

TEWKSBURY ZONING BYLAW SUBCOMMITTEE

January 13, 2014

Call The Meeting to Order

Vincent Spada called the meeting to order at 8:00 P.M. at the new Town Hall Auditorium. Present at the meeting were Nancy Reed, David Plunkett, Community Development Director Steven Sadwick and Recording Secretary Dawn Cathcart. Also in attendance were Robert Fowler and Stephen Johnson members of the Planning Board.

Approval of Minutes – October 15, 2013

MOTION - Mrs. Reed made a motion to approve the Zoning Bylaw Subcommittee minutes of October 15, 2013 as presented. The motion was seconded by Mr. Plunkett and unanimously voted 3-0.

(5) Interstate Overlay District (IOD)

Marc Ginsburg and Dick Cuoco appeared for the discussions of possible changes to the Interstate Overlay District. Mr. Cuoco stated that the IOD covers an area of Main Street and 495 for a ¼ mile radius. There is not a lot of land available in this ¼ radius. They would like to expand the ¼ mile radius to a ½ mile radius. This new radius will terminate at the Lowell line and go up almost to TD Waffle. Mrs. Reed stated that the ¼ mile radius was put in so that not many parcels would be available for automotive uses. Mr. Ginsburg stated that he does not have a specific use in mind but he wants to give more options for his parcel across from Wal-Mart.

Mrs. Reed stated that we created this district to keep the automotive uses limited near the highways. Mr. Cuoco stated that the ¼ mile radius was put in because there was an appeal taken on the Mathews property near the Lowell line. The proposed change would also clarify the centerline issue. Mrs. Reed asked if there was a map for the overlay. Mr. Sadwick replied that the overlay is shown on the zoning map. Mrs. Reed stated that she doesn't believe that the radius needs to be increased; they can just remove the radius and create an IOD to cover Main Street parcels up to Mr. Ginsburg's parcel on that side of the street.

Mr. Ginsburg asked if there is another overlay being planned for that area. Mrs. Reed replied that there should be. Mr. Ginsburg stated that if there is a plan for an overlay he could wait on this.

Mr. Plunkett agreed that there should be an overlay in this area. Mr. Plunkett stated that for the record, he would like to disclose that he has a client that may own parcels in this area so if this moves forward he will file a disclosure with the Town Clerk.

Mr. Ginsburg stated that in this area of town, there are a lot of parcels that could be redeveloped. Mr. Cuoco stated that diversity in housing stock is important.

Mr. Sadwick stated that the original Master Plan called out this area as a "big box" store area but that is why they are working to modify the Master Plan because times have changed. Mr. Cuoco stated that big box stores can be difficult to push because Rt. 38 is only a two lane roadway.

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Mr. Ginsburg stated that he would withdraw this requested change to the IOD and work with the Planning Board to come up with a different overlay district in this area. Mr. Plunkett stated that we should also get the EDC involved with this new overlay.

(1) Medical Marijuana

Mr. Sadwick distributed copies of the proposed bylaw. He also included a redline version. Mr. Sadwick stated that Mr. Boyd is working on the map and he provided a draft map showing 1,200' setbacks from churches, schools and daycares instead of the 1,500' setback.

Mr. Plunkett stated that he thought that they decided to keep it close to Rt. 495 so there should be a limit to how far up Main Street they can go.

Mrs. Reed stated that the limit should be before the 4th green bubble. Mrs. Reed stated that Westford's bylaw only allows for one facility and we should also add that to our regulations.

Mr. Sadwick stated that the State allows for the setbacks to be 500' so he will ask Town Counsel if we can have a greater setback. Mr. Sadwick stated that he will get an answer from Town Counsel, he will look at creating an overlay for a specific area on Main Street and will add only one facility will be allowed to the bylaw.

(2) Electronic Message Board

Mr. Sadwick presented a copy of the existing bylaw and stated that this is on the agenda for future discussions.

(3) Solar Farms

Mr. Sadwick presented the Town of Dunstable's bylaw on solar farms. NMCOG was involved with drafting this bylaw and we should also start preparing a bylaw for Tewksbury. Mr. Sadwick stated that he will try to get something prepared for review because we need to be out ahead of this. There have been property owners inquiring about how they can have a solar farm. One of those properties is right on East Street. Mr. Plunkett suggested checking with the City of Lowell because they just install a solar farm at the old dump.

(4) MFD Revisions

Mr. Sadwick stated that there is nothing new. These changes are the same that Mrs. Reed presented months ago.

Mr. Spada asked what bylaw changes should be ready for submittal for Town Meeting. Mr. Sadwick stated that the Medical Marijuana is a must and he will work on the solar farm and maybe the MFD.

Mrs. Reed stated that the MFD is more of a clean-up article.

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Mr. Sadwick stated that FEMA is going to be releasing a new revision of the Flood Plain maps and these maps are referenced in the Zoning Bylaw. They are coming out in June or July. Mrs. Reed stated that we can look at changing the reference at the Special Town Meeting in October.

Mrs. Reed asked if we can find out exactly when the warrant closes because last year we were told one date but it was opened later. Mr. Sadwick replied that he will check with the Town Manager and let the Board know.

Adjournment

MOTION - Mrs. Reed made a motion to adjourn at 8:35 PM. The motion was seconded by Mr. Plunkett and unanimously voted 3-0.

Approved: 1/27/14

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List of documents for 1/13/14 Agenda
Documents can be located at the Community Development Office

7:30 Approval of Minutes
October 15, 2013

1. Medical Marijuana
 - *Draft Bylaw – MJ Draft 12/10/13 and Response to BOH Comments/Questions 12/10/13*
 - *Two GIS maps of Eligible Locations for Registered Marijuana Dispensaries-1/13/14*
2. Electronic Message Boards
 - *Copy of Section 5230*
3. Solar Farms
 - *Dunstable Solar Bylaw – Section 25 Large-Scale Ground Mounted Solar Photovoltaic Facilities, Page 90 of 94*
4. MFD Revisions
 - *Draft Section 7100 Multiple Family Dwellings in the BFD*
5. Interstate Overlay District
 - *Copy of Section 8400-Interstate Overlay District*
 - *Copy of Draft Section 8400-Interstate Overlay District 1/13/14*