

**Legal Notice  
(Seal)  
Town of Reading**

To the Inhabitants of the Town of Reading:

Please take notice that the Board of Selectmen of the Town of Reading will hold a public hearing on Tuesday, September 6, 2011 at 8:00 p.m. in the Selectmen's Meeting Room, 16 Lowell Street, Reading, Massachusetts on an application for Waiver of Retail Sales before 6:00 a.m. for J.K.'s Market, 212 Main Street, Reading.

Copies of the proposed documents regarding these topics are available in the Town Manager's office, 16 Lowell Street, Reading, MA. M-W-Thurs from 7:30 a.m. - 5:30 p.m., Tues from 7:30 a.m. - 7:00 p.m. and is attached to the hearing notice on the website at [www.readingma.gov](http://www.readingma.gov)

All interested parties are invited to attend the hearing, or may submit their comments in writing or by email prior to 6:00 p.m. on September 6, 2011 to [townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

By order of  
Peter I. Hechenbleikner  
Town Manager

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July 27, 2011

2011 JUL 27 PM 3: 22  
Mr. Peter Hechenbleiker  
Town Manager; Reading Massachusetts  
Reading Town Hall  
16 Lowell Street  
Reading MA 01867

To the Board of Selectmen of the town of Reading Massachusetts.

The business of J.K.'s Market; 212 Main St., owned and operated by J.K. Realty Trust, situated on property owned by same; is respectfully requesting a waiver of retail time restrictions set forth under section 5.10 of the General Bylaws of the Town of Reading pursuant to Section 3.9 of the General Bylaws of the Town of Reading.

Located on plot 249 of the enclosed map, the entire property lies within Business Zone "A"

This waiver is only being applied for the normal business uses currently allowed for and permitted for, by the Town of Reading. No additional business activities will occur during the times for which this waiver would apply.

The owner of J.K.'s Market, and the said Property, being the same expects that the signed application for waiver will also stand as written approval by property owner.

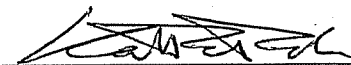
In regards to impact on the surrounding neighborhood:

J.K.'s market is merely applying for this waiver so that a small number of customers whom would like to get their coffee and newspaper between 5:30 AM and 6:00 AM may do so. It is not our intention to advertise this time block as "open for business" or actively seek new business, it is merely to serve a small number of customers who would otherwise be waiting in the parking lot with their cars idling. There is already a significant amount of traffic on Main Street during this time frame and employees of said business are already preparing the store for business as well as receiving deliveries of newspapers etc. We don't expect any new business or traffic; we only expect that a small number of customers can get on their way without idling their cars in the parking lot for 10 to 15 minutes.

J.K.'s Market has no Drive-thru or and outdoor sound systems, and the parking lot entrances are located entirely on Main St. and are flanked by another commercial property on one side and a house which has stood empty for 3 years on the other.

J.K.'s Market follows all required protocols in regards to public safety and food sanitation.

The owners of J.K.'s market understand and agree that the waiver is superseded by all other applicable bylaws and regulations, and that strict adherence to noise nuisance bylaws is required as usual.

Signed 

Date 7-27-11

Kalpesh Patel : owner of J.K.'s Market

July 27, 2011

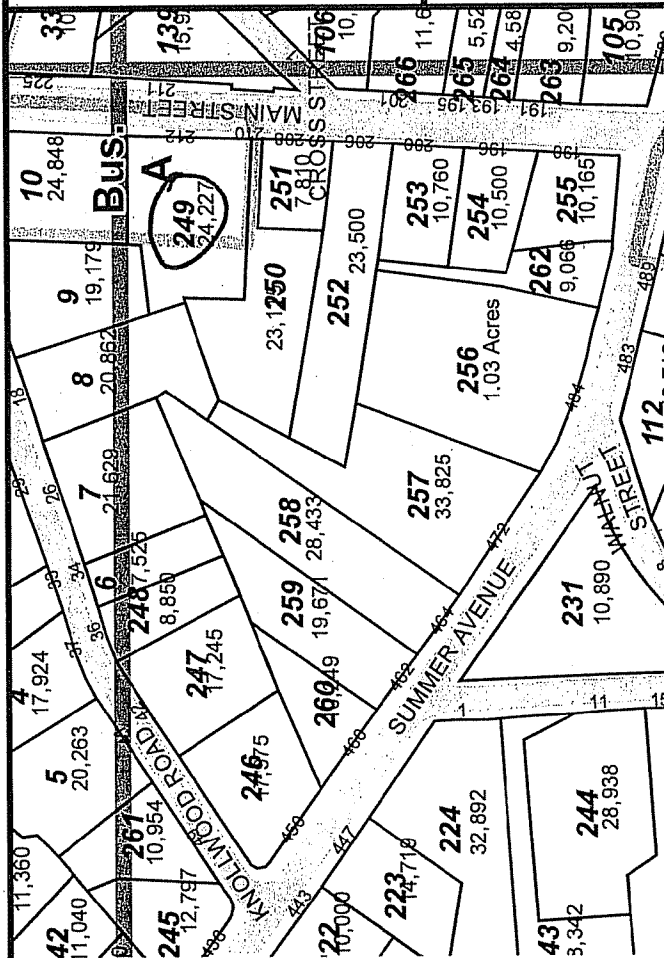
# Tax Map

# 7

## Reading Mass. FY 2011

### Legend

- Parcel Map
- Town Boundary
- Parcel
- Town Owned
- Easement



### **Section 3.9 Waiver of Retail Sales before 6 a.m.**

Section 5.10 of the General Bylaws of the Town of Reading prohibits retail sales prior to 6:00 a.m. It also provides for a process by which the Board of Selectmen may consider allowing retail sales between the hours of midnight and 6:00 a.m. when the Board determines that permitting retail sales during those hours is in the interest of public health safety and welfare, or is in the interest of public necessity or public convenience.

These regulations are adopted by the Board of Selectmen to provide guidance to the Board of Selectmen, applicants, and the public regarding how applications for waivers from the restriction on hours of retail sales will be handled.

Each application will be dealt with on a case by case basis. An initial application for a waiver or hours of retail sales prior to 6 a.m. shall require a public hearing noticed to all property owners within 300', and by publication in a local newspaper and/or publication on the Town's web site. Renewal of a waiver shall be required on an annual basis with each waiver expiring on December 31. The Board of Selectmen shall determine on a case by case basis whether a public hearing is required for each renewal.

The Board of Selectmen may revoke approval upon receipt of complaints that the operation is taking place contrary to the approval granted by the Board. Revocation shall be made only after a public hearing, unless emergency circumstances require an administrative revocation pending hearing.

The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant:

1. Approval will be granted for businesses within a commercial or industrial zoning district only.
2. In general, approval shall be for the entire business. For example, if a business dispenses gasoline, sells coffee, and has a convenience store, all within the same business, then the approval shall be for all parts of the business.
3. The retail use for which approval of a change in retail hours is permitted will be the principal use on the property.
4. Written approval of the property owner will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
5. The Board may require evidence that the change in permitted hours of retail operation will have minimal effect on the neighborhood adjacent to the site.
6. The applicant must show that adequate controls are in place to ensure public safety and follow food code sanitation protocols.
7. No waiver of the hours of retail sales will be considered for prior to 5 am Monday through Friday. No waivers shall be considered for Saturdays, Sundays, or State Designated legal holidays.
8. The Board may limit the use of outdoor speakers, drive-thru's, and/or restrict parking in certain areas in order to limit the impact of the waiver on neighboring properties. In order to address these issues, the Board may require a site plan from applicants, drawn to scale, and showing locations of these features and their relation to abutting residential buildings.
9. Prior to the issuance of a waiver on the hours of retail sales, the Board may request a review by the Health Division, Police Department, and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

10. A waiver to allow retail uses prior to 6 a.m. is not a waiver of any other bylaw or regulation of the Town of Reading or other agency having jurisdiction.
11. Parking lot cleaning, and other maintenance operations (excluding emergency work), and deliveries shall not take place between the hours of 9:00 PM and 7:00 am. Rubbish collection and recycling shall not take place between 9:00 PM and 6:30 am.

*Adopted 6/26/07*



- Commuter Rail
- T Commuter Rail Stations
- V Commuter Rail
- Highways
- W Interstate
- W Highway
- Town Boundary
- Buildings
- Sidewalk
- Driveway
- Paved
- Unpaved
- Walls
- Retain: Wall
- Stone Wall
- Wall
- Fences & Hedges
- Fence
- Hedge
- Guardrail
- Pavement Markings
- Parking
- Paved
- Unpaved
- Roads
- Bridge
- Paved
- Unpaved
- Streams
- Stream
- Hydro Connector
- Rivers, Ponds, Retention Basins
- Parcels
- Parcels with Orthes
- Parcels
- Abutting Towns
- Zoning
- A-40
- A-80
- Bus A
- Bus B
- Bus C
- S-15
- S-20

