

ZONING BYLAW COMMITTEE MINUTES

January 18, 2022

Call The Meeting to Order

Chairman Todd Johnson called the meeting to order for the Zoning Bylaw Committee at 6:00 PM in the Meeting Hall at Town Hall. Members present at the meeting were Mark Bertonassi, Erin Wortman, Dick Cuoco and James Mackey. Also present were Assistant Town Manager Steve Sadwick and Community & Economic Development Planner Alex Lowder.

1. Open Forum Comments from the Public

Mr. T. Johnson asked that any public comments be specific and brief. It is a very comprehensive proposal. We are here to listen to the concerns. This is a follow-up to a previous public hearing session on December 8th.

Bob O'Brien of 110 Cardigan Road – Mr. O'Brien asked if the Committee could define multifamily housing. Assistant Town Manager Steve Sadwick pointed to the definition in the proposed Zoning Bylaw draft. Mr. O'Brien wanted to clarify that single-family homes cannot be considered multifamily developments. Sadwick pointed out that a standalone home within a condominium development with shared common areas would qualify and pointed to examples in Town. Mr. O'Brien also questioned whether Office Research (OR) zoning will remain. Sadwick that it would. Richard Cuoco stated that multifamily is no longer allowed in OR zones, including the Ames Pond area. Erin Wortman clarified that the exception would be a 40B proposal that overrides local zoning.

Karyn Sliva of 254 North Street—Ms. Sliva asked if there was any affordable housing projects that are in the pipeline that could count towards the Town's 10%, like the hotel conversion. Sadwick stated that there is not any projects in the pipeline and the hotel conversion was a general discussion with the owner and they have not filed an application for any type of permits that would qualify toward the 10%.

Al Salas of EcoAuto – Mr. Salas thanked the Committee for the action it took at their last meeting to define green vehicles and include it in the table of uses. He did have a question about servicing those types of vehicles at a dealership. The Committee including the Building Commissioner, Mark Bertonassi, felt that servicing vehicles is an accessory use to a dealership.

Since there were no additional speakers, Mr. T. Johnson stated that the Committee will convene on Feb. 2nd and invited residents to email any further communication by then to the Committee's dedicated email address, zoning@tewksbury-ma.gov. He mentioned that at the meeting it is presumed that the Committee's business will be wrapped up so that a warrant article could be submitted.

2. Marijuana Survey

Chairman Johnson then turned over the meeting to the Community and Economic Development Planner, Alex Lowder, to present the results of the marijuana survey. Alex distributed the findings to the Committee and went over the highlights for the public's benefit. The survey ran from Dec. 22 through last Friday, January 14th. The survey garnered 1,426 responses. Some highlights from the survey are:

1. 1,411 respondents live in Tewksbury, 63 own businesses in Tewksbury and 26 said they wish to open a marijuana-based business in Tewksbury.
2. When asked about support for retail marijuana facilities in Tewksbury, 902 said yes, 191 said yes but with restrictions and 333 are opposed.
3. Residents prefer these facilities in commercial (1,085) or industrial (710) zones, and of those who oppose retail marijuana, the No. 1 reason was an expected increase in crime.

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4. And older residents are nearly as supportive as their younger neighbors.

Ms. Lowder went on to state that the data was broken down by age brackets and each of those brackets responded favorably either with restrictions or by right. The results will be posted on the Committee's webpage.

Mr. O'Brien asked how if there is a restriction on the number of businesses, who does the licensing, what is the State approval process and what is the distance required in the State regulations. Sadwick replied that communities can determine how the facilities are licensed, the number can be capped based on liquor licenses, and that he did not have the answers in front of him regarding the state approval process or distances under the State regulations. T. Johnson thanked Mr. O'Brien for comments and stated that the Zoning Bylaw Committee is only handling the zoning side of it and the regulatory issues will be addressed elsewhere.

Ms. Sliva believes that the Town has lost opportunities to collect revenue. If we don't have to wait, it should be brought forward in May.

T. Johnson thanked Ms. Lowder for the information presented. He also mentioned that residents have until February 2nd to provide any additional information to the Committee on this topic.

3. Zoning Map Discussion

Mr. Johnson turned over the discussion to S. Sadwick to go over the zoning map. He started the presentation with the four guiding principles that the Committee undertook during its review:

1. Eliminate split-zoned lots.
2. Align Main St. districts with the master plan.
3. Eliminate MN (Municipal District) zoning.
4. Reduce the number of overlay districts.

The new bylaw breaks down the single Commercial on Rt. 38 into 4 separate districts that would be distinctive to certain sections of Main Street. The master plan from 2004 and later updated in 2014 pointed to the different characteristics of different sections of Rt. 38 and recommended the zoning changes. The use of having overlay districts along Rt. 38 was an attempt to try and bring the zoning closer to what the master plan had called for but over time it created confusion as to what was allowed on Main St. This zoning bylaw would reduce the confusion and put into place different zoning districts to match the different characteristics. The committee is also in favor of eliminating the municipal district and trying to integrate those lots back into the zoning of the surrounding neighborhoods.

He also went through the areas of River Road and Andover Street; Rt. 38 from the Lowell Line to Capitol Ave; the Great Swamp; North and Andover Street; Livingston/Chandler & Livingston/ Pinnacle and Livingston/Main Street to demonstrate the changes that were occurring. He encouraged the public to look at the map on-line.

Bob O'Brien asked how much is being converted from heavy industrial to mixed use because mixed use would allow for residential to be included. Is this an effort to reduce commercial interests? He stated that the Trull/Old Main Street area is close to 495 and would be a big benefit for commercial/ industrial even distribution use. Mr. Cuoco explained that the intent was to take out HI where there are already existing homes. Many of those homeowners have to go to the ZBA because of their not being properly zoned. Mr. O'Brien asked if Bella Woods was allowed in an industrial area by the ZBA. Sadwick responded no that it was a Town Meeting authorized change in zoning that occurred approximately 8 years ago. Mr. Johnson stated that with the reduction in the overlays the Committee was trying to reflect what exists today. Make the picture reflect real life.

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Mr. Johnson stated that the next meeting will be an extensive detailed meeting. The comments that have been received by the public have been appreciated by the Committee and are recognized as an important component of the project. Even if people's comments were not included in the final document, he hopes that people will attend Town Meeting and be supportive of the article. He went on to state that there is unanimous opinion in the community that the current zoning bylaw is no longer a viable option. If the new bylaw is not adopted the Town will be stuck with what we have. He was reminded earlier in the evening that the bylaw is a living breathing document that needs to be amended over time. This new proposed bylaw is a reset. There will be topics in the future that will require revisitation, but they will be on top of the reset and not the 100-150 amendment document that we have today.

The window to get any comments to the Committee is slowly closing with the final drafting meeting to occur on February 2nd.

Adjournment

MOTION - Ms. Wortman made a motion to adjourn the meeting at 7:02 PM. The motion was seconded by Mr. Mackey and unanimously voted 5-0.

Approved on: February 2, 2022