveries, noise, rubbish removal and storage.

4.3.3.7. Lapse. 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.

4.3.3.8. Regulations. The CPDC may adopt and from time to time amend reasonable regulations for the administration of these site plan guidelines.

4.3.3.9. Fee. 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.

4.3.3.10. Appeal. The appeal of any decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. Ch. 40A. §17.

4.3.3.11. Exemptions:

Site plan review shall not be required for the following:

- a. The construction is solely for the maintenance or repair of the existing structure;
- b. The construction, expansion or alteration of a building or structure does not exceed three hundred (300) gross square feet, or such alteration involves only interior renovation of less than one thousand (1,000) gross square feet;
- c. The construction, expansion or alteration only involves the modification of internal electrical, plumbing or mechanical systems.

4.3.4. ADULT USES

4.3.4.1. 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.

4.3.4.2. Definitions:

4.3.4.2.1. Adult Uses: 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:

- 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;
- 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;
- 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;
- 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;
- 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;
- 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.

4.3.4.2.2. Substantial or Significant Portion: The term "substantial or significant portion" as used in this Section 4.3.4. shall mean any of the following:

- 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.
- b. Twenty percent (20%) or more of the annual number of gross sales, rentals or other business transactions; or
- c. Twenty percent (20%) or more of the annual gross business revenue.

4.3.4.3. 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:

4.3.4.3.1. Location: An Adult Use may not be located:

- a. Within one hundred (100) feet of a boundary line of a residential zoning district;
- 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.
- 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;
- d. Within five hundred (500) feet of any structure containing any other Adult Use.

4.3.4.3.2. 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.
- 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 By-Laws as pertains to retail stores, offices and consumer service establishments.
- 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.
- 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.

4.3.4.3.3. 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.

4.3.4.3.3.2. The application for a Special Permit for an Adult Use must include the following information:

- a. Name and address of the owner of record of the property;
- b. Name and address of the legal owner of the proposed Adult Use establishment;
- c. Name and address of all persons having a lawful, equity or security interest in the Adult Use establishment;
- 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;
- e. Name and address of the manager of the Adult Use establishment;
- f. Proposed provisions for securing the safety of the public within and without the Adult Use establishment;
- g. The number of employees; and
- h. The present and proposed physical layout of the interior of the Adult Use establishment.

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.

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.

4.3.4.3.3.5. Any Adult Use Special Permit issued under this By-Law 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.

4.3.4.3.3.6. Any Adult Use Special Permit issued under this By-Law 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.

4.3.4.3.3.7. No Adult Use Special Permit issued under this By-Law 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.

4.3.4.4. Non-Conformity:

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.

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.

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.

4.3.4.5. Invalidity:

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.

4.3.5. COMMERCIAL COMMUNICATIONS STRUCTURES

Special Permit for Communications Structures: No Commercial Communications Structure, whether itself a principal use of a lot or as an accessory use to a Communication Facility, shall be constructed without a Special Permit having been granted by the Board of Appeals. The Board of Appeals may grant a Special Permit in accordance with Section 7.3. for such a communications structure, provided that the Board determines that the following criteria have been fulfilled:

- a. if located in a Residential S-15, S-20 or S-40 District, the communications structure shall be located in a State-owned Interstate Highway right-of-way;
- if located in a Residential A-80 District, the communications structure shall be mounted only on a building which is more than forty-eight feet in height and which is located not farther than 850 feet of a State-owned Interstate Highway right-of-way;
- if located in a Business A or Business B District, the communications structure shall only be ancillary to an allowed principal use on the property and shall not be solely or principally used for sending, receiving, or transmitting communications signals as part of a communications system or network not related to or used by any other use taking place on the lot on which the communications structure is located;

- b. for purposes of public safety, no ground-mounted communications structure shall be erected nearer to any boundary line of the property on which the structure is located than a distance equal to half the vertical height of the structure, inclusive of appurtenant devices as measured at the mean finish grade of the base of the structure;
- c. for purposes of public safety, no roof-mounted communications structure shall be erected nearer to any boundary line of the property on which the structure is located than a distance equal to half the vertical distance between the roof level of the building on which the communications structure is directly mounted and the top of the communications structure, inclusive of appurtenant devices; any such communications structure mounted on the roof shall be properly secured according to State Building Code and shall be so located or screened that it shall not be unduly visually prominent as viewed from any public way or abutting property;
- d. all applicable State and Federal licenses and approvals have been obtained;
- e. the communications structure is located and screened, fenced, or otherwise provided with effective safety devices which prohibit unauthorized access near or onto the structure;
- f. the applicant shall certify in writing to the Board of Appeals that should any complaint as to electronic or electromagnetic interference be received, the applicant shall forthwith exercise its responsibility to remedy such interference;
- g. the application for Special Permit shall be accompanied by an application for a Building Permit, with engineering certification that the installation will conform with structural and safety requirements of the Building Code, and by certification of the applicant that the structure will be properly dismantled following two years of continuous disuse of the structure; and
- h. no signs other than required safety warning signs shall be mounted on the structure.

A Special Permit for any communications structure shall remain valid only so long as the owner of such structure shall ensure that the structure is maintained in good operating condition. A failure to do so will result in the immediate termination of the Special Permit. The Building Inspector shall have access to the premises from time to time to inspect the structure.

Exception: A dish for purposes of reception only shall not be subject to the provisions of Section 4.3.5. provided that such dish is not larger than eighteen inches in diameter.

4.3.6. AGRICULTURAL USES ON LESS THAN 5 ACRE PARCELS

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 By-Laws provided that the following criteria have been fulfilled.

- a. Adequate provision shall be made for the garaging or screening of all tools, farm machinery or vehicles incidental to the proposed use.

- 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.
- 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.
- d. Adequate provision must be made for the sanitary disposal of animal wastes and for complying with all relevant Board of Health regulations.
- 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 Laws, Chapter 40A, Section 9, or regulations adopted pursuant thereto.

4.4. FLOOD PLAIN DISTRICTS

4.4A. National Flood Insurance Flood Management District:

4.4A.1. Boundaries of the National Flood Insurance Flood Management District:

The Floodplain District shall be the boundaries of the National Flood Insurance Flood Management District and shall include those areas denoted as Zone A (all suffixes) and Zone B as shown on the Federal Emergency Management Agency Federal Insurance Administration Flood Insurance Rate Map for the Town of Reading, Massachusetts in Middlesex County all panels available, utilizing the most recent effective date as may be amended.

4.4A.2. Applicability:

Any property shown within the boundaries of 4.4A.1 shall be subject to the requirements herein of Section 4.4 as the Floodplain District.

4.4A.3. Uses Permitted in the National Flood Insurance Flood Management District:

When this Paragraph 4.4A.1 applies, then all otherwise applicable provisions of \ Section 4.4 and Section 4.5 will also apply.

4.4.2. Underlying District:

All land within the Flood Plain Districts are included in one or more of the other districts defined by this By-Law. The permitted uses specified in Paragraph 4.4.3. and 4.4.4.1. take precedence in area so classified. If, however, a Special Permit under Paragraph 4.4.4.2. is granted by the Board of Appeals, then the permitted uses of the underlying zoning district shall govern.

4.4.3. Uses Permitted in Flood Plain District:

In a Flood Plain District, no new building shall be erected and no premises shall be used except for one or more of the following uses:

4.4.3.1. Municipal recreation, public water supply, drainage or flood control use, orchard, truck garden, nursery, or similar open use of the land for the raising of agricultural or horticultural crops, for rifle, pistol and shotgun shooting on land of any established range.

4.4.4. Uses Permitted in a Flood Plain District With Special Permit:

4.4.4.1. If authorized by the Board of Appeals, commercial golf course, or non-profit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business); and buildings and sheds accessory to any use permitted in the district.

4.4.4.2. If any land defined in the By-Laws as being in a Floodplain District is proven to be in fact neither subject to flooding nor unsuitable for human occupancy because of drainage and topographic conditions, and if the use of such land will not be detrimental to the public health, safety and welfare, the Board of Appeals may permit buildings for human occupancy on such land in accordance with the requirements of the underlying district after the necessary proof has been presented to and reported on by the Community Planning and Development Commission and the Board of Health.

4.4.5. Uses Prohibited in a Flood Plain District:

Dumping, filling or earth transfer or relocation operations are prohibited except for utility trenches, driveways, landscaping and accessory building foundations, or municipal or public facilities permitted in the District.

4.5. WETLANDS PROTECTION DISTRICT

4.5.2. Uses Permitted in a Wetlands Protection District:

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

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

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

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

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

4.5.2.5. Forestry and Nurseries.

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

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

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

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

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

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

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

4.5.4. Lot Area Allowance:

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

4.5.5. Determination of Flooding and Suitability:

If any land in the Wetlands Protection District (W) or Flood Plain District (F) is proven to the satisfaction of the Board of Appeals as being in fact neither subject to flooding nor unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a Special Permit for such use or structure which will comply in all respects with all other provisions of the Underlying District or Districts within which the land is located provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained, The Board of Appeals shall refer each question to the Community Planning and Development Commission, Conservation Commission and Board of Health and shall not act until these agencies have reported recommendations or forty-five (45) days have elapsed after referral and no report has been received.

4.6 RESERVED

4.7. MUNICIPAL BUILDING REUSE DISTRICT

4.7.1. Uses Permitted in Municipal Building Reuse District: The Municipal Building Reuse District shall be considered as overlying other districts established by this By-Law. Any uses permitted in that portion of the districts so overlaid shall be permitted. In addition, any one and

only one of the use categories specified in Section 4.7.2.1., 4.7.2.2. or 4.7.2.3. may be permitted in such an overlay district under a Municipal Building Reuse Special Permit issued pursuant to Section 4.7.3.

4.7.2. Dimensional Controls in Municipal Building Reuse District: Subject to the provisions of Section 4.7.3. buildings in a Municipal Building Reuse District previously owned or controlled by the Town of Reading and existing at the time of the issuance of a Municipal Building Reuse Special Permit may remain and may be rehabilitated and rebuilt in their then location. The dimensional controls and intensity regulations as contained elsewhere in this By-Law shall not apply to such a building and the lot on which it is situated, but changes to the size of the lot or exterior dimensions of such building shall be subject to such dimensional controls and intensity regulations as the same may be modified herein.

4.7.2.1. For any residential use, the following provisions shall apply:

- a. Enlargement of existing building: The existing building may be enlarged in a manner harmonious with the external character and appearance of the building; however, any such enlargement shall not exceed a size equivalent to 25% of the gross square footage of the existing building;
- b. New construction: An additional building or additional buildings which contain the same use or uses as contained in the existing building may be constructed on the site in a manner harmonious with the external character and appearance of the existing building. No such additional building may be located closer than forty feet from any portion of the existing building;
- c. Perimeter Setback: No portion of any additional building or any enlargement of the existing building may be located closer than fifty feet from any boundary of the site;
- d. Density: Maximum density of development on the site shall not exceed eighteen dwelling units per acre. Moreover, the aggregate gross floor area of any enlargement and any additional buildings shall not exceed the gross floor area of the existing building;
- e. Height: The height of any enlargement or additional building shall not exceed that allowed in the underlying zoning district;
- f. Open Space: A minimum of 30% of the area of the site exclusive of the area occupied by the existing building, the area in the required forty-foot setback therefrom, and the area in the required fifty-foot perimeter setback shall be devoted to open space completely devoid of any structure, parking space, loading space, accessway, and private yards, patios, and gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible such open space shall be left in its existing condition or developed so as to be appropriate in size, shape, dimension, location and character to assure its use as a park, recreation area, and visual amenity for the site and its residents. In no case shall any dimension of qualified open space be less than twenty feet;
- g. Accessory Structures: No accessory structure shall be located within twenty feet of a rear or side property line, nor within the required fifty-foot front perimeter setback;

h. Required Low- and Moderate-Income Housing: There shall be provided in perpetuity on-site or off-site in a manner acceptable to the Reading Housing Authority, a minimum of ten percent of the total units (both on-site and off-site) relative to the development which 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 Area.

4.7.2.2. For non-residential use, the following provisions shall apply:

a. Allowed Non-Residential Uses:

- (1) Professional or administrative offices;
- (2) Research and development uses including ancillary office use and electronic and computer laboratories, but not ancillary manufacturing or activities which possess, use, or transfer licensed nuclear material (including source materials, special nuclear materials, or by-product materials as defined in Title 10, Chapter 1, of the Code of Federal Regulations, Part 20, "Standards for Protection Against Radiation"), genetically engineered or biohazard materials, or other toxic or hazardous materials;
- (3) Child care facility and/or elder care facility;
- (4) Any other use allowed by right or permitted by Special Permit in the underlying zoning district.

b. No use involving manufacturing, assembly, or sale or resale or storage for sale or resale of any goods, items, or material shall be allowed.

c. No enlargements of any type to the existing building, no additional building or buildings of any type, and no enclosed storage of any kind outside the existing building shall be allowed on the site.

d. Except for the existing building, accessways, walkways, required parking and loading spaces, and reasonably necessary other impervious surfaces, the entire site shall be kept as open space. To the greatest extent possible such open space shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location, and character to assure its proper functioning as an amenity for both the site and the surrounding area.

4.7.2.3. For mixed use development, the following provisions shall apply:

a. The density and dimensional standards of Section 4.7.2.1. shall apply;

b. Allowed mixed uses may consist of any of the following uses, singly or in combination:

- (1) Residential;
- (2) Housing for the elderly;
- (3) Child care facility;
- (4) Elder care facility;
- (5) Medical clinic and ancillary offices and facilities;
- (6) Public and Quasi-Public Uses as set forth in Section 4.2.2.,
Table of Uses.

4.7.3. **Municipal Building Reuse Special Permit:** The Board of Appeals as the Special Permit Granting Authority may grant a Municipal Building Reuse Special Permit for the rehabilitation and utilization of buildings and the lot on which they are situated in a Municipal Building Reuse District, consistent with the uses permitted in Paragraph 4.7.1., provided that as a result of the Special Permit process the following criteria are met:

- a. **Access:** There shall be adequate provisions for safe access for pedestrians and motor vehicles and for emergency services to the building and the land on which situated.
- b. **Parking:** There shall be adequate numbers of off-street parking spaces and loading and unloading spaces to conform to the provisions of Section 6.0. and its sub-sections. Exceptions may be granted by the Special Permit Granting Authority to allow for up to 20 percent of the parking spaces to be lesser in size (8' in width and 12' in length) for compact automobiles. Parking may be located in any yard area approved by the Special Permit Granting Authority.
- c. **Utilities:** The building shall be tied into municipal water and sewer services. All utilities must be adequate to serve the intended use.
- d. **Site Plan Approval:** The Community Planning and Development Commission grants Site Plan Approval (with or without conditions) pursuant to Section 4.7.5.
- e. **Signs:** All proposed signs shall comply with Section 6.2. and its subsections, excepting that if the building and land on which situated are located in a single family (S-10, S-20 or S-40) district, the Special Permit Granting Authority may permit a sign of no larger than 15 square feet which identifies only the building and occupants.
- f. **Uses:** The proposed use is not detrimental to the public good.

4.7.4. **Special Permit Application Process:** A person may make application to the Board of Appeals as the Special Permit Granting Authority for a Municipal Building Reuse Special Permit in compliance with all of the conditions contained in Section 4.7.3. Site plan approval must be obtained from the Community Planning and Development Commission under Section 4.7.5. prior to the time when application is made to the Special Permit Granting Authority under this Section. Submitted with the application shall be one or more site plans and specifications, prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect which shall indicate the following:

- a. Size: Dimensions and boundaries of the lot and existing building on that lot.
- b. The proposed location and nature of all exterior structural changes intended for the existing buildings on the lot and any accessory buildings.
- c. The distance between each structure on the lot and all buildings located within three hundred feet.
- d. The proposed parking and driveway layout, including curb-cut locations, profiles and drainage design.
- e. Any proposed grade changes to the lot and any retaining wall design.
- f. The location of any zoning boundaries and zoning overlay districts on the parcel.
- g. The existing and proposed interior layout of all buildings on the lot.
- h. A table showing the number of proposed residential units, square feet of floor areas; the number of off-street parking spaces and loading and unloading spaces proposed on the plan.
- i. Proposed plantings and landscaping and buffer areas proposed.
- j. The drainage design of the proposal, including appropriate calculations.
- k. The sewer, water, hydrant and other utilities systems layout designs.
- l. The location, size and design of any proposed signs.
- m. The proposed exterior lighting.
- n. A locus plan showing the location of the lot in relation to the surrounding area.

At the time of filing, the applicant shall submit copies of all such plans also to the Community Planning and Development Commission, Board of Health, Board of Selectmen, Department of Public Works, Conservation Commission, Historical Commission, Reading Municipal Light Board, Reading Housing Authority, Fire Chief, Police Chief, and other appropriate authorities in order to allow such Boards, Commissions, Committees, Authorities and persons to make appropriate recommendations to the Board of Appeals.

4.7.5. Municipal Building Reuse Site Plan Review: In order to provide also for a detailed design review as to any reuse of municipal buildings located within a Municipal Building Reuse District and for which a Municipal Building Reuse Special Permit is being sought, there shall be a Site Plan Review by the Community Planning and Development Commission. Eight copies of the plans as described in Section 4.7.4. shall be submitted to the Community Planning and Development Commission when application is made for Site Plan Review. The Community Planning and Development Commission shall, as a minimum, take into consideration the following matters:

- a. Arrangement, design, appearance and dimensions of proposed building changes, existing and new structures, all exterior lighting, and all screening and landscaping features, including, but not limited to, fences, walls, plantings, drives and walks;

- b. The driveway layout, having in mind public safety and convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjacent ways and lands;
- c. The configuration of parking spaces in relation to proposed use of the premises;
- d. Adequate waste disposal and surface and subsurface water drainage.

The Community Planning and Development Commission shall invite the Building Inspector, Conservation Commission, Historical Commission, Department of Public Works, Board of Health, Police Department, Fire Department and other appropriate authorities to review the proposal and make recommendations to the Community Planning and Development Commission. The Community Planning and Development Commission shall have the power to approve, disapprove, approve with conditions or suggest modifications or recommendations to the plan or to any subsequent reviews to the plan. Any disapproval shall indicate what modifications to the plan would make it acceptable to the Community Planning and Development Commission. This power shall in no way eliminate, decrease or abrogate the powers of any other board, committee, commission or other authority having legal jurisdiction. It shall be the duty and responsibility of the applicant to secure any and all permits, licenses and approvals necessary to the project. Copies of the detailed decision of the Community Planning and Development Commission shall be transmitted to both the applicant and the Zoning Board of Appeals within thirty days after said Commission closes the public hearing for Site Plan Review.

4.7.5.1. Upon submission for site plan review, the Community Planning and Development Commission shall hold a public hearing thereon, within thirty days after the date of submission, advertised in the same manner as public hearings for Special Permits.

4.8. AQUIFER PROTECTION DISTRICT

4.8.1. Purpose of District:

The purpose of this Aquifer Protection District is to:

- 4.8.1.1. promote the health, safety and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Reading;
- 4.8.1.2. preserve and protect existing and potential sources of drinking water supplies;
- 4.8.1.3. conserve the natural resources of the Town of Reading; and
- 4.8.1.4. prevent temporary and permanent contamination of the environment.

4.8.2. Scope of Authority:

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

4.8.3. Definitions:

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

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Aquifer Protection District: The zoning district defined to overlay other zoning districts in the Town of Reading. The Aquifer Protection District may include specifically designated recharge areas.

Impervious Surface: Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil. Impervious surfaces shall include all roofs, driveways, parking areas, roadways and walkways, regardless of the proposed surface material.

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock.

Potential Drinking Water Sources 2: Areas which could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone II and Zone III.

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

4.8.4. Establishment and Delineation of Aquifer Protection District:

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

4.8.5 Boundary Disputes:

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

4.8.6. Use Regulations:

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

4.8.6.1. Permitted Uses

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

4.8.6.1.1. conservation of soil, water, plants and wildlife;

4.8.6.1.2. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;

4.8.6.1.3. foot, bicycle and/or horse paths and bridges;

4.8.6.1.4. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;

4.8.6.1.5. maintenance, repair and enlargement of any existing structure, subject to Section 4.8.6.2.;

4.8.6.1.6 residential development, subject to Section 4.8.6.2.;

4.8.6.1.7. farming, gardening, nursery, conservation, forestry, harvesting and grazing, subject to Section 4.8.6.2.;

4.8.6.1.8. construction, maintenance, repair and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels;

4.8.6.1.9. impervious cover on property up to 15%;

4.8.6.1.10. impervious cover up to 20% if a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality. Recharge plans shall comply with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer or the applicable Board, Committee or Commission for review and approval.

4.8.6.2. Prohibited Uses

The following uses are prohibited:

4.8.6.2.1. landfills and open dumps as defined in 310 CMR 19.006;

4.8.6.2.2. automobile graveyards and junkyards, as defined in M.G.L. c. 140B, §1;

4.8.6.2.3. landfills receiving only wastewater and/or septage residuals including those approved by the Department of Environmental Protection pursuant to M.G.L. c. 21, §26 through 53; M.G.L. c. 111, §17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;

4.8.6.2.4. facilities that generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for the following:

- 4.8.6.2.4.1. very small quantity generators as defined under 310 CMR 30.000;
- 4.8.6.2.4.2. household hazardous waste centers and events under 310 CMR 30.390;
- 4.8.6.2.4.3. waste oil retention facilities required by M.G.L. c. 21, §52A;
- 4.8.6.2.4.4. water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
- 4.8.6.2.4.5. petroleum, fuel oils and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;
- 4.8.6.2.4.6 storage of liquid hazardous materials, as defined in M.G.L.c. 21E, and liquid petroleum products, unless such storage is
 - (a) above ground level; and
 - (b) on an impervious surface; and
 - (c) either
 - (i) in container(s) or above ground container(s) within a building; or;
 - (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;
- 4.8.6.2.4.7. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- 4.8.6.2.4.8. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 4.8.6.2.4.9. storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;
- 4.8.6.2.4.10. earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads or utility works;
- 4.8.6.2.4.11. discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:
 - (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - (b) treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
 - (c) publicly owned treatment works.

4.8.6.2.4.12. stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

4.8.6.2.4.13. storage of commercial fertilizers, as defined in MGL Chapter 128, §64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;

4.8.6.2.4.14. underground storage tanks related to the activities in Section 4.8.6.1.

4.8.7. Violation Notice:

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



4.9. PLANNED UNIT DEVELOPMENT

4.9.1. Statement of Purpose and Authority:

The purpose of this Section is to encourage the construction of Planned Unit Developments (PUDs) in designated Districts within the Town. Planned Unit Developments shall:

- a. Permit a mix of land uses, densities and building types in one development.
- b. Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and constructed in a manner which is highly responsive to specific sites and their surroundings.
- c. Require more rigorous development standards than those found in other zoning districts.

4.9.2. Overlay Districts:

Planned Unit Development Districts shall take the form of overlay districts covering all or part of Industrial Districts on the Reading Zoning Map. For any land within a PUD District, a Developer may choose to conform either to the zoning regulations which govern the underlying district or to the PUD overlay regulations and procedures set forth by this Section, whose specific provisions shall supersede all other provisions in the Zoning By-Laws with respect to the underlying district including, without limitation, use, intensity, dimensions, parking and site plan review; however, the provisions of any other overlay district shall continue to apply.

4.9.2.1. Definitions:

The following terms shall have, for the purposes of this PUD By-Law, the meanings hereby assigned to them:

- a. Developer: One or more entities proposing together to develop a Planned Unit Development parcel.
- b. DNA: Deoxyribonucleic acid.
- c. Existing: In existence at the time of filing a complete Preliminary PUD Plan submission.
- d. Floor Area Ratio (or "FAR"): In a PUD, the ratio of total gross building floor area in a PUD to the area of the development parcel. Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in MGL, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR.
- e. Minor Street: A street used primarily for access to abutting properties or carrying volumes of traffic less than 10,000 vehicles per average day.
- f. Major Street: A street used for through access and carrying volumes of traffic greater than 10,000 vehicles per average day.
- g. PUD By-Law: Section 4.9. of the Reading Zoning By-Laws including all sub-sections thereof.
- h. Recombinant DNA (RDNA) Technology: The industrial science of molecular construction outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell.
- i. Residential Street: Any section of a street which lies within a residential zoning district or any section of a street the centerline of which forms a boundary of a residential zoning district.
- j. Site: The development parcel upon which a PUD is proposed.
- k. Structured Parking: In a PUD, a parking garage or all or part of building floors above or below grade to be used for automobile parking.

4.9.3. Special Permit for Planned Unit Development:

The Community Planning and Development Commission (the "CPDC"), as the Special Permit Granting Authority, shall have authority to grant a Special Permit to construct a Planned Unit Development ("PUD") by a vote of at least four members of the five-member CPDC. The CPDC shall evaluate proposed PUD projects and require all such projects to conform to the Planned Unit Development requirements, standards and guidelines set forth in Sections 4.9.4. and 4.9.5. to ensure that the benefits to the Town of a proposed project outweigh any adverse impacts before granting a Special Permit. The CPDC shall adopt and from time to time may amend regulations for the review of PUD Developments as provided in MGL, Chapter 40A, Section 9.

The CPDC shall interpret all provisions of this PUD By-Law and all definitions and regulations pertinent thereto and shall provide such interpretations upon request by an applicant for a Special Permit to construct a PUD.

4.9.3.1. Overview of Special Permit Process:

A Developer choosing to construct a Planned Unit Development in a PUD District shall apply for a Special Permit with the Community Planning and Development Commission. The Special Permit process shall include:

- a. Pre-Application Conference (Optional)
- b. Preliminary PUD Plan Review
- c. Final PUD Plan Review

4.9.3.1.1. Alternative Procedure: As an alternative to the provisions of Sections 4.9.3.3., 4.9.3.5., 4.9.3.7., 4.9.3.8. and 4.9.3.11., a Developer may elect to follow an alternative process as specified below:

- a. The Developer shall submit an Abbreviated Notice of Resource Area Delineation to the Reading Conservation Commission according to Massachusetts General Laws, Chapter 131, Section 40 and Reading General Bylaws, Section 5.7., and obtain an Order of Resource Area Delineation relative to the proposed site including an official delineation of any wetlands contained on the site, such delineation to be accurately depicted on development plans subsequently submitted for the site.
- b. Subsequent to such Order of Resource Area Delineation, the Developer shall request in writing that a joint public meeting of the CPDC and the Conservation Commission to be held with the Developer to review the Developer's proposed development. The Developer shall supply such written and graphic material, in twenty copies, as fully to explicate the intended development concept, together with potential alternative options, including number, location, and height of buildings, vehicular and pedestrian circulation, parking, landscaping, open space, drainage control, wetlands protection, off-site improvements, and any other features relevant to the development concept.

Within thirty-five days of such a request, the CPDC and the Conservation Commission shall hold at least one session of a joint public meeting with the Developer to discuss the development concept and the options, issues, concerns and other matters relative to the proposal. Particular attention shall be paid to:

- (1) Obtaining input from both Commissions simultaneously.
- (2) Identifying concepts, options and approaches relative to the development, potentially acceptable to both Commissions within their respective purview, authority and responsibilities.
- (3) Reviewing mitigation measures which meet the concerns of both Commissions.
All "parties of interest" shall be given such notice of this meeting as required for a public hearing under Massachusetts General Laws, Chapter 40A.

- c. Within sixty-five days of the filing by the Developer of a complete Final PUD Plan, the CPDC shall hold a public hearing to consider issuance of a Special Permit to construct a PUD. The Final PUD Plan shall be a definitive plan of the development and contain such information as specified in Section 4.9.3.10. Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PUD Plan conforms with and meets the requirements, standards and guidelines set forth in Sections 4.9.4. and 4.9.5. in a manner consistent with the concept presented and the Commission's input received according to Paragraph 4.9.3.1.1.b. The Special Permit may be granted with conditions, or not granted, or granted by inaction, according to Section 4.9.3.12.

The Final PUD Plan may include application for approval of a proposed subdivision of the site in accordance with the Rules and Regulations Governing the Subdivision of Land in Reading. A separate endorsable Definitive Subdivision Plan meeting the requirements of said Rules and Regulations may be included as part of the Final PUD Plan documents, and the public hearing for consideration of such subdivision plan shall be held by CPDC concurrent with the Special Permit public hearing referenced above.

At the Developer's election, the Conservation Commission shall hold at least one session of a public hearing simultaneously with the CPDC Special Permit public hearing referenced above, for considering the Developer's Notice of Intent relative to the proposed PUD development. The hearing shall be scheduled mutually between the CPDC and the Conservation Commission. The request for such simultaneous public hearing must be accompanied by or preceded by a complete Notice of Intent submission and all relevant application fees in accordance with Massachusetts General Laws, Chapter 131, Section 40 and Reading General Bylaws, Section 5.7., and a waiver of the time requirements for the Conservation Commission's holding of a hearing and issuance of an Order of Conditions under said Chapter 131, Section 40 and said General Bylaws, Section 5.7. The Conservation Commission may at its discretion continue sessions of its public hearing to or deliberate an Order of Conditions at places and times independent of the CPDC's public hearing or meetings.

4.9.3.2. Pre-Application Conference:

A Developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Community Planning and Development Commission prior to submitting an application for the Special Permit.

The purpose of the Pre-Application Conference shall be to discuss both the Developer's intentions and the CPDC's requirements with respect to the proposed PUD. Although not required, this preliminary meeting is desirable since it should help to clarify many procedural and policy issues.

At the Pre-Application Conference, the CPDC shall discuss with the Developer the process for obtaining a Special Permit to construct a PUD and explain to him/her issues and scopes of studies that should be considered in planning the project, including specific submission items, such as appropriate vantage points for visual analysis and extent of the traffic study area. The need for a three-dimensional model for large projects shall be discussed by the developer and CPDC and a determination shall be made as to whether such a model shall be an application requirement. The CPDC shall review existing studies pertinent to the development and the status of other approved PUDs which should be considered in the Developer's analyses. The Developer may discuss his/her development concept and range of options concerning development. Any statement at the Pre-Application Conference made by either the CPDC or the Developer concerning potential disposition of a Special Permit application or the final form of the development shall not be legally binding.

The Developer shall not be required to present any written, quantitative, or graphic materials at the Pre-Application Conference. The CPDC shall make available to the Developer at this time any forms required for application for a Special Permit to construct a PUD.

4.9.3.3. Preliminary Plan:

A Developer who wishes to apply for a Special Permit to construct a PUD shall submit to the CPDC an application including a Preliminary PUD Plan submission for the entire proposed project. If the Developer of the PUD comprises more than one entity, all participating entities shall be signatories to the Special Permit application. Two copies of the Preliminary PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk's Office and Reading Public Library. Any three-dimensional model of the proposed project as may be required shall be displayed at a suitable public building within the Town.

4.9.3.4. Submission Fee:

The CPDC shall require a Submission Fee sufficient to cover consultant fees and any other costs associated with reviewing the Preliminary and Final Plan Submissions. The fee amounts shall be as specified in the CPDC's "Fee Schedule for Site Plan Review Process."

4.9.3.5. Preliminary Plan Submission:

The Preliminary PUD Plan shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the CPDC and amended by it from time to time in accordance with MGL, Chapter 40A, Section 9. The official date of application shall be registered only upon receipt of all materials required by the CPDC.

4.9.3.6. Town Review:

Between the date a Developer submits a complete application for a Special Permit to construct a PUD and the date of the first Public Hearing, the CPDC may distribute the Preliminary PUD Plan for review to Town Departments, elected and appointed Town Boards, and such professional planning, architecture, and engineering consultants as the CPDC deems appropriate and whose fees are paid for by the developer. All comments on the Preliminary PUD Plan shall be submitted in writing to the CPDC no later than 5 days before the scheduled date of the first Public Hearing. All written comments shall be made a part of the public record on the application for a Special Permit and shall remain a public record.

4.9.3.7. Public Hearing on Preliminary Plan:

Within 65 days of the date of receipt of a complete application for a Special Permit to construct a PUD, the CPDC shall hold a Public Hearing. The purpose of the Public Hearing shall be to solicit public comments concerning the Preliminary PUD Plan.

4.9.3.8. Action on Preliminary Plan:

Within 21 days after the close of said Public Hearing, the CPDC shall make a determination concerning the Preliminary PUD Plan. If the CPDC approves the Preliminary PUD Plan or conditionally approves it subject to modifications, then the Developer shall submit a Final PUD Plan, as specified in Section 4.9.3.10. If the CPDC disapproves the Preliminary PUD Plan, then the application for the Special Permit shall be denied, and the CPDC shall state in writing its reasons for denial. If the CPDC makes no decision within the specified time limit, then the Preliminary PUD Plan shall be considered approved, and the Developer shall prepare a Final PUD Plan.

4.9.3.9. Public Improvements Compensation:

When reviewing a Developer's Preliminary PUD Plan, the CPDC shall analyze the proposed PUD to determine what if any extraordinary public improvements are necessary to accommodate or service the project. The Developer shall be required by the CPDC to provide such needed improvements at no cost to the Town, or alternatively, to offset the expense of such improvements to be provided by the Town; in this case, an expert engineering consultant to the CPDC shall estimate and, after review by the Reading Public Works Director and Town Engineer, the CPDC shall establish the costs of these improvements and the portion thereof to be borne by the Developer.

4.9.3.10. Submission of Final Plan:

The Final PUD Plan shall be a definitive plan of development with design sufficiently developed to provide the basis for the CPDC's determinations regarding the requirements, standards, and guidelines of this PUD By-Law, and shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the CPDC and amended by it from time to time in accordance with MGL, Chapter 40A, Section 9. The Final PUD Plan shall be consistent with the approved Preliminary PUD Plan except for changes by amendment or in accordance with conditions attached to the CPDC's approval of the Preliminary PUD Plan and shall satisfy all such conditions.

The Developer shall submit a Final PUD Plan to the CPDC no later than 59 days after the close of the Public Hearing referred to in Section 4.9.3.7. Failure to submit a Final PUD Plan within the specified time period shall result in termination of the application for a Special Permit to construct a PUD.

Two copies of the Final PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk's Office and the Reading Public Library. Any three-dimensional model of the proposed project as may be required shall be displayed at a suitable public building within the Town.

4.9.3.11. Additions or Amendments to the Preliminary Plan:

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the CPDC according to Sections 4.9.3.14. and 4.9.3.15. Minor additions or amendments shall be authorized by written approval of the CPDC. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in Section 4.9.3.13. The CPDC shall decide whether proposed changes are major or minor.

4.9.3.12. Public Hearing and Decision on Final Plan:

Within 69 days after the close of the Public Hearing referred to in Section 4.9.3.7, the CPDC shall hold a Public Hearing to consider issuance of a Special Permit to construct a PUD in accordance with the Final PUD Plan. Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PUD Plan conforms with and meets the requirements, standards, and guidelines set forth in Sections 4.9.4. and 4.9.5., in a manner consistent with the approved Preliminary PUD Plan, and contains all revisions required by the CPDC in its conditional approval of said Plan. The CPDC may grant the Special Permit with conditions consistent with its approval of the Preliminary PUD Plan, and the conditions shall be agreed to in writing by the Developer before the Special Permit is granted. If not granting a Special Permit to

construct a PUD, the CPDC shall make its final decision in writing and shall specify its reasons for denial. If the CPDC makes no decision within the 90 days after the close of the Public Hearing referred to in Section 4.9.3.7, then the Final PUD Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

4.9.3.13. Amendments to Final Plan:

After approval of the Special Permit by the CPDC, the Developer may seek amendments to the Final PUD Plan.

Amendments to the Final PUD Plan shall be considered major or minor. Minor amendments, as specified in Section 4.9.3.14. shall be authorized by written approval of the CPDC. Major amendments, as specified in Section 4.9.3.15. shall be grounds for reconsideration of the Special Permit to construct a PUD and shall be reviewed subject to procedures specified above in Sections 4.9.3.5. through 4.9.3.13., as applicable. Denial of a proposed major amendment shall not invalidate the Special Permit to construct a PUD in conformance with the previously approved Final PUD Plan. The CPDC shall decide whether proposed changes are major or minor, and its decision shall be conclusive.

4.9.3.14. Minor Amendments:

Minor Amendments are changes which do not substantially alter the concept of the approved PUD in terms of floor area ratio, use, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to the following: small changes in floor area, mix of uses, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets on-site.

4.9.3.15. Major Amendments:

Major Amendments represent substantial deviations from the PUD concept approved by the CPDC. Major amendments shall include but not be limited to the following: large changes in floor area, mix of uses, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including the number and location of access ways.

4.9.3.16. Development Schedule:

The Developer shall begin construction of the PUD within 24 months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in MGL, Chapter 40A, Section 9) in reasonable conformance with the development schedule submitted with the Final PUD Plan. The CPDC shall grant in writing an extension of this time period of up to an additional 24 months upon determination of good cause. If the Developer fails to commence construction of the PUD within 24 months plus any approved extension period, the Special Permit shall lapse.

4.9.3.17. Phased Development:

If a phased development is proposed by the Developer, the Final PUD Plan shall contain all required written, quantitative, and graphic information necessary to evaluate the proposed PUD as a whole and to serve as a basis for granting the Special Permit, plus a final Development Schedule for the completion of the PUD indicating the proposed dates and scope of work to be accomplished in each phase. Site improvements may be phased only in conformity with the phasing schedule included in the approved Final PUD Plan, and only to the extent that all

requirements, standards, and guidelines of this PUD By-Law are met in each phase. The initial phase shall include at a minimum the site improvements necessary for one or more buildings and may, at the Developer's option, include one or more buildings.

Deviations from the Final PUD Plan in any phase shall be designated a major or minor amendment to the Final PUD Plan by the CPDC and treated as such according to Section 4.9.3.13.

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the CPDC shall grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with Section 4.9.3.13.

4.9.3.18. Conformity with PUD Plan and Special Permit:

The CPDC shall include as a condition to all Special Permits granted for construction of PUDs that no construction of a PUD or any phase thereof may be authorized until the CPDC has reviewed and approved a Design Submission for work to be done, such submission to include architectural, site, and landscape design documents, sufficiently developed to permit review of conformance to the Final PUD Plan and Special Permit conditions, in accordance with the PUD Plan Submission Regulations of the CPDC.

If deemed necessary by the CPDC, a Public Hearing may be held for review of any Design Submission. Design Submissions shall be reviewed by the CPDC solely for conformity with the Final PUD Plan, with Special Permit conditions, and, only to the extent not already reviewed and approved, with the requirements, standards, and guidelines applicable to the construction of the phase in question. If the CPDC makes no decision upon a Design Submission within 90 days of receipt of all required materials, said Special Permit condition shall be deemed to be satisfied regarding said PUD or phase thereof.

The CPDC shall adopt regulations requiring one or more of the following in amounts and duration sufficient to guarantee that all commitments in the approved PUD Plan to provide public improvements or to take other actions are properly completed: performance bonds, deposit of money or negotiable securities with the Town, or a satisfactory agreement with a lending institution to retain funds pending completion of such improvements or actions.

If, for any PUD or construction phase thereof, the CPDC finds that either the Developer has failed to begin development within the specified time period, including any approved extension period, or that the Developer is not proceeding in conformity with the Special Permit, then the CPDC may, after 60 days from written notice (and any additional period which the CPDC may deem necessary so as to provide the Developer reasonable opportunity to cure any deficiencies), revoke the Special Permit as it applies to the phase of construction at issue, and/or require that the Developer amend the Final PUD Plan subject to procedures specified in the Amendments to Final PUD Plan, Section 4.9.3.13. If the CPDC revokes the Special Permit for the PUD then the Final PUD Plan shall be null and void as it applies to the phase of construction at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan. The provisions of this paragraph are additional to the Reading Building Inspector's powers of enforcement under the Zoning By-Laws and Massachusetts State Building Code.

Upon satisfaction of all applicable Special Permit conditions, the CPDC shall issue a certificate of compliance for one or more PUD phases. No certificate of occupancy shall be issued for a given PUD phase until a certificate of compliance has been issued.

4.9.4. Use and Dimensional Requirements:

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD projects shall adhere within each PUD overlay district and shall be used by the Community Planning and Development Commission to evaluate any proposed project.

4.9.4.1. Parcel Size and Eligibility:

The minimum size of a PUD development parcel shall be 80,000 square feet. Development parcels of 500,000 square feet or larger shall be termed "large PUDs" and qualifying parcels smaller than 500,000 square feet shall be termed "small PUDs."

A development parcel may consist of land in more than one ownership, provided that all lots comprised by the parcel lie entirely within the PUD overlay district and are contiguous. Lots separated by a minor street or right-of-way as defined in Section 4.9.2.1. may be considered contiguous for this purpose.

Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot, Section 5.2.8. notwithstanding.

4.9.4.2. Permitted Uses:

Planned Unit Developments may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

- a. Office use;
- b. Research and Development uses, such as electronic or computer laboratories; biotechnology laboratories including those which utilize RDNA technology and low-level nuclear materials; light manufacturing related to electronic or computer laboratories or biotechnology laboratories including those which utilize RDNA technology and low-level nuclear materials, but excluding activities which exclusively possess, use or transfer licensed nuclear materials (including source materials, special nuclear materials, or by-product materials as defined in Title 10, Chapter 1 of the Code of Federal Regulations, Part 20, "Standards for Protection Against Radiation"), or other toxic or hazardous materials;
- c. Hotel;
- d. Restaurant (with no drive-thru service), place of assembly, and recreational use;
- e. Retail;
- f. Financial institution;
- g. Consumer service, ancillary to a permitted primary use pursuant to this Section 4.9.4.2.;
- h. Parking (including structured parking) to accommodate the above;
- i. Residential uses within 200 feet of Residence Districts;

- j. Open space.

All other uses are excluded from a Planned Unit Development.

4.9.4.3. Intensity of Use:

The permitted intensity of use in a PUD development shall be expressed as the ratio of total gross building floor area to the area of the development parcel (Floor Area Ratio or "FAR") . Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in MGL, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR. The basic allowable FAR for PUD developments is 0.50 for small PUDs and 0.55 for large PUDs.

4.9.4.4. Discretionary Intensity and Height Determination:

The CPDC may approve additional FAR above the basic ratio for small or large PUDs and additional height above the basic limit if it finds in applying the criteria of Section 4.9.4.5. that the net benefits to the Town are thereby increased.

The CPDC may in no case increase the permitted Floor Area Ratio beyond 0.65 for small PUDs and 0.70 for large PUDs nor may it increase permitted height beyond the maximum limitations of Section 4.9.4.6.

4.9.4.5. Criteria for Determining Increased Development Intensity and Height:

The basic allowable intensity of use may be increased if the CPDC finds that provision of one or more of the following public improvements or amenities provides substantial public benefits. The additional building area permitted should be commensurate with the quality and value to the Town of one or more of the following improvements and amenities:

- a. Significant improvement of the environmental condition of a site;
- b. Provision of or contribution to off-site public facility improvements which enhance the general condition of the district and surrounding areas;
- c. Dedication of open space or recreational facilities for use by the general public;
- d. Provision of open space beyond 15% of the parcel area, or of outdoor recreational facilities for use by a PUD project's occupants or by the general public, and of sufficient size and quality to offset fully any adverse aesthetic effects of proposed parking garages;
- e. Work with other owners and tenants of a PUD overlay district to develop and achieve district-wide and adjacent neighborhood improvement goals;
- f. Provision of public art, distinctive and appropriate design, or other amenities that a Developer may propose which will provide unique advantages to the general public or contribute to achieving Town-wide improvement goals;

- g. Provision of low or moderate income or elderly housing within the PUD in conformance with this PUD By-Law and/or off site in a manner acceptable to the Reading Housing Authority.

4.9.4.6. Dimensional Requirements:

Each PUD development shall be governed by the dimensional requirements of this section. These requirements apply only to the development parcel as a whole, not to individual lots within the PUD.

4.9.4.6.1. Height:

The basic maximum height within a PUD shall be the lesser of 84 feet or six stories. Height shall be measured in the manner defined in Section 2.0. of this By-Law.

The maximum height of residential structures within a PUD shall not exceed 40 feet or three stories. If 10 percent of such units are restricted for low or moderate income or elderly housing, the maximum height of all proposed residential structures shall not exceed 50 feet or four stories.

In a large PUD, the CPDC may in its discretion and in accordance with Section 4.9.4.4. approve building heights up to 168 feet or 12 stories, whichever is less, subject to the following limitations:

- a. Buildings with over eight stories may not contain in aggregate more than one third of the total gross floor area of the PUD;
- b. At least one third of the gross floor area of the PUD shall be contained in buildings with six stories or lower;
- c. Only one building over 10 stories may be built for every 1,000,000 square feet of PUD parcel area;
- d. Buildings shall be oriented and arranged to provide the best overall appearance from important vantage points, which may be identified in a Pre-Application Conference;
- e. The increase in permitted height may not have any significant adverse effect on the PUD Overlay District, adjacent residential districts or abutting property.

However, the CPDC shall in no case approve building heights above the basic maximum height for any Planned Unit Development in the area bounded by the MBTA railroad right-of-way and by the lots fronting on Ash Street.

4.9.4.6.2. Setbacks and Buffers:

All non-residential buildings shall be located at least 50 feet from the boundary of the PUD parcel. All non-residential buildings shall be located at least 150 feet from residential structures in existence at the time of Preliminary PUD Plan submission.

All residential buildings within a PUD shall be at least 30 feet from the parcel boundary but no further than 200 feet from a Residential District. There shall be a landscaped and/or naturally vegetated buffer at least 50 feet wide where the development parcel abuts residential properties. Alternatively, where residential uses occur in the PUD, a landscaped and/or naturally vegetated buffer at least 30 feet wide shall be provided.

Along major arterial streets, as defined in Section 4.9.2.1., buildings shall be set back at least 75 feet (or the height of the building if greater than 75 feet), and a landscaped and/or naturally vegetated buffer at least 50 feet wide shall be provided along such major streets, except where site entrances occur.

No buffer may contain parking or paved surfaces except for pedestrian paths and site entrances. Between 9:00 a.m. and 3:00 p.m. (EST) from February 21 to October 21, no building may cast a shadow on any residential structure in existence at the time of Preliminary PUD Plan submission.

4.9.4.7. Required Open Space:

A PUD shall set aside at least 15% of its total parcel area as required open space; additional open space will be considered in proposed development intensities in excess of the basic permitted FAR and height.

Required Open Space shall have a minimum dimension of 20 feet (which may include the dimension across a water body) and shall be open to tenants and customers within the PUD; access by the general public is desirable and will be considered in proposals for additional development intensity and height.

A PUD which includes residential use shall delineate the area of residential use and shall set aside at least 25% of the site within this area as open space available to and usable by the occupants of the residential units.

Required Open Space may include:

- a. Wetlands and water bodies, including the normal water surface area of detention or retention ponds up to 50% of the required open space area;
- b. Vegetated/landscaped area, including buffers;
- c. Pedestrian paths, sidewalks, and covered walkways;
- d. Public plazas and hard surfaced recreation areas.

4.9.5. Environmental Standards and General Development Guidelines:

In addition to conforming to the Use and Dimensional Requirements governing PUD Overlay Districts, approval of a Special Permit to construct a PUD shall be granted also upon determination by the Community Planning and Development Commission that a proposed PUD satisfies the following criteria; in any disapproval of a PUD, the CPDC shall state in writing the specific reasons for its finding that the proposed PUD does not satisfy one or more of the criteria. Mitigation measures proposed by the Developer, at no cost to the Town, shall be considered in making these determinations:

- a. That it conforms as appropriate to the existing policy plans established by the Town Meeting, Selectmen, and CPDC for the specific area of the Town in which the proposed PUD is located.

- b. That there is no significant adverse effect under any of the following:
- (1) Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PUD Overlay District, adjacent residential districts, and the Town of Reading as a whole;
 - (2) Traffic flow and safety in the context of this and other proposed developments in the PUD Overlay District and sensitive nearby areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference;
 - (3) Water quality, air quality, wetlands and the natural environment;
 - (4) Provision of open space;
 - (5) Adequacy of utilities and other public works and impact on existing public facilities within the Town; and
 - (6) Potential fiscal impact to the Town of Reading.
- c. That approval of the proposed PUD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

4.9.5.1. Environmental Standards:

A PUD shall conform in each phase to all applicable federal, state, and local laws and regulations (including all such regulations established by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection) regarding the environment such as those concerning noise, air quality, wetlands, water quality, and protection from flooding.

4.9.5.2. Transportation, Site Circulation and Parking:

No vehicular access (except for emergency vehicles) shall be allowed between a Planned Unit Development and any residential street.

4.9.5.2.1. Significant Traffic Impact: The CPDC may not approve a proposed PUD which in its opinion has significant adverse traffic impact, as determined following examination by the CPDC of the Developer's traffic analysis and any other traffic analysis of the affected area available to the CPDC which is germane to the proposed PUD.

In making its determination, the CPDC shall consider the feasibility of any capacity improvements and mitigating measures proposed to be provided by the Developer at no cost to the Town. In making such determinations, the full traffic impact of all other previously approved Preliminary or Final PUD Plans shall be considered, regardless of project phasing. Without limitation, the determination of significant adverse impact shall consider traffic volumes, speeds, and resulting levels of service on residential streets, approaches to the site of the proposed PUD, and other key locations, all of which may be identified in a Pre-Application Conference.

4.9.5.2.2. Transportation Plan: The PUD Developer shall prepare an acceptable Transportation Plan aimed at reducing traffic congestion through means such as spreading peak hour traffic, encouraging public transportation use and ride sharing. The Plan shall include transportation

goals and specific means to achieve them, such as employment of a Transportation Coordinator to facilitate proposed actions; provision of shuttle bus service to public transportation; van-pooling programs; and flex-time requirements. The Plan shall to the extent feasible include provisions to establish a mechanism for participation in the Plan by subsequent owners and tenants of the PUD, and the Developer shall guarantee sufficient financing of the Transportation Plan to initiate and continue its operation through the first year of PUD occupancy. Developers may arrange to coordinate their plans and share in the cost of such measures on an area-wide basis.

4.9.5.2.3. Site circulation shall meet accepted design standards for private automobiles, service vehicles, and emergency vehicles.

It is highly desirable to consolidate access to PUD's in a small number of widely spaced principal access points, which may be driveways or Town-accepted side streets lying entirely within the PUD Overlay District. Principal access should be consolidated in as few locations as possible and, if feasible, it is desirable for adjacent developments to share principal access. Principal access points generally should be spaced and aligned or alternated according to good traffic engineering practice, and should be signalized if necessary.

4.9.5.2.4. Parking should be provided in at least the following ratios through each phase of development, unless the CPDC determines that a larger number of spaces is dictated by special circumstances:

- a. For office and research and development uses, and uses ancillary to them, three parking spaces per 1000 gross square feet of floor area;
- b. For hotels and customary uses within them, one parking space per rentable room or suite;
- c. For residential uses, one and a half parking spaces per unit;
- d. For places of assembly, one parking space per four seats;
- e. For restaurants, one parking space for every four persons of the rated seating capacity of the facility, plus one parking space for every employee on the largest shift;
- f. For retail uses, one parking space per three hundred square feet of gross sales floor area;
- g. For financial institutions, one parking space for each one hundred square feet of floor area devoted to general banking services for public uses, including area for automatic teller machines, plus one parking space for each two hundred and fifty square feet devoted to office use, plus stacking lanes for six cars at each drive-thru, plus one bypass lane for the drive-thru area.

Ancillary uses should not normally require additional parking spaces.

Loading requirements shall be determined based on activity analysis provided by the Developer.

Parking stall size shall be at least 8.5 by 18 feet, with provision for larger spaces as required by the CPDC to accommodate short term parking, handicapped and large vehicles.

Parking lots shall be landscaped in conformance with Section 4.9.5.5.6.

4.9.5.2.5. Shared parking may be approved by the CPDC as part of the PUD decision subject to the following criteria:

- a. Shared parking areas must be shown on a plan, be definable, be separated by topography from other shared parking areas, and be in close proximity to the uses they serve;
- b. Parking needs between the uses sharing parking areas shall be shown by the applicant to be different in terms of the times of the peak needs with little overlap of such peak needs;
- c. The number of parking spaces for a shared parking area shall be at least the required number for the larger of the needs;
- d. An executed lease or other form of agreement between or referencing the parties sharing parking must be filed with the CPDC and the Town Clerk prior to issuance of a building permit for the uses sharing the parking, such agreement shall be approved as to form, only, by Town Counsel;
- e. If uses, or parties in interest noted in subsection d. above, change for the areas delineated on the PUD plan, then a modification subject to the requirements of Section 4.9.3.14. shall be filed and decided upon by the CPDC prior to the issuance of building permits for the proposed areas.

4.9.5.2.6. Roadways within a PUD shall be constructed in conformance with standards established by the Reading Department of Public Works.

The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "Recommended Practices for Subdivision Streets" prepared by the Institute of Traffic Engineers (1965).

4.9.5.3. Public Works Standards:

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers and other public improvements, shall be constructed according to the criteria of the Reading Public Works Department and other appropriate departments.

4.9.5.4. Control of Runoff and Flooding:

The Developer shall demonstrate that, as compared with the situation that would exist on the site without the PUD, no phase of the proposed PUD will result in an increase in the peak rate of storm run-off at the parcel boundary for the PUD as a whole for the 25, 50, and 100 year design storms, and that there will be no net loss in flood storage capacity for the 100 year design storm. In making such determinations, any state or local orders or requirements that apply (for example, required closure of landfills or existing Orders of Conditions under the Wetlands Protection Act) shall be assumed in the calculations of runoff and flood storage without the PUD, but alternative forms of development shall not be assumed.

4.9.5.5. Design Quality:

Project design shall be reviewed by CPDC with input from Town officials, the review consultant(s) employed by the CPDC, and other property owners in the PUD Overlay District.

The following are to be interpreted as guidelines to be applied flexibly by the CPDC and as appropriate to the situation under review, including factors such as foundation conditions and other extraordinary constraints. These guidelines apply to all site improvements, buildings and structures, including structured parking facilities.

4.9.5.5.1. Building Placement:

- a. Provide and preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods.
- b. Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points, which may be identified in a PUD Pre-Application Conference.

4.9.5.5.2. Building Massing/Articulation:

- a. Avoid unbroken building facades longer than 100 feet.
- b. Provide human scale features, especially at street level.
- c. Avoid unarticulated and monotonous building facades and window placement.

4.9.5.5.3. Roofline Articulation:

- a. Provide a variety of building heights and varied roofline articulation.
- b. Provide step backs above the fourth level on buildings within 100 feet of major streets.
- c. In PUDs comprising three or more buildings, and where buildings over six stories in height are proposed, locate taller buildings away from major streets and residential uses.

4.9.5.5.4. Building Materials:

- a. Use materials and building treatments that reduce the visibility of buildings from distant vantage points and are compatible with backgrounds and surroundings.
- b. Use materials and colors compatible with other quality buildings of similar scale in the area.

4.9.5.5.5. Landscape Treatment:

- a. All open areas within a PUD should be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture.
- b. Deciduous trees should be planted along new and existing streets.
- c. Plazas, arcades, malls, and similar amenities are encouraged.

- d. Outdoor lighting should be considered in the landscaping plan and should be designed to complement both manmade and natural elements of the PUD and adjacent areas.
- e. Intensive, high quality landscaping should be provided within the PUD where it abuts major streets and on internal drives to achieve a boulevard character.
- f. Landscape treatment should be emphasized on site boundaries facing residential districts.

4.9.5.5.6. Parking Lots:

- a. Parking lots should use landscaping and terracing to break up large areas of pavement and to enhance the appearance of such areas to the greatest extent feasible, but no less than 5% of the total parking lot area.
- b. Most parking lot landscaping should have a minimum dimension of five feet.
- c. Trees and shrubs should be used to the maximum extent feasible.

4.9.5.5.7. Pedestrian Amenities:

- a. Emphasize pedestrian amenities such as covered walkways, landscaped open space, drop-off areas, and recreation facilities such as pedestrian and/or jogging paths along on-site watercourses or which follow a PUD parcel boundary.
- b. Tree lined or otherwise appropriately landscaped pedestrian walkways should link together areas designated as open space within the boundaries of a site and wherever possible with designated open space throughout a PUD Overlay District.

4.9.5.5.8. Utilities:

- a. To the extent feasible, all utilities should be located underground.

4.9.5.6. Signage:

4.9.5.6.1. CPDC will review all allowed signage pursuant to the requirements of Section 4.9.5.6.4. and the following general criteria:

- a. Signage shall minimally meet the purpose of facilitating public and private convenience and necessity; providing direction and facilitate proper traffic flow; alleviating congestion on public streets; providing sufficient access to private lands and businesses; minimizing curb cuts to public streets; or encouraging utilization of fewer (or a single) curb cuts by more than one user.
- b. Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.

- c. Sign materials, colors, lettering style and forms are compatible with building design and use.
- d. Sign content does not overcrowd the background.
- e. Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.
- f. In cases where access to a public street is pursuant to Massachusetts State Curb Cut, the Massachusetts Highway Department shall be consulted.

4.9.5.6.2. CPDC will review all allowed signage pursuant to the requirements of Section 4.9.5.6.4. and shall use the following additional criteria to determine (unless otherwise provided for in this Section 4.9.5.6.) the number, sizes/dimensions, and locations of all signs on the lot:

- a. The relationship between the size of a building façade(s) with the size of the sign for that building;
- b. The relationship between the number of tenants with the size of the sign;
- c. The relationship between the size of a sign and the distance between the structure;
- d. The relationship of the location of entrance points to the lot from existing roadways, the parking areas, and the internal circulation design to the location and size of signs;
- e. The relationship of the topography of the lot and existing vegetation on or off the lot as it relates to the siting and visibility of a sign from the adjacent roadways;
- f. The relationship of the topography of the lot to the siting and visibility of a sign from adjacent residential uses;
- g. Site distance calculations and motor vehicle traffic and speeds;
- h. The utility of the sign as it relates specifically to the purposes stated in Section 4.9.5.6.1.a. above.

4.9.5.6.3. Overall Signage Requirements:

- a. Signage shall be so designed, located, and sized to meet the minimal requirement of clear direction to the site and through the site.
- b. No sign, portion of a sign, or structural support for such sign should extend above the lowest point of the main roofline of a building the sign serves in identifying, unless otherwise approved by the CPDC.
- c. Any lighting of a sign shall be constant (non-blinking), stationary and installed in a manner that will prevent light from falling on any street or adjacent property. Lighting shall be directed solely at the sign, or be

internal to the sign. All internally illuminated signs shall have an opaque background or signboard such that illumination shows through only the lettering and/or graphics.

- d. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. except signs for businesses open during those hours.
- e. Signs shall not be designed, colored, or placed to create a hazardous condition for motor vehicle traffic.
- f. No animated, moving, or flashing signs shall be permitted on the building or in the building so as to be seen from the outside, on the lot or the adjacent lot. Traditional holiday decorations and lights, when in season, are allowed.
- g. Temporary real estate signs advertising rental, lease, or sale of the property, or part thereof, shall be allowed for each use for up to ninety (90) days by application to the Building Inspector. Such signs shall be set back a minimum of ten (10) feet from the street line, shall be unlighted and shall not exceed sixteen (16) square feet in area. Renewals of temporary real estate signs shall be allowed by application to the Building Inspector. One such real estate sign per lot, not to exceed thirty-two (32) square feet in area and twelve (12) feet in height shall be allowed, upon application to the Building Inspector, for a period not to exceed the date of the end of the PUD decision appeal period to the date of occupancy of the first phase of the approved PUD development.
- h. No window signs or any other interior signage that is visible from the outside is allowed.
- i. Repair and Maintenance – The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous, or in disrepair, or which is erected or maintained contrary to this By-Law. Such repair or removal shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be to the Zoning Board of Appeals.
- j. Within one hundred and twenty (120) days of the closing of a business, all wording on any sign referencing that business must be painted over or obliterated by the applicant for the PUD special permit and/or the building owner.
- k. Signs prohibited in Sections 6.2.2.4.a., b. and d. are prohibited in a PUD.
- l. Signs exempted in Sections 6.2.2.5.a., f. and j. are exempted in a PUD.

4.9.5.6.4. Allowed Signs in the PUD:

- a. Freestanding identification ground signs.
 - (1) Identification signs may be placed as a ground sign between the street and the building.

- (2) If the lot faces on two (2) or more streets/highway, and/or if the lot has more than one entrance from a right of way, one (1) sign serving each street/highway shall be allowed, and one (1) sign per entrance shall be allowed, up to a maximum of three (3) free-standing signs per lot.
- b. Directional signs, building markers.
Such signs shall not exceed four (4) square feet in area, shall not be more than four (4) feet high if placed on the ground, and shall not extend above the roofline, if upon a wall. No advertisement is allowed on this type of signage.
- c. One wall sign per building or tenant is allowed.
For tenants or buildings facing more than one street/highway, one Additional sign for that tenant is allowed facing such street/highway. In no instance shall more than four (4) signs on a building be allowed.
- d. For each building within a PUD district, signs located at the entry door of specific tenants in a multi-tenant building.
- e. Signs allowed in Sections 6.2.3.2.i., k. and l. are allowed in a PUD.

4.9.5.7 Special Requirements for Biotechnology Uses:

The following provisions shall apply to any establishment involving the use of biotechnology:

- a. Biotechnology Exclusion: Any RDNA technology use requiring BL4 level of containment or higher, as classified by guidelines or regulations promulgated by the National Institutes of Health (NIH) of the United States Department of Health and Human Services, including those contained in 46 F.R. 34463-34487 on July 1, 1981 as may be amended and 45 F.R. 24968-24971 on April 11, 1980 as may be amended, shall be prohibited.
- b. Safety Requirements: Any use of RDNA technology shall require compliance with the administrative safety requirements of Section IV-D of the "Guidelines for Research Involving Recombinant DNA Molecules" (46 F.R. 34463-34487) promulgated by the National Institutes of Health on July 1, 1981, as may be amended, including but not limited to the following:
 - (1) Establishment of an Institutional Biosafety Committee (IBC),
 - (2) Development of safety plans and manuals,
 - (3) Appointment of a Biological Safety Officer.
- c. Permits and Inspections: Any use of RDNA technology within a Zoning Overlay District shall require a Special Permit issued by the Reading Board of Health. Such permit shall be issued upon certification by the IBC that the facility is in compliance with this PUD By-Law and NIH guidelines.

The Board of Health shall conduct annual inspections to ensure compliance. The IBC shall renew certification annually.

- d. Environmental Surveillance Program: The IBC shall establish medical and environmental surveillance programs in accordance with NIH guidelines and submit such programs to the Board of Health for approval. Such surveillance programs shall ensure compliance with all applicable State and Federal Codes and regulations, and all test results shall be submitted to the Board of Health on a periodic basis. Emergency preparedness training and any associated additional cost for the Department of Human Services, Fire Department, Police Department, and Department of Public Works shall be conducted by facility safety personnel and paid for by the occupant to train Town personnel for emergency response. Such training shall be paid for by the developer or facility.

4.10. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

4.10.1. Purpose:

The purpose of the Planned Residential District (PRD) is to permit integrated high-quality residential developments with variable densities while permitting preservation of open space and natural features, allowing reduced infrastructure and site development costs, to promote a greater diversity of housing opportunities within the Town while respecting and enhancing the existing character of the Town and of the neighborhood, and to promote attractive standards of appearance and aesthetics consistent with that character.

There shall be the following types of PRD Districts:

PRD-G: General Planned Residential Development.

PRD-M: Planned Residential Development on current or former municipally owned properties. There may be included in a PRD-M Zoning Overlay District privately owned property which was not former municipally owned property provided that any such property can only be used for the purposes of providing access to, drainage control from or open space recreational uses for a contiguous parcel or parcels of property which otherwise complies in all respects for development as a PRD-M.

4.10.2. Planned Residential District as an Overlay District:

A PRD Zoning District shall take the form of an overlay district covering any part of an existing residential zoning district on the Reading Zoning Map. A PRD-M Zoning Overlay District shall be applied to a specific parcel or parcels only through specific action by Town Meeting in a manner identical to that required to amend the Reading Zoning Map. A PRD-G Zoning Overlay District may be applied to all or any portion of an underlying single-family residential zoning district (that is, S-10, S-20 or S-40) through action by Town Meeting to amend the Reading Zoning Map.

For any land subject to a PRD Overlay District a Developer may choose to conform either to the zoning regulations which govern the underlying district or to the PRD overlay regulations and procedures set forth by this Section, the specific provisions of which shall

supersede all other provisions in the Zoning By-Laws with respect to the underlying district including, without limitation, use, intensity, dimensions, parking, signage and site plan review; however, the provisions of any other overlay district shall continue to apply.

Notwithstanding any subsequent change in the development density provisions of Section 4.10.4.3. hereof, the land placed in a PRD Zoning Overlay District shall be governed by the development density requirements in effect at the time Town Meeting created the applicable Zoning Overlay District and for a period of eight (8) years from the date of such Town Meeting action.

4.10.2.1. Definitions:

The following terms shall have for the purposes of this PRD By-Law the meanings hereby assigned to them:

- a. Developer: One or more entities proposing together to develop a Planned Residential Development parcel.
- b. Existing: In existence at the time of filing a complete Preliminary PRD Plan submission.
- c. Floor Area Ratio (or "FAR"): In a PRD, the ratio of total gross building floor area in a PRD to the area of the development parcel. Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility spaces on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking and garages shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in MGL, Chapter 131, Section 40 or Reading General Bylaws Section 5.7., may not exceed ten percent of the development parcel area eligible to be used in any computation of FAR.
- d. 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.
- e. Inclusionary Housing: (1) Affordable Housing: Housing units available for purchase by households with annual incomes less than one-hundred percent (100%) of the median annual household income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

Moderately Priced Housing: (2) Housing units available for purchase by households with annual incomes between one hundred percent (100%) and one hundred twenty-five percent (125%) of the median annual household income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development
- f. Major Street: A street used for through access and carrying traffic volumes of greater than 10,000 vehicles per average day.

- g. Minor Street: A street used primarily for access to abutting properties or carrying traffic volumes of less than 10,000 vehicles per average day.
- h. Reading Zoning By-Laws including all subsections thereof.
- i. Site: The development parcel upon which a PRD is proposed.
- j. Structured Parking: In a PRD, a parking garage, or all or part of building floors above or below grade to be used for automobile parking.

4.10.3. Special Permit for Planned Residential Development:

The Community Planning and Development Commission ("CPDC"), as the Special Permit Granting Authority, shall have the authority to grant a Special Permit to construct a Planned Residential Development (PRD) by a vote of at least four members of the five-member CPDC. The CPDC shall evaluate proposed PRD projects and require all such projects to conform to the Planned Residential Development requirements, standards, and guidelines set forth in Sections 4.10.4. and 4.10.5. to ensure that the benefits to the Town of a proposed project outweigh any adverse impacts before granting a Special Permit. The CPDC shall adopt and from time to time may amend regulations for the review of PRD Developments and for the submission of PRD Plans as provided in MGL, Chapter 40A, Section 9.

The CPDC shall interpret all provisions of this PRD By-Law and all definitions and regulations pertinent thereto and shall provide such interpretations upon request by an applicant for a Special Permit to construct a PRD.

4.10.3.1. Overview of Special Permit Process:

A Developer choosing to develop a PRD in a PRD Overlay District shall apply for a Special Permit with the CPDC. The Special Permit Process shall include:

- a. Pre-Application Conference (Optional)
- b. Preliminary PRD Plan Review
- c. Final PRD Plan Review

4.10.3.2. Pre-Application Conference:

Prior to the submission of an application for a Special Permit, the Developer at his/her option may confer with the CPDC and/or its staff and other applicable Town staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans and other submittal documents.

At the Pre-Application Conference, the CPDC, its representatives, and other appropriate Town officials may discuss with the Developer the Developer's intentions, development concept and options, and CPDC's requirements with respect to the proposed PRD; such discussions may include the PRD application and review process, issues and scope of relevant studies that should be considered in planning the project, including specific submission items such as appropriate vantage points for visual analysis and the extent of the traffic study area.

Any statement made at the Pre-Application Conference by the CPDC, its representatives, Town staff or the Developer concerning the potential disposition of a Special Permit application or the final form of the development shall not be legally binding.

4.10.3.3. Preliminary Plan:

A Developer who wishes to apply for a Special Permit to construct a PRD shall submit to the CPDC an application including a Preliminary PRD Plan submission for the entire proposed project. If the Developer of the PRD comprises more than one entity, all participating entities shall be signatories to the Special Permit application.

Two copies of the Preliminary PRD Plan shall remain available to the public during the application process and shall be located in the office of the Community Development Department and the Reading Public Library.

4.10.3.3.1. Application for Preliminary Approval:

The Preliminary PRD Plan shall include complete sets of written, quantitative, and graphic materials in the appropriate number according to the PRD Plan Submission and Development Regulations duly adopted by the CPDC and in effect at the time of submission. The official date of application shall be filed with the Town Clerk only after all materials have been received and certified complete by the CPDC or its authorized agent. Such certification of completeness or denial shall take place within ten calendar days of receipt of the application.

4.10.3.3.2. Submission Fee:

The CPDC shall require a submission fee sufficient to cover consultant fees and any other costs associated with reviewing and processing the required PRD submissions. The fee amounts shall be as specified in the CPDC's "Fee Schedule for Site Plan Review Process" or in a fee schedule for PRD review specifically adopted and amended by CPDC from time to time.

4.10.3.3.3. Contents of Preliminary PRD Plan Submission:

All Preliminary PRD Plan Submissions shall be made in conformance with said PRD Plan Submission and Development Regulations in effect at the time of preliminary submission.

4.10.3.3.4. Town Review:

Between the date a Developer submits a complete application for a Special Permit to construct a PRD, and the date of the first Public Hearing, CPDC may require the distribution of the Preliminary PRD Plan for review to Town departments, elected and appointed boards and commissions, and such professional planning, architectural, and engineering consultants as the CPDC deems appropriate and whose fees are paid for by the developer. All comments on the Preliminary PRD Plan shall be submitted, in writing, to the CPDC no later than five days before the scheduled date of the first Public Hearing. All written comments shall be made part of the public record on the application for a Special Permit and shall remain a public record.

4.10.3.3.5. Public Hearing on Preliminary Plan:

Within sixty-five days of the date of the filing with the Town Clerk of an application that has been certified as complete in accordance with Section 4.10.3.3.1. of this By-Law, the CPDC shall hold a Public Hearing. The purpose of the Public Hearing shall be to solicit public comments concerning the Preliminary PRD Plan.

4.10.3.3.6. Action on Preliminary Plan:

Within twenty-one days after the close of said Public Hearing, the CPDC shall make a determination concerning the Preliminary PRD Plan. If the CPDC approves the Preliminary PRD Plan or conditionally approves it subject to modifications, then the Developer shall submit a Final PRD Plan, as specified in Section 4.10.3.3.8. If the CPDC disapproves the Preliminary PRD Plan, then the application for the Special Permit shall be denied, and the CPDC shall state in writing its reasons for such disapproval. If the CPDC makes no decision within the specified time limit, then the Preliminary PRD Plan shall be considered approved, and the Developer may prepare a Final PRD Plan based thereon.

4.10.3.3.7. Public Improvements Compensation:

When reviewing a Developer's Preliminary PRD Plan, the CPDC shall analyze the proposed PRD to determine what, if any, extraordinary public improvements, including off-site improvements, are necessary to accommodate or service the project.

The Developer shall be required by the CPDC to provide such improvements at no cost to the Town, or alternatively, to offset completely the expense of such improvements if provided by the Town; in the latter case, the CPDC shall estimate the costs of these improvements to be borne by the Developer based on estimates furnished to the CPDC by an engineering consultant to the CPDC and/or by the Director of the Reading Department of Public Works.

4.10.3.3.8. Submission of Final Plan:

The Final PRD Plan shall be a definitive plan of the proposed development with design sufficiently developed to provide the basis for CPDC's review and determinations regarding the proposal's satisfaction of the requirements, standards, and guidelines of this PRD By-Law, and shall conform to the submission and content requirements specified in Sections 4.10.3.3.3. and 4.10.3.3.9.

The Final Plan shall be consistent with the approved Preliminary PRD Plan except for changes by amendment or in accordance with conditions attached to the CPDC's approval of the Preliminary PRD Plan, and shall satisfy all such conditions.

The Developer shall submit a Final PRD Plan no later than 59 days after the close of the Public Hearing referred to in Section 4.10.3.3.5. Failure to submit the Final PRD Plan within the specified time period shall result in a termination of the application for a PRD Special Permit. The Developer shall submit complete sets of all plans and all accompanying material as specified In Subsection 4.10.3.3.9. in accordance with the procedure set forth in Section 4.10.3.3.

Two copies of the Final PRD Plan shall remain available to the public during the application process and shall be located in the office of the Community Development Department and in the Reading Public Library.

4.10.3.3.9. Contents of Final PRD Plan Submission:

All Final PRD Plan submissions shall be made in conformance with said PRD Plan Submission and Development Regulations in effect at the time of final submission.

4.10.3.3.10. Amendments:

Additions or amendments to the approved Preliminary PRD Plan shall be determined solely by CPDC as either major or minor as defined below. The CPDC shall have the entire, exclusive, and final discretion to determine whether a proposed change constitutes a minor or a major amendment, and its decision shall be conclusive. Minor additions or amendments shall be authorized by written approval of the CPDC.

Major additions or amendments shall be considered as original items to the Preliminary PRD Plan application and shall be grounds for reconsideration of the approved Preliminary PRD Plan and shall be reviewed subject to the procedures specified in Sections 4.10.3.3.1. to 4.10.3.3.6. inclusive. Denial of a major addition or amendment shall not constitute disapproval or modification of the previously approved Preliminary PRD Plan.

4.10.3.3.10.1. Minor Amendments:

Minor amendments are additions or changes which do not, in the determination of the CPDC, substantially alter the concept of the PRD, as reflected in the approved Preliminary or Final PRD Plan, as appropriate, in terms of floor area ratio, use, height, provision of open space, or layout or other physical relationships of the elements of the development. Minor amendments shall include, but not necessarily be limited to, the following: small changes in floor area, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets and ways on the site.

4.10.3.3.10.2. Major Amendments:

Major amendments represent substantial additions, deletions, or deviations, as determined by the CPDC, from the PRD concept as previously approved by the CPDC. Major amendments shall include, but not necessarily be limited to, the following: large changes in floor area, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including number and location of access ways.

4.10.3.3.11. Public Hearing and Decision on Final Plan:

Within sixty-nine days after the close of the Public Hearing referred to in Section 4.10.3.3.5., the CPDC shall hold a Public Hearing to consider issuance of a Special Permit to construct a PRD in accordance with the Final PRD Plan. Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PRD Plan conforms with and meets the requirements, standards, and guidelines set forth in this PRD By-Law in a manner consistent with the approved Preliminary PRD Plan, and contains all revisions required by the CPDC in its conditional approval of said Plan.

The CPDC may grant the Special Permit with conditions consistent with its approval of the Preliminary PRD Plan, and the conditions shall be agreed to in writing by the Developer before the Special Permit is granted. If not granting a Special Permit to construct a PRD, the CPDC shall make its final decision in writing and shall specify its reasons for denial. If CPDC makes no decision within ninety days after the close of the Public Hearing referred to in Section 4.10.3.3.5., then the Final PRD Plan shall be considered approved and the Special Permit to construct a PRD in accordance with the submitted Final PRD Plan shall be deemed granted.

4.10.3.3.12. Amendments to Final Plan:

After approval by the CPDC of the Special Permit to construct a PRD, the Developer may seek amendments to the Final PRD Plan. Such amendments shall be determined solely by the CPDC to be minor or major. Minor amendments, as defined in Section 4.10.3.3.10.1., shall be authorized by written approval of the CPDC. Major amendments, as defined in Section 4.10.3.3.10.2., shall be grounds for reconsideration of the Special Permit to construct a PRD and shall be reviewed as if it were an entirely new PRD Plan, that is, in accordance with the procedures specified in Sections 4.10.3.3.1 to 4.10.3.3.11. inclusive. Denial of any proposed major amendment shall not invalidate the Special Permit to construct a PRD in conformance with the previously approved Final PRD Plan.

4.10.3.3.13. Development Schedule:

The Developer shall begin construction of the PRD within twenty-four months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in MGL, Chapter 40A, Section 9) in reasonable conformance, as defined solely by the CPDC, with the development schedule submitted with the Final PRD Plan. The CPDC shall grant in writing an extension of this time period of up to an additional twenty-four months upon determination by CPDC of good cause. If the Developer fails to commence construction of the PRD within twenty-four months plus any approved extension period, the Special Permit shall lapse and be deemed null and void.

4.10.3.3.14. Phased Development:

If a phased development is proposed by the Developer, the Final PRD Plan shall contain all required written, quantitative, and graphic information as specified in Section 4.10.3.3.9. for evaluating the proposed PRD as a whole and to serve as a basis for granting the Special Permit, plus a final development schedule for the completion of the PRD indicating the proposed dates and scope of work to be accomplished in each phase. Site improvements may be phased only in conformity with the phasing schedule included in the approved Final PRD Plan, and only to the extent that all requirements, standards, and guidelines of this PRD By-Law are met in each phase. The initial phase shall include at a minimum the on-site and off-site improvements necessary for one or more buildings and may, at the Developer's option, include one or more buildings.

Deviations, deletions, additions, or changes from or to the approved Final PRD Plan in any phase shall be designated a minor or major amendment, as defined in Sections 4.10.3.3.10.1. and 4.10.3.3.10.2., to the Final PRD Plan by the CPDC and treated as such in accordance with Section 4.10.3.3.12.

If the PRD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved development and phasing schedule; however, the CPDC shall grant additional extensions in the timing of phases for up to twenty-four months each as minor amendments to the Final PRD Plan, upon the CPDC's determination of good cause. If the Developer fails to commence construction of a PRD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PRD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PRD Plan shall be re-approved in accordance with Section 4.10.3.3.12.

4.10.3.3.15. Conformity with PRD Plan and Special Permit:

The CPDC shall include as a condition to all Special Permits granted for the construction of PRDs that no construction of a PRD or any phase thereof may be authorized until the CPDC has reviewed and approved a Design Submission for work to be done. The Design Submission shall include architectural, site, and landscape design documents, sufficiently developed, as determined by the CPDC, to permit review of conformance to the Final PRD Plan and Special Permit conditions, in accordance with the PRD Plan Submission Regulations established by the CPDC.

If deemed necessary by the CPDC, a Public Hearing may be held for the review of any Design Submission. Design Submissions shall be reviewed by the CPDC solely for conformity with the Final PRD Plan, with Special Permit conditions, and, only to the extent not already reviewed and approved, with the requirements, standards, and guidelines applicable to the construction of the phase in question. If the CPDC makes no decision upon a Design Submission within ninety days of its positive determination as to the sufficiency and completeness of the Design Submission, said Special Permit condition shall be deemed to be satisfied regarding said PRD or phase thereof.

The CPDC shall adopt regulations or impose conditions as part of a Final PRD Plan approval requiring one or more of the following in amounts and duration sufficient to guarantee that all commitments in the approved PRD plan to provide public improvements or to take other actions are properly completed: performance bonds, deposit of money or negotiable securities with the Town, or a satisfactory agreement with a lending institution to retain funds pending completion of such improvements or actions.

If, for any PRD or phase thereof, the CPDC finds that either the Developer has failed to begin development within the specified time period, including any approved extension period, or that the Developer is not proceeding in conformity with the Special Permit, then the CPDC may, after sixty days from written notice (and any additional period which the CPDC may deem necessary so as to provide the Developer reasonable opportunity to cure any deficiencies), revoke the Special Permit as it applies to the phase of construction at issue, and/or require that the Developer amend the Final PRD Plan subject to the procedures specified in Section 4.10.3.3.12.

If the CPDC revokes the Special Permit for the PRD then the Final PRD Plan shall be null and void as it applies to the phase of construction at issue and all subsequent phases which depend upon said phase for their construction or operation in conformance with the Final PRD Plan. The provisions of this paragraph are additional to the Reading Zoning Enforcement Officer's powers of enforcement under the Reading Zoning By-Laws and Massachusetts State Law.

Upon satisfaction of all applicable Special Permit conditions, the CPDC shall issue a Certificate of Compliance for one or more PRD phases as appropriate. No Certificate of Occupancy shall be issued for a given PRD phase until a Certificate of Compliance has been so issued.

4.10.4. Use and Dimensional Requirements:

The following specifies the basic use and dimensional requirements which shall be adhered to in all PRD developments within each PRD Overlay District and which shall be used by CPDC in evaluating each PRD proposal.

4.10.4.1. Parcel Size:

A development parcel may consist of land in more than one ownership, provided that all lots comprising the parcel lie entirely within a PRD Overlay District and are contiguous. Proposed PRD developments may include pre-existing buildings provided that all PRD requirements are satisfied by each new or existing building and by the PRD as a whole. More than one principal building may be located on the parcel.

The minimum size of any PRD development parcel shall be as follows:

PRD-G: Sixty-thousand (60,000) square feet

PRD-M: Eight (8) acres

4.10.4.2. Permitted Uses:

Only residential uses, parking (including structured parking) to accommodate this use, and open space are permitted within a PRD, with the exception that a common facility for use by the residents of the PRD and their guests exclusively may be provided for the following uses:

- a. Indoor meeting, social, activity, or recreational rooms;
- b. Common dining and kitchen;
- c. Office only for the administration of the PRD;
- d. Maintenance, storage and recreational facilities or spaces solely for servicing the PRD.

4.10.4.2.1. Required Inclusionary Housing:

PRD-G: Any PRD-G development may provide affordable and/or moderately priced housing units as allowed in Section 4.10.4.3.1.

PRD-M: Any PRD-M development shall contain or provide off-site in a manner acceptable to the Reading Housing Authority affordable housing units at a minimum equal to ten percent of its total units (both on-site and off-site).

4.10.4.2.2. Standards for On-Site Inclusionary Housing Units:

Inclusionary housing units shall have a minimum gross floor area of nine-hundred (900) square feet. Inclusionary housing units shall be integrated into the PRD development and not grouped together and their exterior appearance shall be designed to be indistinguishable from the market-rate units in the same development.

The developer shall provide adequate guarantee, acceptable to the CPDC, to ensure the continued availability of the inclusionary units in perpetuity; such guarantee may include deed restrictions, recorded deed covenants relative to equity limitation, or other acceptable forms.

No more than eighty percent (80%) of the building permits for the market-rate units shall be issued for any PRD development until construction has commenced on all the inclusionary units in the PRD development; no more than eighty percent (80%) of the occupancy permits for the market-rate units shall be issued until all of the occupancy permits for the inclusionary units have been issued.

4.10.4.3. Intensity of Development:

For PRD developments, the following basic intensity factors shall apply:

Minimum parcel frontage: 50 feet,

Maximum coverage of the parcel by the aggregate ground area of all buildings: 25%,

Maximum floor area ratio: 0.40.

Minimum separation between buildings:

PRD-M: Equal to the height of the taller building but in no case less than 40 feet.

Maximum building height:

- (1) PRD-G: As allowed in the underlying zoning district,
- (2) PRD-M: 48 feet, not to exceed four stories.

Minimum setbacks as measured between bounds of the parcel and any portion of any building or structure: 60 feet in all directions.

Parking: An enclosed garage for an individual residential unit may count as one required parking space and a driveway for an individual residential unit may count as one required parking space provided said driveway has minimum dimensions of 10 feet by 20 feet:

- (1) PRD-M: 1.75 spaces per residential unit,
- (2) PRD-G: 2 spaces per residential unit.

Loading and unloading:

- (1) PRD-M: One space per building containing multiple units with a common entrance, except that CPDC at its discretion and in accordance with Section 4.10.5.4. may allow fewer spaces.
- (2) PRD-G: None, except that one space shall be provided for any common building or facility, except that CPDC at its discretion and in accordance with Section 4.10.5.4 may allow fewer spaces.

Maximum number of dwelling units contained within the parcel shall be determined as follows:

- (1) PRD-G: Maximum basic development density for a PRD-G development shall be based on the underlying zoning district in which the development is located, as follows:
 - a. The Developer shall first submit to the Reading Conservation Commission a Request for Determination of Applicability, if required by law, relative to the parcel contemplated to be developed in accordance with this Section 4.10 in accordance with Chapter 131, Section 40 of the Massachusetts General Laws and Section 5.7. of the Reading General Bylaws, and obtain from said Conservation Commission an approved delineation of the bounds of any wetlands resource area on the parcel and/or within the jurisdiction of the Conservation Commission up to 200 feet from any portion of the parcel;

- b. The Developer shall then submit to the CPDC a schematic Subdivision Plan which meets the requirements as specified for a Preliminary Subdivision Plan in the Rules and Regulations Governing the Subdivision of Land in Reading; this plan shall accurately depict the bounds of wetland resource areas as approved as stipulated above; upon written request of the Developer, the CPDC may waive those portions of the Preliminary Subdivision Plan content requirements relative to detailed utility engineering which in the estimation of the CPDC are not necessary for the full determination as to the extent of the parcel's buildability in conformity with said Rules and Regulations and the Reading Zoning By-Laws. The number of building lots shown on such schematic Subdivision Plan proven by the Developer, and accepted by vote of the CPDC at a Public Hearing to consider such schematic Subdivision Plan, to conform with the requirements of Section 5.0. of the Reading Zoning By-Laws applicable to the underlying zoning district in which the parcel is located, shall constitute the maximum basic development density, in terms of number of dwelling units, which shall be allowed for any PRD-G development on the parcel;
- c. Accompanying the submission to the CPDC of such schematic Subdivision Plan, the Developer shall also submit a request to CPDC to review at said Public Hearing a schematic PRD Plan which shall conform to the requirements relative to a contents of a Preliminary PRD Plan as set forth in Section 4.10.3.3.3. This plan shall accurately depict the bounds of wetland resource areas as approved as set forth above, together with the proposed number of dwelling units shown on such schematic PRD Plan to be equal to or fewer than the maximum basic development density as determined in subparagraph (b) above, plus any additional dwelling units proposed in accordance with the provisions of Section 4.10.4.3.1. relative to the provision of affordable or moderately-priced housing;
- d. Following the close of the Public Hearing at which both the schematic Subdivision Plan and the Schematic PRD Plan are reviewed, the CPDC shall consider whether or not it will request that an Article be placed on the Warrant for a Town Meeting to place a PRD-G Zoning Overlay District on the parcel as specified in Section 4.10.2.;
- e. Following favorable action by Town Meeting, the Developer may proceed with a Preliminary PRD Plan and a Final PRD Plan as set forth in this Section 4.10.

(2) PRD-M: 10 dwelling units per gross acre, with the additional limitation that no PRD development may contain more than 100 residential units.

4.10.4.3.1. Increased Development Intensity and Height:

PRD-G: The basic intensity, but not height, factors specified in Section 4.10.4.3. may be increased as follows, provided that in no case shall the development density be increased to a level equal to more than one-hundred-twenty percent (120%) of the basic density.

- (1) For every affordable housing unit provided, one additional market-rate housing unit may be provided.
- (2) For every two moderately priced housing units provided, one additional market-rate housing unit may be provided.

PRD-M: The basic intensity and height factors specified in Section 4.10.4.3. may be increased up to the following levels if the CPDC finds that a proposed provision of public improvements or amenities by the Developer would result in substantial benefit to the Town and the general public:

- (1) Maximum floor area ratio: 0.65

- (2) Maximum building height: 72 feet, not to exceed six stories, except that not more than one-third of the total number of any PRD development's residential units may be contained in a building or buildings greater than 48 feet in height.
- (3) Maximum number of dwelling units per gross acre of land contained within the parcel: 16 dwelling units, with the additional limitation that no PRD-M development may contain more than 160 residential units.

The aforementioned improvements or amenities which CPDC may consider in granting some amount of increased intensity and height shall include one or more of the following, provided that, in the estimation of the CPDC, the benefit to be derived from the proposed improvements or amenities shall be commensurate with the amount of increased intensity or height allowed:

- (1) Significant improvement of the environmental quality or condition of the site and its surrounding areas, including a decrease in runoff,
- (2) Provision of or contribution to off-site public facility improvements beyond those necessary to mitigate the effects of the proposed development which improvements would enhance the general condition of the surrounding areas,
- (3) Dedication of open space or recreational facilities for use by the general public,
- (4) Active cooperation by the Developer with other owners in the vicinity to develop and achieve district-wide and adjacent neighborhood improvement goals and objectives,
- (5) Provision of public art, distinctive and appropriate design, or other amenities which would provide unique advantages to the general public or contribute to achieving Town-wide goals and objectives,
- (6) Provision of affordable housing within the PRD in conformance with this PRD By-Law and/or off-site in a manner acceptable to the Reading Housing Authority in excess of the amount required in Section 4.10.4.2.1.

4.10.4.3.2. Fractional Computations:

For all PRD density calculations which result in a fractional number, only fractions equal to or greater than $x.76$ may be rounded up to the next highest whole number; all other fractional numbers shall be rounded down to the nearest lower whole number.

4.10.4.4. Limitation of Subdivision and Ownership:

No lot or development parcel shown on a PRD plan for which a permit is granted pursuant to this PRD By-Law and remains validly in effect may be further subdivided, and a note to this effect shall be shown on the plan.

All wetlands and adjacent 25-foot buffer area contained in a PRD parcel shall be held in common ownership under the purview of the PRD's Residents Association; such 25-foot buffer area shall not count toward open space as required in Section 4.10.5.3.

4.10.5. Development Standards:

All PRD developments shall conform to the following development standards:

4.10.5.1. Screening:

Within the required setbacks, landscaping shall be provided so as to provide effective screening of the PRD from visibility from abutting properties. To the greatest extent practical, existing natural vegetation shall be preserved and enhanced. Except as necessary for vehicular access, natural grades and contours within these setbacks shall not be altered in any manner, and no parking, loading and unloading space, or any other physical improvement shall be made. All plantings shall be properly installed and maintained.

4.10.5.2. Shadows:

Between 9:00 a.m. and 3:00 p.m. (EST) from February 21st to October 21st, no building may cast a shadow on any residential structure in existence at the time of Preliminary PRD Plan submission.

4.10.5.3. Open Space:

A minimum of 40% of the PRD parcel shall be devoted to open space, completely devoid of any structure, or parking, loading and unloading space or accessway thereto, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible such open space shall be left in its undisturbed natural condition or developed so as to be appropriate, in size, shape, dimension, location, and character to assure its use as a park, recreational area, and visual amenity for the development and its residents.

In evaluating the suitability and quality of the open space proposed to be provided, the CPDC shall apply the following standards:

- a. Usability: Other than wetlands, floodplains, and water bodies, including the normal water surface area of detention ponds, which may count for up to twenty-five percent of a PRD project's required open space area, all open space must have a surface which is adequately drained and permits active and passive recreational use. Such surface may include any combination of grass, plant materials, wood, or paving materials which allow pedestrian and recreational use. No open space shall be considered usable if the slope of the finished grade exceeds ten percent.
- b. Location: The nearest part of the open space shall not be more than 300 feet walking distance from the nearest point of any building it is proposed to serve.
- c. Size and shape: No open space shall be considered usable unless it has a minimum area of 1000 square feet and no dimension less than twenty-five feet.
- d. Structures and facilities: All usable open space shall be open to the sky, and may include unroofed facilities such as tennis courts, swimming pools, or similar recreational facilities.

4.10.5.4. Site Circulation and Parking:

Site circulation shall meet accepted standards for private automobiles, service vehicles, and emergency vehicles. It is highly desirable to consolidate access to a PRD in a small number of widely spaced principal access points, which may be driveways or Town-accepted side streets within or adjacent to the PRD Overlay District. Principal access should be consolidated in as few locations as possible and, if feasible, it is desirable for adjacent developments to share principal access. Principal access points should be spaced and aligned or alternated according to good traffic engineering practice, and should be signalized if necessary.

Parking stall size shall be in accordance with the Reading Zoning By-Laws and shall be landscaped in accordance with Section 4.10.5.5.5. A minimum of five percent of the gross area of each parking lot shall be devoted to interior landscaped areas, of as uniform a distribution as practicable throughout the parking lots and planted intensively with trees and taller shrubs.

Roadways and drives within a PRD shall be constructed in conformance with standards established by the Reading Department of Public Works, if proposed to be dedicated to the Town. The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "Recommended Practices for Subdivision Streets" prepared by the Institute of Traffic Engineers (1965) or such other standard as accepted by the CPDC through duly adopted regulation.

Private on-site roadways shall be allowed in any PRD development provided that:

Pavement widths for traveled ways (that is, not including parallel or perpendicular on-street parking) shall not be less than twenty (20) feet for two-way traffic or twelve (12) feet for one-way traffic.

Drainage and surface runoff are suitably accommodated if no curbing is to be provided.

Construction standards referenced above, other than pavement widths and curbing, shall be adhered to.

All PRD Plans shall specify that such roadways are proposed not to be dedicated to the Town but are to remain private roadways; and all deeds conveying any portion of land or a structure in any PRD development containing private roadways shall specify that such roadways are and are always to remain private roadways.

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers, and other public improvements shall be constructed in accordance with the standards of the Reading Department of Public Works and other appropriate departments. Utilities, including water, sewer, or storm drainage, proposed to be dedicated to the Town shall be contained in suitable easements which conform to standards set forth by the Reading Department of Public Works.

The determination as to whether any lesser number of off-street loading and unloading spaces are allowed shall be determined by the CPDC as part of its review and approval of the Preliminary PRD Plan.

4.10.5.5. Design Quality:

Project design shall be reviewed by CPDC with input from Town officials, any review consultant(s) employed by the CPDC, and others as appropriate. The following in this section are to be interpreted as guidelines to be applied flexibly by the CPDC and as appropriate to the situation under review, including factors such as foundation and soil characteristics and other

extraordinary site constraints. These guidelines apply to all site improvements and buildings and structures:

4.10.5.5.1. Building Placement:

- a. Provide and preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods,
- b. Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points, which may be identified in a PRD Pre-Application Conference.

4.10.5.5.2. Building Massing/Articulation:

- a. Avoid unbroken building facades longer than 100 feet,
- b. Provide human-scale features, especially at lower levels,
- c. Avoid unarticulated and monotonous building facades and window placement.

4.10.5.5.3. Roofline Articulation:

- a. Provide a variety of building heights and varied roofline articulation, utilities should be located underground,
- b. Locate taller buildings away from major streets and off-site single-family residential areas.

4.10.5.5.4. Building Materials:

- a. Use materials and building treatments that reduce the visibility of buildings from distant vantage points and that are compatible with backgrounds and surroundings,
- b. Use materials and colors compatible with other quality buildings of similar scale in the vicinity.

4.10.5.5.5. Landscaping:

- a. All open areas within a PRD should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture,
- b. Deciduous trees should be placed along new and existing streets and ways,
- c. Outdoor lighting should be considered in the landscaping plan and should be designed to complement both man-made and natural elements of the PRD and adjacent areas,
- d. Intensive, high-quality landscaping should be provided within the PRD where it abuts major streets, existing residential areas, and along internal drives,

- e. Parking lots should use landscaping and terracing to break up large areas of pavement and to enhance a residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.

4.10.5.5.6. Pedestrian Amenities:

- a. Emphasize pedestrian/oriented features such as covered walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas and recreational facilities,
- b. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should link together areas designated as open space within the site and whenever possible to adjoining public areas.

4.10.5.5.7. Utilities:

- a. To the maximum extent feasible, all utilities should be located underground.

4.10.5.6. Signage:

- a. At each principal entrance to the site, one sign only shall be permitted, of a maximum signboard area of twelve (12) square feet, with content limited to identifying the name and address of the development. Within the development, signs, not to exceed one square foot each, of a number and location to be approved as part of the PRD Plans, may be permitted for the sole purposes of orientation and direction, and of identifying common building spaces.

4.10.5.7. Environmental Standards and General Development Guidelines:

In addition to conforming to the Use and Dimensional Requirements governing PRD Overlay Districts, approval of the Special Permit to construct a PRD shall be granted only upon determination by the CPDC that a proposed PRD satisfies the following criteria; in any disapproval of a PRD, the CPDC shall state in writing the specific reasons for its finding that the proposed PRD does not satisfy one or more of these criteria; mitigation measures proposed by the Developer, at no cost to the Town, shall be considered in making these determinations:

- a. That the proposed PRD conforms as appropriate to existing policy plans established by the Town Meeting, the Board of Selectmen, and the CPDC for the specific area of the Town in which the PRD is proposed to be located;
- b. That there is no significant adverse effect under any of the following:
 - (1) Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PRD Overlay District, adjacent residential districts and the Town as a whole,

- (2) Traffic flow and safety in the context of this and other proposed developments in the PRD Overlay District and sensitive neighboring areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference,
 - (3) Water quality, air quality, wetlands and the natural environment,
 - (4) Provision of open space,
 - (5) Adequacy of utilities and other public works and impact on existing public facilities within the Town, and
 - (6) Potential fiscal impact to the Town of Reading.
- c. That approval of the proposed PRD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

4.10.5.7.1. Environmental Standards:

A PRD shall conform in each phase to all applicable federal, state, and local laws and regulations (including all such regulations established by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection) regarding the environment, including those concerning noise, air quality, wetlands, water quality, runoff and erosion control, and protection from flooding.

4.10.5.7.2. Significant Traffic Impact:

The CPDC may not approve a proposed PRD development which in its opinion has significant adverse traffic impact, as determined following examination by the CPDC of the Developer's traffic analysis and any other traffic analysis of the affected area available to the CPDC which is germane to the proposed PRD development. In making its determination, the CPDC shall consider the feasibility of any capacity improvements and mitigating measures proposed to be provided by the Developer at no cost to the Town. In making such determinations, the full traffic impact of all other Preliminary or Final PRD Plans shall be considered, regardless of project phasing. Without limitation, the determination of significant adverse impact shall consider traffic volumes, speeds, effect on pedestrian safety and access, and resulting levels of service on residential streets, approaches to the site of the proposed PRD, and other key locations, all of which may be identified in a Pre-Application Conference.

4.10.5.7.3. Control of Runoff and Flooding:

The Developer shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed PRD will result in an increase in the peak rate of storm runoff at the parcel boundary for the PRD as a whole for the 25-, 50-, and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of applicable Wetlands Protection Laws or Bylaws shall be assumed in the calculations of runoff and flood storage without the PRD, but alternative forms of development shall not

be assumed. In addition, the Developer will demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the PRD are fully identified and that workable and acceptable mitigation measures are proposed as part of the Preliminary and Final PRD Plans. To assist in its evaluation of any PRD Plans, the CPDC may require the Developer to submit said plans to the Reading Conservation Commission for review and recommendations to the CPDC.

4.10.6. Resident's Association:

In order to ensure that common open space and common facilities within the development will be properly maintained, each PRD development shall have a Resident's Association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Middlesex South Registry of Deeds or Registry District of the Land Court. As part of the Final PRD Plan submission, the Developer shall supply to the CPDC copies of such proposed instrument, which shall at a minimum provide the information required by said PRD Plan Submission and Development Regulations in effect at the time of Final PRD Plan submission.

In cases where the PRD Plan proposes private roadways which do not meet standards established by the Reading Department of Public Works, said legal instruments pertaining to the Resident's Association shall specify that the Resident's Association shall be solely responsible for roadway maintenance, snow-plowing, and improvements, for all costs associated with the operation and maintenance of street lighting, and for reimbursement to the Town of all costs incurred by the Town relative to such private roadways in all acts of maintaining or repairing utility lines contained in utility easements dedicated to the Town. In cases where the PRD Plan shows private utilities, said legal instruments shall specify that the Resident's Association shall be solely responsible for the operation and maintenance of said utilities.

5.0 INTENSITY REGULATIONS

No use shall be established nor building or structure erected in any district unless it conforms with the dimensional regulations of this By-Law. 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.

5.1. GENERAL REQUIREMENTS

5.1.1. Dimensional Requirements for all uses and building shall be as specified in Paragraph 5.1.2., "Table of Dimensional Controls," and are part of this By-Law. The letters "N.A." in this table denote particular dimensional controls which are not applicable to a particular use.

5.1.2. Table of Dimensional Controls

	Minimum Lot		Minimum Yds.				Maximum	Maximum Building Height
	Lot Width Circle Diameter Feet	Area Sq. Feet	Frontage Feet	Front Feet	Side Feet	Rear Feet	Coverage % of Lot	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		N.A.	N.A.	50	10	20	25	45
Apartment								
In A-40 Districts		40,000	80	30	30	30	25	40
In A-80 Districts		80,000	N.A.	60	60	60	12.5	60
In BUS-A Districts		40,000	N.A.	30	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+	N.A.	20	N.A.	N.A.	N.A.	60
Hotel or Motel								
In Bus-A Districts		N.A.	N.A.	50	10	20	60	45
In Bus-B Districts		N.A.	N.A.	N.A.	N.A.	20	85	45
In Bus-C Districts		N.A.	N.A.	10	10	10	60	55**
In Ind Districts		N.A.	N.A.	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	N.A.	N.A.	N.A.	40
In A-80 Districts		80,000	N.A.	20	N.A.	N.A.	N.A.	60
In BUS-A Districts		N.A.	N.A.	50	10	20	60	45
In BUS-B Districts		N.A.	N.A.	N.A.	N.A.	20	85	45
In BUS-C Districts		N.A.	N.A.	10	10	10	60	55**
In Ind Districts		N.A.	N.A.	50	20	20	60	60*

* Except as provided in Section 5.2.5.3.

** 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 it 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.

5.2. SUPPLEMENTARY REQUIREMENTS

All buildings, structures and uses shall be subject to the following additional requirements:

5.2.1. Lot Shape:

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:

- a. The geometric shape entirely complies with the area and frontage requirements of these By-laws;
- 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
- 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:

$$(\text{Area of Geometric Shape}) \times 22 > (\text{Perimeter of Geometric Shape})^2$$

5.2.2. Lot Frontage:

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.

5.2.3. 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.

5.2.3.2. In Residence Districts, minimum yard requirements shall not apply to projecting eaves, cornices, chimneys, steps, window sills and belt courses.

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.

5.2.3.4. No building shall be located within a required front yard.

- 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 set back 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.

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.

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.

5.2.4. Lot Coverage:

5.2.4.1. In Industrial Districts, coverage shall be computed using the accessory as well as the principal buildings.

5.2.5. Height:

5.2.5.1. In Apartment 40 Districts, no building shall exceed three (3) stories in height.

5.2.5.2. Maximum height regulations shall not apply to chimneys, elevators, poles, spires, tanks, towers or similar structures not used for human occupancy.

5.2.5.3. 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:

- 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;
- 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
- c. The building is located on a lot of at least twenty-five (25) acres."

5.2.6. Gross Floor Area:

5.2.6.1. In Apartment 40 and Business A Districts, the gross floor area of an apartment shall not exceed forty (40) percent of the lot area.

5.2.6.2. In Apartment 80 Districts, the gross floor area of apartments shall not exceed the lot area.

5.2.7. Landscaped Area:

5.2.7.1. 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.

5.2.7.2. In Apartment 80 Districts, not less than thirty-five (35) percent of the area of a lot containing apartments shall be landscaped.

5.2.8. Building Per Lot:

5.2.8.1. In any district other than Apartment 80 and Business C, not more than one principal building shall be erected on a lot.

5.2.8.2. Where two or more principal buildings are on the same lot, they shall be located at least fifty (50) feet apart.

5.2.9. Upland Requirement:

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:

<u>Zoning District</u>	<u>Minimum Area Outside of Wetlands Resource Area</u>
Single Family 15	12,000 square feet
Single Family 20	12,000 square feet
Single Family 40	20,000 square feet

5.3 SPECIAL CASES

5.3.1 Transitional Areas:

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;

5.3.1.1. Table of Additional Dimensional Controls for Transitional Areas					
District	Distance From Residence District	<u>Minimum Yards</u>			Maximum Height Feet
		Front Feet	Side Feet	Rear Feet	
Business B	Adjoining	5	10	N.A.	N.A.
	within 80 feet	5	N.A.	N.A.	N.A.
Industrial	Adjoining	N.A.	100	100	N.A.

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.

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:

- 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.
- 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.

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:

- a. No building shall be located within one hundred (100) feet of a Residence District.
- 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.
- 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."

6.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS

6.1 OFF-STREET PARKING AND LOADING AREAS

6.1.1. Required Spaces:

Off-street Parking and Loading Spaces are required to be provided in accordance with the following provisions:

6.1.1.1. No land shall be used and no building shall be erected, enlarged or used unless off-street parking areas, and off-street loading and unloading areas, conforming in amount and type to that described herein, are provided except that retail stores, offices and consumer service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempted from off-street parking requirements.

6.1.1.2. Off-street parking areas, or loading and unloading areas shall be provided on the same lot as the use they serve, except that the Board of Appeals may permit off-street parking areas to be provided on another lot, but in no event shall such areas be more than three hundred (300) feet distance from the use they serve; provided, however, that in a Business C District, off-street parking areas or loading and unloading areas may be provided on or off the same lot more than three hundred (300) feet distance from the use they serve without such permission from the Board of Appeals so long as they are located within the Business C District and provided such parking and loading rights are evidenced by legally sufficient instruments approved as to form by Town Counsel and filed with the Town Clerk."

6.1.1.3. Off-street parking areas, or loading and unloading areas shall be provided in the amounts set forth in the following table. Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one. In the event of a conflict of interpretation as to the category of the principal use, the Board of Appeals shall determine the proper interpretation.

6.1.1.3 Off-Street Parking and Loading/Unloading Requirements:		
Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
One Family Detached	Two spaces plus one space for each room offered for rent or accessory apartment, and in the event that the said house is lawfully used for the business or profession of the occupant, one additional space for each two rooms used for said business or profession.	None
Two Family	One and one-half spaces for each dwelling unit plus one space for each room offered for rent and one space for each two rooms used for customary home occupation.	None
Apartment Dwelling	One and one-half spaces for each dwelling unit.	One space for each twenty (20) rental units.
Lodging Houses, Hotels, Motels and Tourist Homes	Two spaces plus one space for each separate rental unit used for such purposes.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.

6.1.1.3 Off-Street Parking and Loading/Unloading Requirements: (Continued)		
Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
Nursing Home	One space for each three (3) licensed beds.	One space for each seventy (70) licensed beds.
Retail Stores, Offices and Consumer Service Establishments	One space for each three hundred (300) square feet of gross floor area or fraction thereof.	One space for each five thousand (5,000) square feet of gross floor space in excess of two thousand (2,000) square feet of gross floor area.
Restaurants	For restaurants with seating, one (1) space for every four (4) persons of the rated seating capacity of the facility, plus one (1) space for every employee on the largest shift. For restaurants with no seating, one (1) space for every seventy-five (75) square feet of net floor area or fraction thereof, but no less than ten (10) spaces shall be provided. In addition to the foregoing, restaurants with drive-thru windows shall provide both a pass-through lane and a drive-thru lane. The drive-thru lane shall have stacking capacity of at least one hundred ninety eight (198) feet in length of which at least ninety (90) feet of the stacking spaces are to be for ordering and the transaction of business. In addition to the foregoing, the drive-thru lane shall also have stacking capacity of fifty-four (54) feet exiting onto the road.	One space 0-2000 square feet of floor area; two spaces - 2001-4000 square feet of floor area; three spaces - over 4000 square feet of floor area. *No additional spaces shall be required for restaurants located in hotels where the gross floor area of the restaurant has been included in the gross floor area of the hotel.
Industrial and Manufacturing Establishments	One space for each five hundred (500) square feet of gross floor area or fraction thereof.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.

6.1.1.3 Off-Street Parking and Loading/Unloading Requirements: (Continued)		
Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
Office and Professional Building	One space for each three hundred (300) square feet of gross floor area or fraction thereof.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.
Townhouse Development	Two spaces for each dwelling unit.	None

6.1.2. Design:

6.1.2.1. Off-street parking and unloading areas shall be designed in accordance with the following provisions:

6.1.2.2. Each required off-street surface parking space shall be not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of drives and maneuvering space. For off-street parking spaces in enclosed accessory structures, such spaces shall be not less than eight (8) feet, six (6) inches in width, seventeen (17) feet in length, with twenty-six (26) foot aisle widths. Each off-street loading and unloading space shall be not less than twelve (12) feet wide and thirty-five (35) feet long."

6.1.2.3 Each required off-street parking space or loading and unloading space, shall have access to a street via a drive.

6.1.2.4. Off-street parking areas, or loading and unloading areas, may be open or enclosed in a structure, provided that, if open, such areas shall be graded, drained and surfaced to the extent necessary to avoid nuisances.

6.1.2.5. In an Apartment 80 District, all parking for apartments shall be a minimum of thirty (30) feet from any street line, lot line, or zoning district line.

6.1.2.6. In an Apartment 40 and Business A District, all parking for apartments shall be located to the rear of the front building line.

6.2 SIGNS

6.2.1. General Provisions:

6.2.1.1. Purpose: The purpose of this section is:

- a. To encourage the effective use of signs as a means of communication in the Town,
 - b. To maintain and enhance the quality of the physical and visual environment as essential components of the Town's character and identity and of the Town's ability to attract and retain appropriate economic activity,
 - c. To improve traffic, pedestrian, and public safety,
 - d. To minimize possible adverse affects of signs on nearby public and private properties,
 - e. To enable fair, consistent, and effective enforcement of the provisions of Section 6.2.
- 6.2.1.2. Applicability: A sign may be erected, placed, established, painted, created or maintained only in conformity with the provisions of this Section.
- 6.2.1.3. Definitions: For the purposes of Section 6.2., the following terms shall have the meanings hereby assigned to them:
- a. Area Identification Sign: A sign, located at the site entrance(s), identifying a common area containing a group of structures, or a single structure containing several uses.
 - b. Banner or Pennant: Any sign of lightweight fabric or similar material that is mounted or affixed at one or more edges, except that the Flags of the United States of America, the Commonwealth of Massachusetts, the Town of Reading, and any other Federally tax-exempt organization shall not be considered to be banners if displayed in a noncommercial manner; any flag otherwise displayed or any other flag displayed on a nonresidential lot shall be construed to be a banner.
 - c. Beacon: A stationary or revolving light, not primarily illuminating a sign, which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except any such fixture which is required by the Federal Aviation Administration or a similar agency and is installed and operated under the safety regulations of such agency.
 - d. Bulletin Board: Any sign erected by a charitable, educational, or religious institution or a public body on its property for purposes of announcing events which are held on the premises, and contains no commercial information.
 - e. Changeable Copy Sign/Reader Board: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign or signboard; a sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign; a sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign.
 - f. Commercial Message: Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, sale, or sales event or other commercial activity.

- g. Joint Identification Sign: A sign which serves as common or collective identification for a group of persons or businesses operating on the same lot and which contains no advertising or promotional information.
- h. Marquee Sign: Any sign attached to or made part of a marquee, that is, any permanent canopy or structure projecting beyond and extending along a building wall.
- i. Off-Premises Sign: Any sign which directs attention to a business, commodity, service, entertainment, attraction, or other commercial activity which is sold, offered, or existing elsewhere than upon the same lot on which such sign is located, including any outdoor advertising sign ("billboard") on which space is leased or rented for the purpose of conveying a commercial or non-commercial message.
- j. Portable Sign: Any sign not permanently attached to the ground or any permanent structure or a sign designed to be transported in any way including:
 - signs converted to "A" or "T" frames;
 - menu and sandwich-board signs;
 - balloons or blimps used as signs;
 - movable poster or panel signs;
 - umbrellas containing any commercial message; or
 - signs attached to or painted on vehicles traveling or parked on, or visible from any public right-of-way, unless such vehicle is used in the normal day-to-day operation of a business.
- k. Sign Area: The area contained entirely within the signboard (the flat surface of durable material upon which letters or other graphic content of a sign is displayed) or if no sign board is present the area contained entirely within the smallest square, circle, triangle, or rectangle which completely encloses the outer extremities of all graphic material of a sign.
- l. Sign Height: The distance from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure; normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign; in cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the nearest point of the crown of the public street along which the lot has frontage or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- m. Temporary Sign: Any sign which is used temporarily, relates to events of a temporary nature, or is not permanently mounted.

6.2.2. Signs in Any Zoning District:

6.2.2.1. Signs Allowed Without Permit:

Signs for which no permit is required are identified in Table 6.2.3 and Section 6.2.2.5.

No private sign shall be installed or placed on public property, except by express permission of the Town or as otherwise allowed herein.

6.2.2.2. Removal of Defunct Signs:

In the event a business, other than a seasonal business, ceases operations for a period of time in excess of thirty days, the sign owner or lessee, or the property owner, shall immediately remove any identification or advertising of said business or any product or service sold thereby. If the sign conforms to the provisions of this Section, and if a permit has been requested within said thirty-day period for altering the same sign in conformity with this Section to identify a new business in the same location, such alteration shall be allowed. Changes in legend on any directory sign shall be exempt from the provisions of this paragraph.

6.2.2.3. Nonconforming Signs:

All nonconforming signs shall be removed or shall be altered so as to conform with the following provisions, whichever occurs sooner:

- a. When the nature of the business changes and the sign is changed or modified in shape, size, or legend; or
- b. When the name of the business changes and the sign is changed or modified in shape, size, or legend; or
- c. July 1, 1994 for any temporary sign or nonconforming temporary or permanent window sign; or
- d. July 1, 2000 for any internally illuminated sign which does not have an opaque background; or
- e. July 1, 2000 for any sign which is in excess of the number of signs allowed per business or per lot; or
- f. July 1, 2005 for any nonconforming permanent sign which had an original installed cost of \$10,000 or less; or
- g. July 1, 2010 for any nonconforming permanent sign which had an original installed cost of more than \$10,000.

A nonconforming sign may not be enlarged or altered in any way which would increase its nonconformity. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Section.

6.2.2.4. Prohibited Signs:

The following signs are prohibited in any zoning district:

- a. Signs which interfere with traffic or pedestrian safety, including any which may obstruct or interfere with traffic or pedestrian visibility or movement at any intersection or into or out of any property, or which by reason of position, shape, or color may interfere with, may obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP", "LOOK", "DANGER", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists or pedestrians.

- b. Signs placed or painted on any tree (other than street address), rock (other than street address), utility pole (other than yard sale sign), traffic safety sign, or similar fixture; painted on any building wall, bench, pavement, parking bumper or curb (other than a "Reserved" marking), or other similar outdoor surface.
- c. Internally illuminated signs in a Business-B Zoning District, internally illuminated signs without opaque background or signboard in any other zoning district; signs which contain a beacon of any type; which contain a spot light providing direct illumination to the public; which flash, revolve, rotate, move, or blink, or which fluctuate in light intensity; animated signs, that is, which use lighting to depict action or to create an illusion of movement or a special effect or scene; neon or similar signs except as displayed on the inside of windows subject to the provisions of Paragraph 6.2.3.2.d.
- d. Banners (except as an "OPEN" flag as specified in Paragraph 6.2.3.2.1. below, or a temporary sign as specified in Paragraph 6.2.3.2.i below) pennants, off-premises signs (except by Special Permit as provided in Section 6.2.3.2.1.), portable signs, roof signs extending above the parapet or ridgeline of a structure, or strings of lights not permanently mounted to a rigid background, of any type, except as provided in Subsection 6.2.2.5.e.
- e. Signs located on any portion of a lot except a front yard or a side yard directly abutting a public street.
- f. Signs which do not meet and are not maintained to meet the provisions of this Section and all applicable building, wiring, health, and safety codes; or which are not neatly and legibly lettered.

6.2.2.5. Exempt Signs:

The following signs are exempt from this Section 6.2 and may be installed without permit, provided that the following is complied with:

- a. Authorized signs installed by the Town of Reading or the Commonwealth of Massachusetts, or any agency thereof, or with the express written permission thereof, for the purposes of traffic control or traffic or pedestrian safety or convenience, identification of public facilities or streets, or for direction to same; public notices and warnings required by and erected by Town, State, or Federal Government agencies.
- b. Directional signs; building markers.
- c. Political signs on private properties or vehicles only, provided that such sign shall not exceed six square feet in sign area, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than forty-two days prior to the appropriate election or more than two days following such election.
- d. Signs for churches and other federally tax-exempt institutions.
- e. Holiday lights and decorations which contain no commercial messages and which are displayed during the appropriate season.
- f. Works of art which contain no commercial messages.

- g. Fuel pump information signs, only as required by State law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.
- h. Any sign within a structure, not attached to any window or door, which is not visible from other properties or from any street right-of-way.
- i. Identification Signs, showing resident's name, street address and/or name of a lawful home occupation taking place on the premises.
- j. Construction Signs, identifying contractors while doing construction work on a property.
- k. Temporary Subdivision Sales Signs and permanent Subdivision Identification Signs as approved in connection with the Definitive Plans for such subdivision and located at the principal entrance to the subdivision in an acceptable easement, not within any street right-of-way or access easement.
- l. Real Estate Sales Signs, including placards showing the words "Sold" or "Sale Pending or similar not exceeding one-third the size of the sales sign.
- m. Temporary Open House signs, not exceeding four square feet each, may be placed at a rate of one per agency per intersection per property and one on the open house property.
- n. Garage/Yard Sale Signs, limited to one sign located on the property on which the garage/yard sale is taking place and one at each of no more than two intersections of public streets.

6.2.3. Signs by Zoning District:

Signs are allowed or permitted in each Zoning District only as specified in Table 6.2.3. and as follows:

6.2.3.1. Signs in Residential Districts:

Except for identification signs (6.2.2.5.i.) or signs allowed in Subsection 6.2.3.1.1., no sign in any Residential Zoning District shall be illuminated in any manner. Decorative non-commercial banners or flags displayed on residential lots shall not be construed as signs for purposes of this By-Law. In connection with any Special Permit to Construct a Planned Residential Development (PRD) granted in accordance with Section 4.10. hereof, the Community Planning and Development Commission may allow modifications to any provision of this Section which is not inconsistent with the Purposes of this Section as specified in Subsection 6.2.1.1.

6.2.3.1.1. Business or Commercial Signs:

Legal nonconforming business or commercial operations in any residential zoning district shall be permitted only such signs as are permitted in a Business-B Zoning District, as specified in Subsection 6.2.3.2.2., except that such signs shall be set back a minimum of twenty feet from any other lot and shall not be illuminated except during hours of operation.

6.2.3.2. Signs in Business and Industrial Zoning Districts:

In addition to the requirements of Table 6.2.3., the following signs are allowed in all Business and Industrial Zoning Districts:

- a. Signs in connection with legal nonconforming residential uses in these districts shall comply with the provisions, and be subject to the exemptions allowed, in Subsection 6.2.3.1. above.
- b. Retractable opaque cloth awnings may contain letters up to four inches in height stating only the name of the business without requiring a sign permit. Such lettering shall not count toward allowed sign area. All other awnings or canopies with lettering or graphics shall require a sign permit and count as part of allowed sign area. Retractable awnings shall have a minimum ground clearance of seven feet and, unless otherwise approved by the Community Planning and Development Commission, all other awnings or canopies shall have a minimum ground clearance of ten feet. Ground clearance shall be measured between the lowest point of the awning or canopy and the ground or sidewalk. No awning or canopy shall be illuminated in such a way that the light from such illumination is visible through the canopy or awning.
- c. Bulletin boards are allowed, provided that no free-standing or wall-mounted bulletin board may exceed twelve square feet in size.
- d. Window Signs: No sign may be attached to the outside surface of any window or door. Temporary or permanent signs may without permit be attached to the inside of the glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within the premises closer than five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through an window or door, provided that any such sign shall:
 - (1) Be uniformly located only in thirty percent of the glass sheet or sash;
 - (2) Contain no letters larger than six inches in height;
 - (3) Not be restricted with respect to graphic or message content, whether of a permanent or temporary nature, nor be restricted with respect to materials, provided that professional appearance and good order shall be maintained at all times;
 - (4) Have a sign area not to exceed six square feet if the sign is not illuminated;
 - (5) In addition to the above, any illuminated sign (including any internally illuminated sign and including any made of neon tubes) shall be placed only in a window, and not in a door, and shall also:
 - (a) Have a sign area not to exceed four square feet;
 - (b) Be placed no closer than ten feet from any other internally illuminated window sign on the premises;
 - (c) Be placed only in a window which contains no other signs of any type; and

- (d) Be illuminated only during hours of operation of the business establishment.

Notwithstanding the above, window signs shall also be allowed in conformity with the provisions of Paragraph 6.2.3.2.i. below.

- e. Directional, identification, and informational signs are allowed provided that such signs shall be limited to wall and free-standing signs with a maximum of four square feet of sign area. One such sign, not exceeding six feet in height, may be placed at each vehicular entrance or exit on a lot to identify such entrance or exit provided such sign does not constitute a traffic hazard; such signs shall not affect the computation of allowable number of signs or aggregate sign size on a property. One such sign, not exceeding six feet in height and four square feet of sign area, may be placed in conjunction with each drive-up bank teller window or machine provided that such sign shall not constitute a traffic hazard.
- f. Marquee signs are prohibited except when used in conjunction with an indoor movie theater and attached to the outside wall of the building, provided that the size of the marquee sign shall not exceed twenty-four square feet, and the bottom of the marquee sign shall not be of a height of less than 8 feet above the grade directly below.
- g. Outdoor menu boards are prohibited except when used in conjunction with a restaurant having a drive-up window, provided that there be not more than three such signs with an aggregate total sign area not to exceed one hundred square feet, no one sign to exceed fifty square feet, and that any lettering thereon shall not be legible from any other property or any street right-of-way, shall be allowed per restaurant.
- h. Area identification signs are prohibited unless the size of the sign and the location of the wall or other structure upon which such sign is to be mounted are approved consistent with Subsection 6.2.1.1., by the Building Inspector, or in the case of Site Plan Review (Section 4.3.3.) by the Community Planning and Development Commission, based on traffic and pedestrian safety considerations; unless the size of the sign does not exceed twenty-four square feet and the height of the sign does not exceed six feet; and unless the sign has been granted a Certificate of Appropriateness as specified in Subsection 6.2.4. if located in a Business-B Zoning District.
- i. Temporary signs only for business openings and reopenings, open houses, and special sales and promotional events for an individual business, are allowed, provided that the individual business shall place no more than three such signs per year (except in conjunction with an organized Town-wide common special event as specified below), that no such sign shall exceed sixteen square feet in sign area, that any such sign shall be printed or legibly lettered on a rigid signboard or fabric banner, that no such sign shall be a portable sign, that no such sign shall be displayed for more than fourteen consecutive days, that no such sign shall be placed so as to constitute a hazard to motorists or pedestrians, that if placed upon a window any such sign shall be included in the aggregate window area specified in Paragraph 6.2.3.2.d. above, and that any such sign shall have received a temporary sign permit from the Building Inspector.

In the case only of common special events organized by a recognized association of businesses for which events a license has been granted by the Board of Selectmen, an individual participating business may display a temporary sign in conjunction with such an event, provided that such signs related to said events shall not exceed three per year.

- j. Farm Stands and Garden Stands which do not have permanent windows shall be allowed, without permit or limitation as to number or material, to display temporary signs identifying goods offered for sale on the premises, provided that such signs are kept in good order and that the aggregate total sign area of all such signs on a lot shall not exceed one square-foot per lineal feet of frontage of such lot. Decorative noncommercial flags may be displayed for sale.
- k. Clocks, not to exceed eight square feet in surface area per side or twelve feet in height, are allowed, provided that they display no advertising or commercial material. Time and temperature displays may be included in any free-standing or wall sign, and no more than twelve additional square feet of sign area may be added to the otherwise allowable sign area of such sign.
- l. Any establishment located in a Business-A, Business-C or Industrial Zoning District may display not more than one flag, not to exceed 4 feet by 6 feet in dimensions, which may state only the word "OPEN" in letters not to exceed 8 inches in height, together with decorative graphics. Any establishment located in a Business-B Zoning District may display not more than one such flag in accordance with standards established by the Community Planning and Development Commission.
- m. For commercial buildings containing more than one business requiring wall signage, any wall sign provided for any such business must be in conformity with the requirements of this Section 6.2 and in accordance with the following stipulations concerning an overall signage plan for such building. The signage plan shall show not more than one wall sign per business within the building; however, at the owner's election not every business within the building need be provided with a wall sign within the proposed assemblage. No wall sign shall be issued a sign permit for any building for which a signage plan has been submitted or approved that is not included in or is not in conformity with the applicable signage plan. The signage plan need not show the specific message content for any individual sign contained therein, so as to provide for change in business occupancy which may from time to time occur within the building:
 - (1) In the Business-A, Business-C and Industrial Zoning Districts, the building owner may provide to the Building Inspector, or in the case of Site Plan Review may submit for approval to the Community Planning and Development Commission, signage plan for the building showing the allocation within the maximum sign area as allowed according to Table 6.2.3. hereof among wall signs for businesses within the building. This signage plan shall show the size, placement, materials, framing, graphic and design standards for each such sign and the assemblage thereof proposed within said allowable maximum sign area, together with proposed lighting and methods of attachment of all such signs.

Upon application therefor by the building owner or the respective business owner, the Building Inspector shall issue a sign permit for any individual sign to be placed within the assemblage upon determination as to the conformity of such individual sign to the signage plan; or

- (2) The Community Planning and Development Commission, may upon the submission of a signage plan for buildings located in the Business-B Zoning District, showing the allocation within the maximum sign area allowed under Table 6.2.3 herein, in accordance with the provisions of Section 6.2.4 below, issue a Certificate of Appropriateness.

This signage plan shall show those characteristics as specified in Section 6.2.4 for each such sign and the assemblage thereof proposed within said allowable maximum sign area. The Building Inspector shall issue a sign permit for any individual sign within the assemblage upon a determination of the conformity of such individual sign with the approved signage plan.

6.2.3.2.1. Signs in Business-A Zoning Districts:

Free-Standing, wall, and projecting signs permitted in any Business-A Zoning District are specified in Table 6.2.3. and as follows:

All internally illuminated signs shall have an opaque background or signboard such that illumination shows through only the lettering or graphics. A lot which contains not more than one establishment shall be allowed one free-standing sign or one wall sign or one projecting sign only; the street address number of the property shall be prominently displayed on such sign, and the sign shall in all respects conform to the above requirements.

A lot which contains more than one establishment shall be allowed a maximum of the following signs, all of which shall in every respect conform to the requirements of this Section:

- a. One free-standing sign identifying the property, and
- b. One wall or projecting sign per business occupying the ground floor and front wall of the building, except in cases where the provisions of Paragraph 6.2.3.2.m. are utilized, provided that a lot may contain only wall or only projecting signs, and
- c. One joint identification sign listing the names and logos of the establishments on the premises but containing no other advertising matter, mounted either on an appropriate building wall or on two posts, provided that such joint identification sign shall not exceed sixteen square feet in sign area, shall not exceed eight feet in height, and shall not be located within a front, side, or rear yard as required in Subsection 5.1.2. hereof,
- d. Either the allowed free-standing sign or, if no free-standing sign is used, then at least one wall or projecting sign, shall prominently display the street address number of the property.

The Board of Appeals may grant a Special Permit for an Off Premises Sign including an outdoor advertising sign ("billboard") in a Business A zoning district under the following conditions:

- a. The proposed sign shall be in a Business A district immediately abutting an Interstate Highway, and within 25 feet of the main right of way of such highway excluding on and off ramps;
- b. The placement of the proposed sign shall be conditioned upon the Elimination of no less than three non-conforming Off Premises signs elsewhere in the Town of Reading;
- c. There shall be no more than one Off Premises sign on any one lot that existed as a separate lot at the time of adoption of this section;
- d. The sign may be double sided with no greater than a 30 degree angle of separation between the two faces;
- e. Illumination of the sign shall be by external illumination only and illumination shall be limited to the hours of 6:00 p.m. to 10:00 p.m.;
- f. The sign shall not exceed 675 square feet on each of the two permitted faces;
- g. The maximum height of any Off Premises sign shall be 95 feet from the ground level upon which the sign is installed to the highest point of the structure;
- h. The nearest part of any Off Premises sign shall be no closer than 20 feet from an abutting property, and no less than 10 feet from the highway right of way; and
- i. The proposed use shall not be detrimental to the public good.

6.2.3.2.2. Signs in Business-B Zoning Districts:

No sign permit shall be issued for any permanent sign in the Business-B Zoning District without the sign having been granted a Certificate of Appropriateness (Subsection 6.2.4.). Wall and projecting signs permitted in any Business-B Zoning District are specified in Table 6.2.3. No lot may contain a mixture of wall signs and projecting signs, but shall contain either all wall signs or all projecting signs. No free-standing or Changeable Copy/Reader Board signs shall be permitted.

Signs for properties containing more than one establishment:

For a lot which contains more than one business, a Certificate of Appropriateness may be granted for more than one sign, and a maximum of the following signs are allowed, all of which shall in every respect conform to the requirements of this Section:

- a. One wall or projecting sign per business occupying the ground floor and front wall of the building, except in cases where the provisions of Paragraph 6.2.3.2.m. are utilized, and
- b. One joint identification sign listing the names and logos of the establishments on the premises but containing no other advertising matter, mounted on the building wall immediately adjacent to the leading to such establishments, provided that such joint identification sign shall not exceed four square feet in sign area, shall not exceed eight feet in height, and shall not be located so as to project beyond the property line.

- c. In addition to the signs allowed above, a building may contain one additional wall sign not to exceed four square feet in sign area and subject to the height limits specified for wall signs, provided that such sign shall only display the street address number of the property.

The provisions of Subsection 6.2.2.4. to the contrary notwithstanding, wall signs or projecting signs may be placed on the wall of a building which directly faces a side street or a public off-street parking lot as if such wall were front wall of the building or a side wall directly facing the public street providing principal frontage for the lot as specified in said Subsection, provided that the sign area of any such sign shall not exceed half the sign area allowed for a sign located on the principal frontage of such building. Temporary signs of one square foot or less may be displayed without permit and without restriction on material or number in direct connection with goods offered on outside tables, bins, or racks during a sidewalk sale.

6.2.3.2.3. Signs in Business-C Zoning Districts:

No signs are permitted in any Business-C Zoning District except in accordance with the provisions of Paragraph 6.2.3.2.1., provided, however, that in addition to those signs allowed in said paragraph, a wall sign consisting only of the name and corporate logo of the principal occupant of a building located within eighteen hundred feet of the centerline of an Interstate Highway may be displayed between the top course of windows and the parapet of such building provided that sign area not exceed fifty percent of the surface area described by the tops of such windows, the parapet, and the wall corners, that letters and logo contained in or constituting such sign shall not exceed eight feet in height, that the lowest point of such sign shall not be closer than 48 feet above the ground immediately below, that such sign shall not be illuminated between the hours of 11:00 PM and sunrise, and that such sign shall be located on the building wall most directly facing said highway.

6.2.3.2.4. Signs in Industrial Zoning Districts:

No signs are permitted in any Industrial Zoning District except in accordance with the provisions of Subsection 6.2.3.2.3. hereof, except that in connection with any Special Permit to Construct a Planned Unit Development (PUD) granted in accordance with Section 4.9. hereof, the Community Planning and Development Commission may, consistent with Subsection 6.2.1.1., allow modifications to any provision of this Section, and may allow one additional free-standing sign, not to exceed thirty-five feet in height or 144 square feet in sign area, in that portion of the PUD parcel's landscaped perimeter buffer area most closely adjacent to Route 128 but not closer than 500 feet from any other public street existing at the time of submission of a relevant Preliminary PUD Plan.

6.2.3.3. Signs in a PUD:

Notwithstanding anything in this Section 6.2 to the contrary, signs are allowed or permitted in a PUD only in accordance with Section 4.9.5.6. of these By-Laws.

Table 6.2.3. Signs Permitted According to Zoning District

		Max.	Max.			
		Sign	Sign	Setbacks:		
	Permit	Area	Height	Front	Side	Maximum
Type	Required	(sq. ft.)	(ft.)	(ft.)	(ft.)	Number
All Zoning Districts:						
1. Personal Message	N	4	6	N/A	20	1/lot
2. Identification	N	1	6(A)	N/A	N/A	1/lot
3. Construction	N	16(B)	N/A	N/A	20	N/A
4. Subdivision Sales	(C)	48	N/A	N/A	N/A	1/subdiv.
5. Subdivision	(C)	24	N/A	N/A	N/A	1/subdiv.
6. Real Estate Sales	N	8	6	N/A	20	1/lot
7. Temp. Open House	N	4	N/A	N/A	20	1/agency per lot
8. Garage/Yard Sale	N	4	N/A	N/A	20	1/lot
Business-A, Business-C and Industrial Zoning Districts:						
9. Free-Standing	Y	50(D)	20	0	20	1/lot
10. Wall	Y	2/4E	(A)	49	10	1/business
11. Projecting	Y	8	(A)	46	10	1/business
Business-B Zoning Districts:						
12. Wall	Y	2(F)	(A)	0	0	1/business
13. Projecting	Y	8	(A)	-4	0	1/business
NOTES:						
(A) No portion of such sign shall extend higher than the bottom of the sills of the windows of the second floor of a building or higher than the lowest portion of the eaves or, in the case of a gabled wall, no higher than a line equal in height to the lowest portion of the lower eave of any adjoining building wall, whichever of the above is lowest.						
(B) Aggregate sign area of all applicable signs.						
(C) Only as shown in Definitive Subdivision Plans as approved by the Community Planning and Development Commission consistent with Paragraph 6.2.1.1.						
(D) May not be larger than 75 square feet, if more than one business occupies the lot.						

Table 6.2.3. (Continued)

- (E) If the minimum distance from the building wall on which the sign is mounted is less than 100 feet from the centerline of the street which the sign faces, the maximum sign area shall be equal to 2 square feet per linear foot of said wall occupied by the establishment to which the sign relates; if such distance is more than 100 feet, maximum sign area shall be equal to 4 square feet per linear foot of said wall so occupied.
- (F) No wall sign for any non-residential establishment shall exceed a sign area equal to 2 square feet per linear footage of length of the front wall of the building occupied by the establishment to which the sign relates.

Additional requirements by type listed in Table 6.2.3.

1. Displayed for not more than 14 days.
2. May display resident's name, address, name of home occupation.
3. Free-standing only; to be removed prior to Occupancy Permit.
4. Free-standing only; to be removed prior to Occupancy Permit for the last house in the subdivision.
5. Free-standing only; at principal entrance to subdivision.
6. Free-standing only; to be removed by 14th day after transfer of property.
7. Plus 4 total directional/agency/event; one per intersection, displayed only from 9:00 a.m. to 6:00 p.m. on the day of event.
8. Plus up to two directional signs/events; displayed only from 6:00 p.m. on the day before event to 6:00 p.m. on day of event.
9. Not more than two sign faces; 0' side setback on corner lots.
10. Parallel mounting on building wall only; no portion may project more than twelve inches from building wall; lesser front setback permitted for legally nonconforming buildings.
11. Perpendicular to building wall, no portion may project more than 4 feet from building; 10 feet minimum clearance above ground; no exposed guy-wires or turnbuckles.
12. Parallel mounting on building wall only; no portion may project more than six inches from building wall.
13. Perpendicular to building wall; no portion may project more than 4 feet from building; 10 feet minimum clearance above ground; no exposed guy-wires or turnbuckles.

6.2.4 Certificate of Appropriateness/Community Planning and Development Commission CPDC):

The CPDC shall establish procedures for receiving and reviewing applications for signs in the Business B Zoning District, and for providing written decisions to the Building Inspector. The CPDC shall, in reviewing such applications, consider the design, arrangement, location, texture, materials, colors, lighting, and other visual characteristics of each proposed sign and its compatibility with its general surroundings with regard to the purposes outlines in Paragraph 6.2.1.1

If the CPDC shall refuse to issue a Certificate of Appropriateness for any proposed sign, it shall state in writing the reasons therefor, with suggestions as to how the proposal may be modified so as to be approved.

If the CPDC shall fail to issue or refuse to issue a Certificate of Appropriateness within forty-five days of the date of a completed application being submitted, the Certificate shall be deemed to have been issued. An appeal from any decision of the CPDC may be made within twenty days of such decision being filed with the Town Clerk, to the Board of Selectmen, who may uphold, modify or overrule the action of the CPDC and grant a Certificate of Appropriateness. In those cases where proposed signs are included as part of plans for approval under Site Plan Review (Section 4.3.3) or PRD Special Permit review (Section 4.10), a Certificate of Appropriateness separate from such approval shall not be required and shall be combined with the review of said permit.

6.2.5. Severability:

In the event that any provision of this Section 6.2. shall be determined to be invalid by a Court of competent jurisdiction, the remaining provisions of this Section 6.2. not manifestly inseparable from the invalid provisions shall continue in force.

6.3. NONCONFORMING USES, STRUCTURES AND LOTS

Except as hereinafter provided, this Zoning By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or Special Permit issued before the first publication of notice of the public hearing on this By-Law, but shall apply to any change or substantial extension of such use, to a building or Special Permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose where alteration, reconstruction, extension or structural change to single or two-family residential structures does not increase the nonconforming nature of said structures.

6.3.1. Objectives:

The provisions of this section are intended to achieve the following purposes:

- a. To allow lawfully nonconforming situations to continue until they are discontinued or abandoned.
- b. To encourage change in nonconforming situations toward greater compliance with the provisions of this By-Law and to reduce the degree of nonconformity.

- c. To allow for the alteration, expansion or extension of a nonconforming use subject to the issuance of a Special Permit by the Zoning Board of Appeals.
- d. To permit possible expansion of nonconforming buildings provided there are no demonstrable adverse impacts on adjoining properties.
- e. To permit the reconstruction of the nonconforming situation in the event of the involuntary destruction in whole or part of a nonconforming situation so that the owner and tenants, if any, are not subjected to substantial economic loss while, at the same time, seeking to achieve greater conformity with the provisions of this by-law and to reduce any adverse impact on the surrounding area.
- f. To permit the treatment of nonconforming situations to be varied by the type of zoning district and the type of nonconformity, i.e., to have a different approach for uses, structures and parking lots.

6.3.2. Applicability:

6.3.2.1. Nonconforming Situations:

For the purposes of this By-Law, nonconforming situations are those uses, buildings, structures, parking lots, parking spaces, loading bays, signs, landscaping and other activities that are now subject to the provisions of this By-Law which were lawful before this By-Law was adopted, or before amendments to this By-Law which are applicable to the situation were adopted, and such situations do not now conform to the provisions of this By-Law.

6.3.2.2. Noncomplying Situations:

For purposes of this By-Law, noncomplying situations are those uses, buildings, structures, lots, parking spaces, loading bays, signs, landscaping and other activities that are subject to the provisions of this By-Law which were not lawfully created after this By-Law was adopted or after amendments to this By-Law which are applicable to those situations were adopted, and are in violation of this By-Law.

6.3.2.3. Noncomplying Situations Six (6) Years or Older:

In accordance with Massachusetts General Law (MGL), Chapter 40A, Section 7, any structure, or part thereof, which has been improved and used in accordance with the terms of a building permit issued by a duly authorized person, may not be the subject of an enforcement action by the Town to compel the removal, alteration or relocation of said structure, or the abandonment, limitation or modification of the use allowed by said permit unless enforcement action is commenced within six (6) years from the date of the alleged violation of law.

6.3.2.4. Noncomplying Structures Ten (10) Years or Older:

In accordance with MGL, Chapter 40A, Section 7, any structure, or part thereof, which has not been in compliance with this By-Law, or the conditions set forth in any Special Permit or variance affecting the structure, may not be the subject of an enforcement action by the Town unless enforcement action is commenced within ten (10) years from the date of the alleged violation of law.

6.3.3. Limitations:

A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is nonconforming, but not noncomplying, may be continued but may not be increased, expanded or altered, except as may be specifically authorized by this section. If such nonconforming situation is abandoned or terminated, as set forth below, it may not be resumed except in compliance with this By-Law.

6.3.4. Lawfully Created Situations:

A use, building, structure, lot, parking area, loading bay, sign, landscaping or any other activity, is considered to be lawfully created with respect to zoning requirements if:

1. It was in existence on March 16, 1942 when the Zoning By-Law was originally adopted, or
2. Subsequent to March 16, 1942, it was permitted by the Zoning By-Law either by right or by Special Permit and was in existence prior to the effective date of any amendment, which rendered it nonconforming.

6.3.5. Uses by Variance are not Nonconforming:

A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is not otherwise permitted and does not comply with this By-Law and exists due to the granting of a variance, is not a nonconforming situation, is not entitled to the treatments afforded by this section, and is bound by the conditions of the variance, as granted.

6.3.6. Once in Conformity, or Closer to Conformity, Cannot Revert:

Once a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which had been nonconforming, is brought into conformity with this By-Law, it shall not be permitted to revert to nonconformity. Once a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is nonconforming, is brought into closer conformity with this By-Law, i.e., the amount or degree of nonconformity is reduced, it shall not be permitted by right to revert to nonconformity with the provisions of this By-Law which is greater than the closest amount or degree of conformity which it has achieved.

6.3.7. Change in Lot that Results in Noncompliance:

No lot upon which there is a building or for which a building permit is in force shall be subdivided or otherwise changed in area or shape, except through public acquisition, so as to result in a violation applicable to either the lot or the building. A lot already nonconforming shall not be changed in area or shape so as to increase the degree of nonconformity with the requirements of this By-Law; however, a nonconforming lot may be changed in area or shape if, to do so, does not increase the degree of nonconformity. Said change shall be allowed by right. No building permit, Special Permit, certificate of occupancy or approval of a subdivision plan under the Subdivision Control Law shall be issued with reference to said transferred land until both the lot retained and the newly created lot(s) meet the requirements of this By-Law.

6.3.8. ***This section was disapproved by the Attorney General's Office.***

6.3.9. Discontinuance, Abandonment:

6.3.9.1. A nonconforming use or structure or other nonconforming situation is considered to be discontinued or abandoned whenever:

- a. It is not used for a period of twenty-four (24) consecutive months, or
- b. It is abandoned.

6.3.9.2. Discontinuance or abandonment of a part of a nonconforming use, structure or situation shall not normally be considered to be evidence of discontinuance or abandonment of the whole, unless that part which is discontinued or abandoned is the part which causes the nonconformity.

6.3.9.3. The rights of a nonconforming use, structure, building, lot, parking space, loading bay, sign, landscaping or other situation are not affected by a change in ownership, tenancy or management unless such ownership, tenancy or management is specifically a condition of the issuance of a permit.

6.3.10. Nonconforming Uses:

6.3.10.1. One-Family, Two-Family Dwellings:

An existing nonconforming one- or two-family dwelling or structure accessory thereto which is nonconforming with respect to use may be enlarged or extended for use for the same purpose provided that a Special Permit is issued by the Zoning Board of Appeals. In reviewing a request for such a Special Permit, the Board shall determine that the extension or enlargement is not substantially more detrimental than the existing use to the neighborhood.

6.3.10.2. Other than One-Family, Two-Family Dwellings:

- a. A nonconforming use may be continued to the same degree and for the same purpose. An existing nonconforming use may be altered, expanded or extended for use for the same purpose provided that a Special Permit is issued by the Zoning Board of Appeals, provided that the Board determines that the alteration, expansion or extension is not substantially more detrimental than the current use. The Board shall rely on the criteria stated in Section 6.3.1 in making such a determination.

6.3.10.3. Substitution of Nonconforming Use:

The Board of Appeals may issue a Special Permit to allow a new use, not otherwise permitted by right in the zoning district in which the nonconforming use is located, to be substituted for the existing nonconforming use provided that the Board determines that the new use is substantially less detrimental than the current use.

6.3.11. Nonconforming Buildings:

6.3.11.1. One-Family, Two-Family Dwellings:

An existing nonconforming one-family or two-family dwelling or structures accessory thereto which is nonconforming with respect to a minimum setback, may be enlarged or extended in any other direction in compliance with this By-Law, by the issuance of a building permit. That part of an existing nonconforming dwelling which is nonconforming with respect to a minimum setback may be enlarged or extended in that setback, provided the Zoning Board of Appeals grants a Special Permit and all of the following conditions are met:

- a. The site coverage of the dwelling within that minimum setback is not increased, and
- b. The Board determines that the extension or enlargement is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties.

6.3.11.2. Other than One-Family, Two-Family Dwellings:

- a. An existing nonconforming building, other than a one-family or two-family dwelling, which is nonconforming only with respect to a minimum setback may be enlarged or extended in any other direction in compliance with this By-Law by the issuance of a building permit, provided all other uses, structures, and activities on the lot comply fully with the requirements of this By-Law.
- b. An existing nonconforming building, other than a one-family or two-family dwelling, which is nonconforming with respect to dimensional and/or density requirements of the Zoning By-Law for the district in which said building is located, may not be enlarged or extended except by a Special Permit issued by the Zoning Board of Appeals.

6.3.12. Nonconforming Lots:

Any lot which does not comply with the provisions of this By-Law with respect to minimum lot area, minimum lot frontage, or minimum lot width or with the requirements then in effect at the time of recording or endorsement, whichever occurs sooner, shall not be subdivided or otherwise changed in area or shape, except through public action, so as to be in violation of the provisions of this By-Law. A lot already nonconforming with respect to those provisions shall not be changed in area or shape so as to increase the degree of noncompliance. A lot which is nonconforming with respect to those provisions may be changed to be made closer in compliance, but once brought closer into compliance, i.e., the amount or degree of nonconformity is reduced, it shall not be permitted to revert to noncompliance which is greater than the closest amount or degree of compliance which it had achieved. A lot, which is nonconforming, shall not preclude the issuance of permits allowed pursuant otherwise in this Zoning By-Law.

6.3.13. Nonconforming Off-Street Parking and Loading:

Any off-street parking spaces or loading bays in existence on the effective date of this by-law or thereafter established, which serve a building or use, may not be reduced in number or changed in location or design contrary to the By-Law requirements so as to increase the degree of nonconformity with said requirements.

If the use of an existing structure or lot, which does not have sufficient parking or loading, including a use which has no off-street parking or loading area, is changed to a different type of use for which a different number of parking spaces or loading bays is required as set forth in this By-Law, and there is no increase in the net floor area, the following rules shall apply:

- a. If there is a net increase in the number of required parking spaces or loading bays, that net increase shall be provided, which number shall not include any existing parking spaces or loading bays, or,
- b. If there is a net decrease in the number of required parking spaces or loading bays, that lesser number shall be the new basis for determining whether, in the future, there is a net increase in the number of parking spaces or loading bays required.

If it is proposed to increase the net floor area of a building, whether by addition to the exterior of the building or by internal reconstruction, and the building does not have sufficient off-street parking or loading area, full compliance with the applicable parking requirements for the entire building shall be a condition of the issuance of a building permit for the construction of the increase of net floor area.

6.3.14. Parking and Loading Requirements for a Building Destroyed, Damaged or Demolished:

If a building for which sufficient off-street parking or loading is not provided is destroyed, damaged or demolished by the owner, the building may be reconstructed or replaced if otherwise permitted by this By-Law, within two (2) years from the date of such damage or destruction, without providing additional parking spaces or loading bays, provided the new use is the same type of use as the use before the destruction, damage or demolition, and at least the same number of spaces or bays shall be provided.

6.3.15. Repair, Reconstruction Continuance:

Routine maintenance and repairs are permitted to a nonconforming structure, sign, parking space or loading bay or other nonconforming situation to maintain it in sound condition and presentable appearance.

6.3.16. Reconstruction After Involuntary Destruction (By Right):

Any nonconforming use, structure, building, sign, parking space or loading bay or other nonconforming situation which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event, any of which is beyond the control of the owner, may, within two (2) years from the date of such damage or destruction, be reconstructed to the same extent as the original, provided there is no increase in the site coverage or gross floor area or the degree of nonconformity and the reconstruction conforms to the current requirements of this by-law to the maximum extent practicable in the opinion of the Building Inspector. In this context, maximum extent practicable shall consider extreme site conditions, such as steep grades, the presence of ledge or other unsuitable soil conditions, or the shape and configuration of the lot.

6.3.17. Reconstruction After Destruction (By a Special Permit):

The Board of Appeals may grant a Special Permit for the reconstruction of a use, structure, building, sign, parking space or loading bay or other situation allowed by Special Permit, which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event, any of which is beyond the control of the owner or by the proposed voluntary action of the owner, to demolish, in whole or in part, in a manner different from the prior conditions, provided the Board determines that:

- a. The reconstruction conforms to the current requirements of this By-Law to the maximum extent practicable.
- b. In the case of the reconstruction of a nonconforming use, that it complies with the standards for the substitution of a nonconforming use.

6.3.18. Vesting of Rights During Adoption of Amendments:

6.3.18.1. A use, building, structure, lot, sign, parking space or loading bay or other situation which would comply with the provisions of this By-Law at the time at which a building permit is issued or a Special Permit is granted, but would not comply with a proposed amendment to this By-Law, shall be considered to be nonconforming and may be completed, continued or maintained provided:

- a. The building permit was issued or Special Permit was granted before the first publication of notice of public hearing on the proposed amendment, and
- b. Substantial physical construction or start of operations is begun within six (6) months of the issuance of a building permit or the grant of a Special Permit, whichever is earlier and is carried through to its completion as continuously and expeditiously as is reasonable.

6.3.18.2. The filing of an application for either a building permit or a Special Permit is not sufficient to vest rights. The building permit must be issued or the Special Permit must be granted prior to such first publication of notice.

6.3.18.3. In the event of the filing and subsequent approval of a definitive subdivision plan, an exemption from an amendment to this By-Law and a right to be treated under the previously existing provisions of this By-Law may be vested, as set forth in MGL, Chapter 40A, Section 6.

6.3.19. Approval-Not-Required Plans:

In the event of the filing and subsequent endorsement of an "Approval-Not-Required" plan, referred to in Section 81P of Chapter 41, Sections 81K-81GG, the Subdivision Control Law, an exemption from an amendment to this By-Law affecting the use of land only and a right to be treated under the previously existing provisions of this By-Law may be vested, as set forth in MGL, Chapter 40A, Section 6.

7.0 ADMINISTRATION

7.1 PERMITS

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 By-Law. Such material, so required, shall be kept on file in the records of the officer or officers to whom it is submitted.

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.

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 By-Law.

7.1.3. The Inspector of Buildings shall not grant a permit for the construction or alteration of any building which would violate any provision of this By-Law. No municipal officer shall grant any permit or license for the use of buildings or land which use would violate any provision of this By-Law. Whenever such a permit or license is refused, the reason therefor shall be clearly stated in writing.

7.2. ENFORCEMENT

7.2.1. The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this By-Law.

7.2.2. Whoever violates any provision of this By-Law 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 By-Law is being violated, or upon his own initiative, the Building Inspector shall take immediate steps to enforce this By-Law, 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 Bylaws 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 By-Law occurs regardless of who caused or committed such violation.

7.2.3. If the Building Inspector is requested in writing to enforce the provisions of this By-Law against any person allegedly in violation of this By-Law 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 therefor, within fourteen (14) days of receipt of such request.

7.3. SPECIAL PERMIT GRANTING AUTHORITY

7.3.1. The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.

7.3.2. Unless otherwise specified in this By-Law, the Special Permit Granting Authority is 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.

7.3.4. In exercising the powers granted by this By-Law, 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.

7.4. BOARD OF APPEALS

7.4.1. Establishment:

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 By-Law in the manner prescribed in Chapter 40A of the General Laws.

7.4.2. Powers of the Board of Appeals:

7.4.2.1. To hear and decide appeals in accordance with Section 8 of Chapter 40A.

7.4.2.2. To hear and decide petitions for variances, including for use, in accordance with Section 10 of Chapter 40A.

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 By-Law.

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 By-Law.

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.

8.0. APPLICABILITY

8.1. EFFECTIVE DATE

This By-Law shall take effect upon its approval by the Town Meeting and publication according to law.

8.2. OTHER REGULATIONS

Reserved

8.3. INVALIDITY

In the event that any provision of this By-Law shall be determined to be invalid by a Court of competent jurisdiction, the remaining provisions of this By-Law not manifestly inseparable from the invalid provisions shall continue in force.

9.0. ADOPTION AND AMENDMENT

This By-Law 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.

APPENDIX A
History of the By-Law Text

Adoption Date	Warrant Article	Subject
03/16/42	3	Zoning By-Law and Definition Adopted
03/26/51	37	Business C District Provisions
03/23/53	24	General Revision and Renumbering
03/29/54	2	Residence A2 & Industrial District Provisions
11/19/56	5	Town Buildings Excluded
03/19/59	30	Town Building Sites Excluded
03/26/62	54	Industrial & Restricted Industrial Districts
03/26/62	55	Restricted Industrial District Provisions
03/26/62	56	Use Regulations in Business Districts
03/26/62	57	Parking and Loading Requirements
10/26/64	7	Use and Intensity Regulations in Business Districts
04/26/65	2	Height Regulations in Business C Districts
12/16/65	5	Sign Regulations
04/15/67	75	Residence B-1 District Provisions
09/22/69	11	Revision of Apartment Regulations
03/30/70	53	General Revision and Renumbering
06/22/70	15	Flood Plain District Provisions
12/04/72	8	Combined Service Use Provisions
03/16/74	58	Reyav Brook Added to Flood Plain District
05/19/75	59	Roomers and Boarders
05/19/75	62	Violations and Fines
06/05/75	80	Wetlands Protection District Provisions
02/27/78	6	Recodification and Ch. 40A, G.L. Mandatory Provisions
02/27/78	7	Definition of Building and Structure
02/27/78	8	Definition of Sign and Regulation of Off-Premises Signs
02/27/78	9	Industrial Uses in Industrial Districts
02/27/78	10	Public Buildings and Public Utilities in Bus C and Ind Districts
02/27/78	11	Accessory Retail Sales in Bus A, Bus B and Ind Districts
03/06/78	13	Non-conforming Lots
03/06/78	14	Accessory Consumer Service Uses & Maximum Floor Area
03/09/78	16	Open Storage of Firewood in Residence A Districts
03/09/78	17	Sign Regulations in Residence Districts
03/09/78	18	Purposes Authorized by Chapter 808, Acts of '75
03/09/78	20	Fines for Violations
03/09/78	21	Boston & Maine Railroad Right of Way
03/09/78	22	Interpretation of the Zoning Map
03/09/78	23	Definition of Apartment

APPENDIX A
History of the By-Law Text (Continued)

Adoption Date	Warrant Article	Subject
03/09/78	24	Definition of Family
03/09/78	25	Definition of Frontage
03/09/78	26	Lot Area for Other Principal Use in A-1 Districts
03/09/78	27	Paragraph in Conflict with State Building Code
11/30/78	18	Rewording of Districts
06/14/79	39	Non-conforming Lots
06/14/79	40	Delete "Public Buildings"
06/15/80	51	Business C Buffer Strip
11/10/80	16	Canopy Exclusion in Ind Districts
04/23/81	11	Off-street Parking Requirements for Restaurants
04/23/81	13	Inclusion of Ind District in Buffer Strip
06/01/81	12	Rewording of Non-conforming Uses
11/19/81	27	Addition of National Flood Insurance Flood Management
11/19/81	28	Addition to Reading Zoning Map, the 4 maps entitled "Flood Insurance Rate Map, Town of Reading, Mass., Middlesex County."
11/19/81	29	National Flood Insurance Flood Management District to Overlay under Section 3.1
11/19/81	30	Cross-reference to General Bylaws Article 32 (Section 5.7) under Section 4.5.2.
11/19/81	31	Addition of Flood Plain to Section 5.3.2.1.
04/21/83	39	Regulations Governing Accessory Apartments
04/21/83	36	Definition of Accessory Apartment
04/25/83	37	Definition of Floor Area, Net
04/25/83	38	Addition Under Section 4.2.2. - Accessory Uses for Accessory Apartments
04/25/83	40	Parking requirements for Accessory Apartments
12/01/83	34	Date change for Zoning Maps in Section 3.2.
12/01/83	36	Parking Requirements for Nursing Homes
04/11/85	11	Definition of Townhouses, Townhouse Development,
04/11/85	12	Special Permit - Townhouse Development in a Residence S-10 Zoning
04/11/85	13	Off-Street parking for Townhouse
04/18/85	14	Special Permit-Townhouse Low, Moderate Income or Elderly Housing
11/18/85	20	Add Municipal Building Reuse District
11/18/85	21	Conversion of Municipal Buildings
11/18/85	22	Municipal Building Reuse District
11/18/85	23	Amending Zoning & Zoning Map to establish Municipal Reuse District

APPENDIX A
History of the By-Law Text (Continued)

Adoption Date	Warrant Article	Subject
11/18/85	25	Add Site Plan Review
11/18/85	28	Add Aquifer Protection Overlay District
11/18/85	29	Amend Section 3.1 Aquifer Protection
11/18/85	30	Add definitions under Aquifer Protection
11/18/85	31	Add to Aquifer Protection
11/13/86	13	Change date on Reading Zoning Map from November 1, 1983 to November 1, 1986
11/13/86	14	Change the names of the Boards to reflect the Charter changes
11/16/87	5	Add Section 4.9 Planned Unit Development
11/16/87	6	Amend Section 3.1 Districts: Planned Unit Development
11/16/87	7	Amend Section 4.2.2. Table of Permitted Uses: Planned Unit Development
11/28/88	5	Add Section 4.10 Planned Residential Development
12/1/88	6	Amend Section 3.1 Districts: Planned Residential Development
12/1/88	7	Amend Section 4.2.2. Table of Permitted Uses: Planned Residential Development
12/1/88	10	Amend Section 6.1.1.3. Parking and Loading/Unloading Requirements
12/1/88	11	Amend Section 2.2.12. and 2.2.12.1 Definitions: Floor Area, Gross, and Floor Area, Net
5/15/89	16	Amend Section 4.2.2. Table of Permitted Uses: Car Wash
11/16/89	25	Amend Section 4.7. Municipal Building Reuse
11/27/89	18	Amend Section 7.2.2. Fines
11/27/89	21	Amend Section 2.2.32. Definitions: Use
11/27/89	22	Amend Section 4.3.3. Site Plan Review
11/27/89	24	Amend Section 7.4.1.1. Board of Appeals, Associate Members
11/15/90	15	Amend Section 4.3.3.1. Site Plan Review
11/15/90	16	Amend Section 2.2.13. Definitions: Frontage
4/13/92	12	Amend Section 4.9. Planned Unit Development
11/12/92	23	Amend Section 2.2.13. Definitions: Frontage
11/16/92	24	Amend Section 4.9. Planned Unit Development
11/16/92	26	Amend Section 4.10. Planned Residential Development
11/19/92	27	Amend Section 4.2.2 Table of Uses
11/19/92	29	Delete Section 4.6. Townhouse Development
11/15 /93	12	Amend Section 4.10.1 PRD-M

APPENDIX A
History of the By-Law Text (Continued)

Adoption Date	Warrant Article	Subject
11/18/93	16	Amend Section 6.2. Signs
4/14/94	19	Delete Section 6.3.4.
11/17/94	13	Amend Section 5.3.2.1. Special Cases
11/17/94	14	Amend Section 4.10.2.1. Planned Residential Development
11/17/94	15	Add Section 2.2.33.1. Wetlands Resource Area
11/17/94	20	Amend Section 5.1.2. Table of Dimensional Controls
11/17/94	21	Amend Section 5.2.1. Supplementary Requirements
11/17/94	23	Amend Section 4.8.3.1.6. Aquifer Protection District
11/17/94	24	Amend Section 6.2.3.2.b. Signs
11/17/94	27	Add Section 2.2.9.3. Dwelling Unit
4/10/95	18	Delete and Add Section 6.3.3.3. Non-conforming Structures
4/27/95	20	Amend S-10 District to S-15 District
4/27/95	21	Add to Section 4.10.2. PRD as an Overlay District
11/16/95	16	Amend Section 7.2.2. Enforcement
11/16/95	18	Add Section 4.9.3.1.1. PUD Review Process
9/9/96	6	Add Section 4.3. 4. Adult Uses
9/9/96	7	Add Section 2.2.1.2. Adult Uses Definition
9/9/96	8	Amend Section 4.2.2. relative to Adult Uses
9/9/96	9	Add Section 6.3.2.5. Adult Uses Non-Applicability
11/14/96	18	Replace Section 2.2.7., amend Section 4.2.2., add Section 4.3.5. Commercial Communications Structures
11/14/96	19	Replace Paragraph 4.7.2.1.h. relative to Required Low- and Moderate Income Housing
5/5/97	32	Amend Paragraph 6.2.2.4.d. and add Section 6.2.3.2.1. relative to Open Flags
5/5/97	33	Replace Paragraph 6.2.3.2.d. Window Signs
5/5/97	34	Add Paragraph 6.2.3.2.m. and amend Paragraphs 6.2.3.2.1.b. and 6.2.3.2.2.a. relative to Signs on Multiple Tenant Buildings
5/5/97	35	Replace Section 4.10.4.3. PRD-G relative to Development Density and delete Paragraph 4.10.2.1.h.
11/13/97	16	Delete Section 5.2.1 relative to Lot Shape and replace with new Section 5.2.1
11/13/97	17	Delete Section 5.3.2 and replace with Section 5.2.9 relative to Upland Requirement
11/12/98	4	Amend Section 4.3.4 relative to Adult Uses
11/12/98	4	Amend Subparagraph 4.3.4.3.1.a. relative to Adult Uses
11/12/98	4	Amend Subparagraph 4.3.4.3.1.b. relative to Adult Uses
11/12/98	4	Amend Subparagraph 4.3.4.3.1.c. relative to Adult uses
11/12/98	4	Amend Subparagraph 4.3.4.3.1.d. relative to Adult Use

APPENDIX A
History of the By-Law Text (Continued)

Adoption Date	Warrant Article	Subject
11/12/98	4	Delete Subparagraph 4.3.4.3.2.b and renumber remaining subsequent subparagraphs in Paragraph 4.3.4.3.2.
11/12/98	4	Amend renumbered Subparagraph 4.3.4.3.2.b. (former Subparagraph 4.3.4.3.2.c.)
11/16/98	21	Amend Section 6.3.1.1. and adding new subsection b.
11/16/98	21	Amend Section 2.2.23 relative to Nursing Home
11/16/98	21	Amend Section 4.3.1.4. relative to Principal Uses
11/16/98	21	Amend Paragraph 4.2.2. (Table of Uses)
11/16/98	23	Amend Section 6.2.2.4.d relative to signs
11/16/98	23	Amend Section 6.2.3.2.1. Signs in Business-A Zoning Districts
4/26/99	19	Amend Section 4.2.2. (Table of Uses)
4/26/99		Add new Section 4.3.6 relative to Special Permit for Agricultural Uses on Parcels of Less than Five Acres
11/8/99	11	Amend Table 6.1.1.3 Off-Street Parking and Loading/Unloading Requirements by deleting current text of Minimum Number of Off-Street Parking Spaces Required for Restaurants and substituting new text
4/27/00	5	Amend Section 5.1.2 Table of Dimensional Controls by adding footnote “**”
4/27/00	5	Amend Section 5.2.5 relative to Height by adding Section 5.2.5.3
5/1/00	6	Amend Section 5.1.2 Table of Dimensional Controls relative to “Hotel or Motel” and “Other Permitted Uses” and adding footnote “**”
5/1/00	6	Amend Section 5.3.1 relative to Transitional Areas by deleting current text and substituting new text
5/1/00	6	Amend Section 5.3.1.1 Table of Dimensional Controls for Transitional Areas
5/1/00	6	Amend Section 5.3.1.3 Zoning Business C
5/1/00	6	Amend Section 5.3.1 by adding Section 5.3.1.4
5/1/00	6	Amend Section 5.2.8.1 Building per Lot
5/1/00	6	Amend Section 6.1.1.2 Off-Street Parking Areas
5/1/00	6	Amend Section 6.1.2.2. Off-Street Parking Design
5/1/00	6	Amend Section 6.1.1.3 Table of Off-Street Parking and Loading/Unloading Requirements
5/1/00	6	Amend Section 6.1.1.3 Table of Off-Street Parking and Loading/Unloading Requirements relative to Restaurants and adding footnote “**”
5/1/00	6	Amend Section 4.2.2 Table of Uses
5/1/00	6	Amend Section 2.0 Definitions by adding Section 2.2.7.2 relative to Computer Services
5/1/00	6	Amend Section 2.2.16 relative to Height of a Building

APPENDIX A		
History of the By-Law Text (Continued)		
Adoption Date	Warrant Article	Subject
9/11/00	4	Amend Sections 4.9.3.1.1.a, 4.9.3.1.1.b. relative to Planned Unit Development
9/11/00	4	Amend Section 4.9.4.2. Permitted Uses
9/11/00	4	Amend Section 4.9.5.2. Transportation, Site Circulation and Parking
9/11/00	4	Amend Section 4.9.5.6. Signage
9/11/00	4	Amend Section 6.2.3. Signs by Zoning District
9/11/00	5	Amend Section 2.2.25. Place of Assembly
4/30/01	17	Amend Section 4.3.3. Site Plan Review
4/30/01	18	Amend Section 4.3.2.9. Open Storage
4/30/01	20	Amend Section 6.3 Nonconforming Uses, Structures and Lots

APPENDIX B
History of the By-Law Map

Adoption Date	Warrant Article	Subject
03/16/42	3	Zoning Map Adopted
10/27/47	10	Change from Residence A3 to Residence A2
03/26/51	36	Annexed Land to Residence A3
03/26/51	37	Change from Residence A1 to Business A to Business C
09/17/51	2	Change from Residence A1 to Industrial
03/23/53	25	Change from Residence A1 to Industrial
03/29/54	4	Change from Residence A1 to Industrial
03/29/54	5	Change from Residence A1 & A2 to Business C
10/27/55	11	Change from Residence A1 to Industrial
03/21/57	33	Change from Residence A2 to Industrial
03/21/57	34	Change from Residence A1 to Industrial
03/21/57	35	Change from Business C to Industrial
03/21/57	36	Change from Residence A1 to Industrial
11/25/57	21	Change from Residence A2 to Business A
11/25/57	22	Change from Residence A2 to Business A
03/19/59	31	Change from Residence A3 to Residence A2
06/22/59	6	Change from Residence A1 to Business B
03/23/64	58	Change from Residence B to Business A
10/26/64	8	Change from Residence A2 to Business C
10/26/64	9	Change from Residence A2 to Business C
10/26/64	16	Change from Residence A1 to Residence B
05/04/65	17	Change from Residence A1 to Residence B
04/04/66	54	Change from Residence A1 to Business A
06/23/66	6	Change from Business C Residence A1
04/15/67	77	Change from Residence B to Residence B1
03/23/68	69	Change from Residence A1 to Residence B
03/23/68	73	Change from Residence A1 to Residence B
09/22/69	12	Change from Residence B to Residence A1
03/30/70	60	Change from Residence A1 to Business A
06/22/70	15	Flood Plain District Adopted
03/16/74	58	Flood Plain District Enlarged
10/21/74	6	Change from Residence A1 to Business B
06/05/75	80	Wetlands Protection District Adopted

APPENDIX B
History of the By-Law Map (Continued)

Adoption Date	Warrant Article	Subject
11/30/78	18	New Zoning Map Adopted
11/30/78	20	Wetlands Expanded - Pearl, Main and Franklin Streets - Map 33
11/30/78	21	Change from S-10 to A-80 - Map 6 12/01/83
11/18/85	23	Municipal Building Reuse District Adopted
11/18/85	28	Aquifer Protection Overlay District Adopted
11/13/86	13	Zoning Map updated
11/16/87	8	Planned Unit Development Overlay District Adopted
5/15/89	13	Planned Residential Development Overlay District Adopted
11/16/89	26	Municipal Building Reuse Overlay District Adopted
4/13/92	13	Planned Unit Development Overlay District Expanded
11/19/92	30	PRD-M Overlay District (formerly Planned Residential Development)
4/15/93	10	PRD-G, Map 6. Lots 8 and 24
11/15/93	13	PRD-M, Map 13, Lot 50
11/15/93	14	PRD-G, Map 95, Lots 7, 8, and 9
11/18/93	15	PRD-G, Map 156, Lot 15
4/25/94	17	PRD-G, Map 179, Lot 2 and Map 180, Lot 1
4/14/94	18	PRD-G, Map 236, Lot 14
11/16/95	20	PRD-G, Map 155, Lot 2
5/1/00	7	Rezone from S-15 and S-20 Residence Districts to the Business C District those portions of the land situated off Jacob Way shown on Reading Board of Assessors' Rev. Jan. 1, 1994 Map 4 as Lots 11A and 25 and on Reading Board of Assessors' Rev. Jan. 1, 1982 Map 5 as Lots 2, 5, 13, 16, 17 and 18, and part of Jacob Way, not currently zoned Business C, and being shown on a plan on file with the Reading Town Clerk entitled: "Plan Showing Areas of Former Addison-Wesley Property in the Business C District in Reading, Mass.," dated March 27, 2000 by Hayes Engineering, Inc.