

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NORTH READING

SPECIAL TOWN MEETING

MARCH 13, 2017

7:00 P.M.

Middlesex, SS.

To either of the Constables of the Town of North Reading in the County of Middlesex, GREETINGS.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the Daniel H. Shay Performing Arts Center, North Reading High School, Park Street in said North Reading, on **MONDAY, the THIRTEENTH DAY OF MARCH, 2017** at seven o'clock in the evening, then and there to act on the following articles:

Article 1 Amend Code – Zoning By-law - Changes to Residential Multi-Family Zoning District Bylaw, §200-90

To see if the Town will vote to amend the North Reading Zoning Bylaw to make the following changes to §200-90. Multi-family residential:

- In paragraph 1, line 1, insert “, located within the Residence M (RM) Zoning District,” immediately after “A building or group of buildings”
- In paragraph 1, insert immediately after the final sentence: “The provisions of this section of the Zoning Bylaw are intended for multi-family residential structures within the RM Zoning District. Other multi-family residential structures are controlled by the provisions of their respective zoning districts, including overlay zoning districts.”
- In 200-90 subsection A., insert “within the RM Zoning District” immediately after “forty thousand (40,000) square feet in area”
- In 200-90 subsection C., insert “within the RM Zoning District” immediately after “Each lot”
- In 200-90 subsection E., insert “within the RM Zoning District” immediately after “No building shall exceed two and one-half (2 ½) stories in height”
- In 200-90 subsection F., insert “within the RM Zoning District” immediately after “any other property boundary line”
- In 200-90 subsection G., insert “within the RM Zoning District” immediately after “Screening and buffering”
- In 200-90 subsection H., insert “within the RM Zoning District” immediately after “All parking and loading facilities”
- Delete 200-90 subsection I. in its entirety

or what it will do in relation thereto.

Sponsor: Community Planning Commission

Description...

The article clarifies that the provisions of the existing Multi-Family Zoning District pertain only to the RM zoning district, and do not apply to multi-family housing development elsewhere in town, which may be regulated by other zoning districts and overlay districts.

Recommendations ...

Selectmen: Recommended.

Finance Committee: Recommended.

Article 2 Amend Code – Zoning By-law - Establishment of Multi-Family Housing Overlay District

To see if the Town will vote to amend the North Reading Zoning Bylaw by inserting a new Article XXV, Multi-Family Housing Overlay District, which provides as follows:

§ 200-150. Purpose.

The purpose of the Multi-Family Housing Overlay District is to provide opportunities for the development of new multi-family housing within the Town, in the interest of providing a variety of needed housing types.

§ 200-151. Applicability.

This bylaw applies to any property to be placed within the Multi-Family Housing Overlay District and shall include the following parcels that are listed below and are shown on the Multi-Family Housing Overlay District Map on file in the Community Planning Department. The Multi-Family Housing Overlay District is herein established as an overlay district.

Area (acres)	Map and Parcel	Street Number	Street Name
34.21	Map 7 Parcel 2	104	Lowell Road
2.49	Map 14 Parcel 148	102	Lowell Road
47.78	Map 14 Parcel 9	100	Lowell Road
10.50	Map 14 Parcel 142	96	Lowell Road
3.00	Map 6 Parcel 3	96R	Lowell Road

§ 200-152. Effect of overlay district.

The Multi-Family Housing Overlay District regulations of this article apply in addition to the underlying zoning district regulations. In case of conflict between the regulations of this article and other regulations in this bylaw, the regulations of this article shall control, whether more or less restrictive. Where no Multi-Family Overlay District regulation is stated in this article, the regulations of the underlying zoning district and all other applicable provisions of this bylaw shall apply.

§ 200-153. Use regulations.

The following use shall be permitted in the Multi-Family Overlay District: dwelling, multi-family, as defined in §200-4, Word usage and definitions, of the North Reading Zoning Bylaw.

§ 200-154. Dimensional and density regulations.

- A. The dimensional and density regulations of the underlying zoning district are to be adhered to within the Multi-Family Overlay District.
- B. Multiple buildings are allowed on one lot. The minimum separation between buildings shall be two times the required side yard setback.

§ 200-155. Parking requirements.

- A. The minimum required off-street parking shall be two spaces per dwelling unit.
- B. The required parking spaces may be located in an accessory garage, in a dedicated parking area on the lot, or stacked within the driveway serving the development. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way.
- C. Dimensions of outdoor parking spaces shall be a minimum of 10 feet by 20 feet. Dimensions of indoor parking garage spaces shall be a minimum of 9 feet by 18 feet.
- D. No off-street parking space shall be located within the minimum front yard setback.
- E. There shall be a landscaped buffer of not less than four feet between any driveway and the nearest side lot line, and no paved surface areas and no off-street parking shall be permitted within the buffer zone.

§ 200-156. Severability.

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

and further to amend the Town of North Reading Zoning Map to add a new Multi-Family Overlay District consisting of the following parcels:

Area	Map and Parcel	Street Number	Street Name
34.21 acres	Map 7 Parcel 2	104	Lowell Road
2.49 acres	Map 14 Parcel 148	102	Lowell Road
47.78	Map 14 Parcel 9	100	Lowell Road
10.50 acres	Map 14 Parcel 142	96	Lowell Road
3.00 acres	Map 6 Parcel 3	96R	Lowell Road

or what it will do in relation thereto.

Sponsor: Community Planning Commission

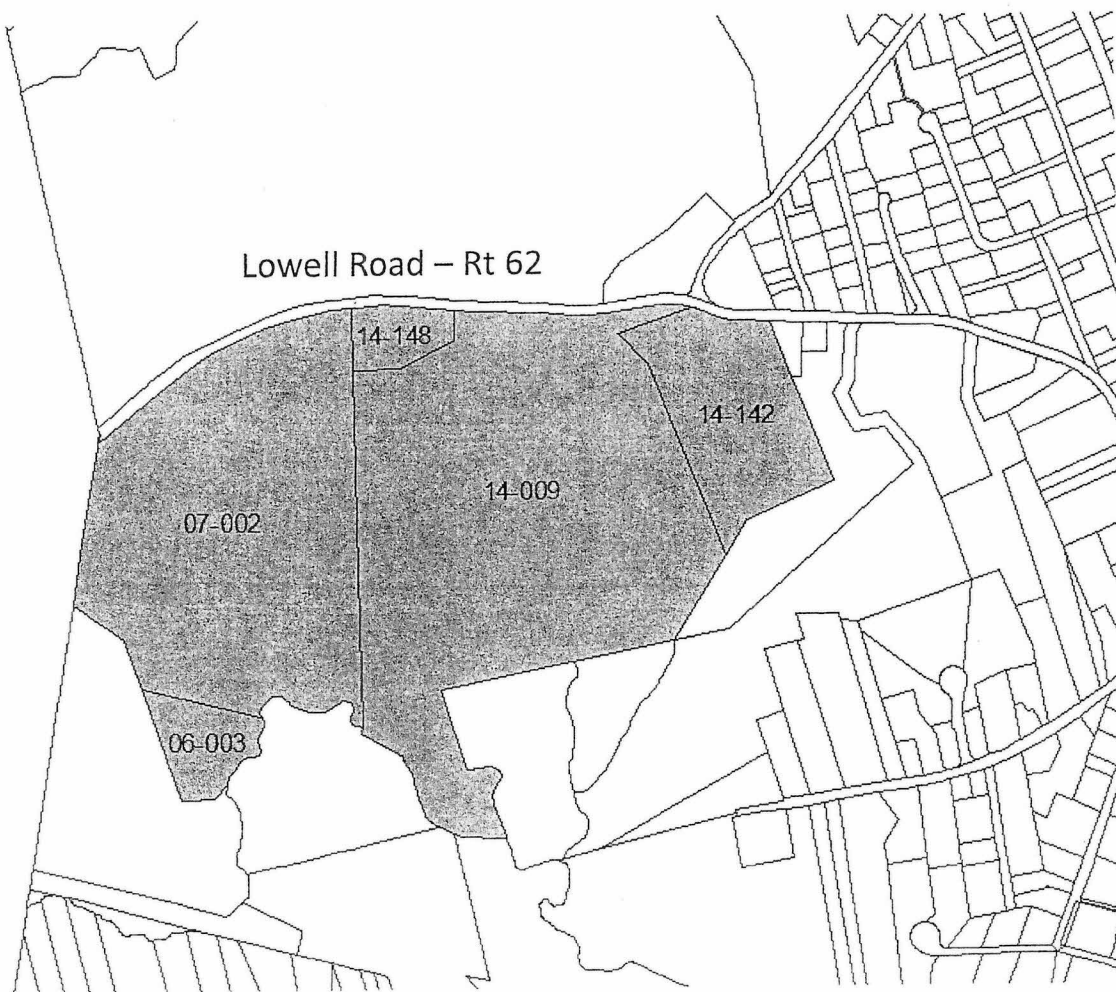
Description...

The article establishes a new overlay district that allows multi-family housing by right, and establishes regulations for that overlay district, including parking. The overlay district affects five parcels currently located within the Industrial Office zoning district. The provisions of the underlying zoning district remain intact.

Recommendations ...

Selectmen: Recommended.

Finance Committee: Recommended.



Article 3 Amend Code – Zoning By-Law - Changes to Dimensional and Density Requirements of Industrial/Office Zoning District Bylaw, §200-40

To see if the Town will vote to amend the North Reading Zoning Bylaw to make the following changes to §200-40: Industrial/Office (I/O) District, under B.2., Bulk and coverage controls:

- f. Maximum Height: delete “50 feet” and insert “60 feet” in its place.
- Add “or fifteen feet to the *** section, as follows: “***Parking garages and similar structures which are an integral part of a structure and intended for use by the general public, as well as occupants of said structure, shall not be considered in these calculations up to a maximum of one and one-half (1.5) stories or fifteen (15) feet.”

In addition, delete the following language from 200-40, immediately following subsection E.: “4.

All uses or combinations of uses within this division (G) must occupy a minimum 50,000 square feet of building spaces. No shopping centers or malls with less than said 50,000 square feet are permitted in the I/O District.”

or what it will do in relation thereto.

Sponsor: Community Planning Commission

Description...

The article raises the height limit of structures within the I/O zoning district from 50 feet (currently allowed) to 60 feet, clarifies the role garages play in calculating building height, and eliminates a provision that certain uses, including retail stores, must be a maximum of 50,000 square feet.

Recommendations ...

Selectmen: Recommended.

Finance Committee: Recommended.

Article 4 Amend Code – Zoning By-law - Changes to Word uses and definitions, §200-4

To see if the Town will vote to amend the North Reading Zoning Bylaw’s definition of “Overlay District” in Section 200-4 to delete the strikethrough language, as shown:

“A zoning district such as the Floodplain District which is superimposed on other zoning districts and whose regulations are supplementary to those of the affected zoning districts so overlaid. ~~Where there is a conflict between the Zoning Bylaw and an overlay district regulation or restriction, the more restrictive shall apply.~~

or what it will do in relation thereto.

Sponsor: Community Planning Commission

Description...

The article would clarify that regulations in overlay zoning districts apply, even when in conflict with underlying zoning regulations. This would address an inconsistency currently in

the zoning, as some overlay districts are intended to introduce additional restrictions, while others are intended to introduce new uses, dimensions or other regulations not otherwise allowed in an underlying zoning district.

Recommendations ...

Selectmen: Recommended.

Finance Committee: Recommended.

Article 5 Appropriate Money for Construction of Facilities at Arthur J. Kenney Field

To see if the Town will vote to raise by taxation and appropriate, or appropriate by transfer from unexpended funds remaining in Warrant Articles of previous years, or appropriate by transfer from any available source of funds, or borrow a sum of money to fund the design, construction, reconstruction or remodeling of facilities at the Arthur J. Kenney Field including, but not limited to, public restrooms, including any costs incidental or related thereto; or what it will do in relation thereto.

Sponsor: Board of Selectmen

Description...

This article seeks a sum of money to construct public restroom facilities at the Arthur J. Kenney turf field to bring the facility into compliance with the state Building Code.

Recommendations ...

Selectmen: Recommendation to be made at Town Meeting.

Finance Committee: Recommendation to be made at Town Meeting.

Article 6 Amend Code - Zoning By-law - Prohibited Uses (Recreational Marijuana Establishments)

To see if the Town will vote to amend the North Reading Zoning Bylaw by adding to Article VIII a new section immediately prior to Section 200-37 as follows:
Section 200-36.1: Prohibited uses.

In the Town of North Reading, the following uses are prohibited in all zoning districts:

A. Recreational marijuana establishments. Consistent with MGL c. 94G, § 3(a)(2), all types of marijuana establishments as defined in MGL c. 94G, § 1(j), including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, but not to include registered marijuana dispensaries as defined by Article XXIV, Registered Marijuana Dispensaries, of this Zoning Bylaw; or what it will do in relation thereto.

Sponsor: Community Planning Commission

Description...

The article prohibits recreational marijuana establishments in the town, except for medical marijuana establishments as defined in the Registered Marijuana Dispensaries bylaw.

Recommendations ...

Selectmen: Recommended.

Finance Committee: Recommended.

And you are directed to serve this Warrant by posting up attested copies, fourteen days at least before the time of holding said meeting, in accordance with the Code of the Town of North Reading.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this sixth day of February in the year of our Lord two thousand and seventeen.

BOARD OF SELECTMEN

BOARD OF SELECTMEN

Robert J. Mauceri, Chairman
Stephen J. O'Leary, Vice Chairman
Kathryn M. Manupelli, Clerk
Michael A. Prisco
Jeffrey R. Yull

A True Copy: Attest
John J. Firriello, Constable