

TEWKSBURY ZONING BYLAW SUBCOMMITTEE

October 28, 2014

Call The Meeting to Order

David Plunkett called the meeting to order at 7:00 P.M. at the DPW Conference Room. Present at the meeting were Nancy Reed and Community Development Director Steven Sadwick. Also in attendance were Planning Board member Vincent Fratalia and Building Commissioner Edward Johnson. Robert Fowler was not in attendance.

Approval of Minutes – September 29, 2014

MOTION - Mrs. Reed made a motion to approve the Zoning Bylaw Subcommittee minutes of September 29, 2014 as submitted. The motion was seconded by Mr. Plunkett and unanimously voted 2-0.

(1) Woburn Street Corridor Study

Mr. Sadwick provided the current zoning map which shows that R40 and Heavy Industrial are the dominate zoning in this area. NMCOG has a proposal to bring in more residential. The green line represents the adult entertainment line. There is a 1,320' radius that shows the setback of the adult entertainment from the R40 and MFD. This change leaves a small spot for adult entertainment. Mrs. Reed stated that this would still be a good spot since most of the area is already paved. Mr. Sadwick stated that he will get the map updated that shows the different setbacks.

Mr. Johnson asked why are considering an overlay. Mr. Plunkett stated that the overlay offers more flexibility for the uses of the properties over there. Mr. Johnson cautioned the Board on allowing for automotive uses. Mrs. Reed agreed, this would be a step down from HI uses but allow for a little flexibility. Mr. Sadwick stated that they are also looking into a separate district, Westside Limited Business District, which would allow the uses you would find in neighborhoods such as light commercial, personal establishments etc. and removes the HI uses. Mr. Sadwick cautioned that they could have push back from existing HI uses even though they would be grandfathered in. Mr. Sadwick stated that any amenities along this area would help existing businesses.

Mrs. Reed stated that she didn't understand the purpose statement. Mr. Plunkett stated that this is a good starting point. Mr. Sadwick stated that he will take another look and perhaps add Section 7640 as a design guideline section that would need to be followed.

(2) Design Guidelines

Mr. Sadwick stated that this document was based on the Village Mixed Use Overlay. In 2009, the Town Center Overlay District (TCOD) was created and then the other overlay districts were based on the TCOD with specific items removed.

Mrs. Reed asked if each overlay has its own design standards. Mr. Sadwick replied that they are all the same except for the TCOD. He would suggested that one set of design guidelines be done and use that one as a reference in all of the overlays.

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Mr. Sadwick asked if property maintenance was part of the building code. Mr. Johnson replied there is a section on property maintenance but it has to be adopted.

Mr. Plunkett asked if we should take the design guidelines and expand it to the entire Rt. 38 corridor. Mr. Sadwick stated that he thinks we should look into expanding it for the entire town. Mr. Plunkett stated that he thought the Board of Selectmen would be creating a general bylaw to handle property maintenance but nothing has been done. Mr. Johnson stated that the issue is enforcement of the bylaw. Mr. Plunkett stated that Lowell has turned it into a revenue stream and we should use their bylaw as a template.

(3) Overlay Districts & Multiple Buildings and Relationship to Underlying Zoning

Mr. Sadwick stated that question arose in Section 8610 and the wording if the lot is split between a R40 and Commercial zone. What parking regulations are used since there is no parking allowed in a R40 zone? Mrs. Reed stated that Section 9415 gives us the ability to waive in a Special Permit and Section 9490 talks about action by the Board. Mr. Plunkett stated that if there is one parcel with two zoning districts, the most sensible one should be used. Mr. Johnson stated that the bylaw does not say that.

Mr. Sadwick stated that if you look at the parking regulations from a use perspective than that leaves it up to interpretation. The wording should be cleaned up.

Mr. Johnson stated the Board should make sure to give a special permit if there are multiple buildings on the lot.

(4) Reserve Parking

Mr. Johnson stated that every time there is an IDR, he brings up the lack of reserve parking and Mr. Cuoco responds that it is not needed. A waiver would be required and it is referenced in the bylaw in four places.

Mrs. Reed asked why a waiver would be required, they don't have to show reserve parking if they meet the requirements. Mr. Sadwick stated that if fifty spaces are required and they only show forty, they need to show ten in reserve. They either need to show the reserve parking or ask for a waiver. Mr. Johnson stated that it is referenced in Section 9481. Mrs. Reed stated that part of the decision; the Board may authorize a decrease in parking.

Mr. Sadwick stated that it should stay in the bylaw, but the Board should be made aware of the issue and authorize a waiver if required.

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(5) **Family Suite Ownership**

Mr. Sadwick stated that he has nothing to discuss on the item.

Adjournment

MOTION - Mrs. Reed made a motion to adjourn at 8:25 PM. The motion was seconded by Mr. Plunkett and unanimously voted 2-0.

Approved: 7/13/15

NO Documents provided to Committee Members.