

ZONING BYLAW COMMITTEE MINUTES

January 5, 2022

Call The Meeting to Order

Chairman Todd Johnson called the meeting to order for the Zoning Bylaw Committee at 6:04 PM in the 1st Floor Meeting Room at Town Hall. Members present at the meeting were Steve Johnson, Mark Bertonassi and James Mackey III. Todd Johnson and Erin Wortman participated remotely. Also present were Assistant Town Manager Steve Sadwick and Community/ Economic Development Planner Alex Lowder. Member Robert Fowler was not present. Chairman T. Johnson reminded members that since there was remote participation, all votes would require a roll call.

1. Approval of Minutes from 12.2.21 and 12.8.21

MOTION - Mr. S. Johnson made a motion to approve the minutes from December 20, 2021. The motion was seconded by Ms. Wortman and unanimously voted by roll call 5-0-1, with R. Cuoco abstaining.

2. Review of Zoning Map

S. Sadwick referenced that he sent out to the Committee two links via email, 1 to the existing zoning map and the other to the proposed zoning map. He also referenced the table of district changes that was also sent to the Committee. He said that the table was very useful in showing where the changes were being proposed on the map. A few mapping changes were just changing the name of the district, removing the overlays or removing split zones. S. Johnson said that it was very important for the public to know what changed. Sadwick gave examples off of the table including the Main Street/ Colonial Drive property that was split zoned Commercial and R40 is now Mixed-Use Business. He also gave the example of the Old Main Street/ Littlefield Ave/ Veranda Ave neighborhood changing from COM and R40 to R40. T. Johnson asked if in the current process if there were any questions on the zoning map or at the last Town Meeting. The map was not discussed at Town Meeting because the main zoning article failed. There was one email that referenced a map change but when it was reviewed it was determined that the proposed map should have included an amended Town Meeting map from a few years ago. Sadwick mentioned that the map could be discussed at the next public input session. S. Johnson asked about someone not getting an amendment on the main article and then coming back for a second bite of the apple on the map. S. Sadwick didn't think this was a problem as the main zoning article only references a general description of the districts and not the specific addresses themselves. S. Johnson asked what if someone recommends an amendment to delete an entire district. S. Sadwick said that the main zoning article and map article could be consolidated into 1 article as we have done this in the past. T. Johnson asked the Committee if there were any concerns. E. Wortman said that we should double check to make sure we are in compliance with MGL Chapter 40A Section 5. R. Cuoco stated that if consolidating the map into the text article is allowed then we should move forward with one article. T. Johnson asked if the changes were covered in past presentations. Sadwick responded that the table is more granular than the video he did of the map changes. T. Johnson referenced that this Committee is standing on the shoulders of work done by others. He asked if the Committee had any concerns. R. Cuoco stated that he hopes that the drafters will be able to make the districts more distinguishable through the colors and cross-hatching. J. Mackey asked if the video could be brought to the front of the webpage. A. Lowder responded that the link to the YouTube videos are on the landing page, but she can call attention to it. R. Cuoco referenced that there was more discussion in 2017 regarding uses than there was regarding districts. Sadwick mentioned that the public could be reminded that there will be a brief discussion of the map at the next public input session. A. Lowder said that she has reminders going out via email blast on January 11th and 18th.

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3. Outstanding Items

a. Results of Marijuana on-line survey

A. Lowder reported that 930 have completed the online survey. Over 65% are in favor of retail sales of marijuana. The questions included age, live/ work in Tewksbury, favor/favor with restrictions or oppose retail sales. Restrictions included such things as near a residential district and distance to schools. The survey will remain open until January 14th and Alex will take the time on Tuesday, January 17th to work on a more in-depth breakdown of the results. It appears that the those in favor see it in the Commercial district and think that it shouldn't be any different than liquor stores or smoke shops.

E. Wortman asked if people understand the difference between Commercial and Industrial. A. Lowder responded that it appears that there is an understanding that commercial means Rt. 38. R. Cuoco asked if it is just zoning or a general bylaw. S. Sadwick mentioned that a general bylaw would also be necessary to lift the retail sales ban. R. Cuoco mentioned that there will be several other requirements through the special permit granting authority, the State and the Board of Health. S. Johnson asked if the survey asked for restrictions? A. Lowder stated that some restrictions were provided. S. Johnson asked if there were licensing requirements. S. Sadwick responded that a community can choose to set up a local licensing requirement but that has not been discussed in Tewksbury. S. Johnson recommends that we make sure to convey the State requirements to residents.

R. Cuoco asked if retail marijuana would be a separate article. T. Johnson mentioned that this was discussed at the last committee meeting and while he was originally conservative on the issue he has gone back and forth on it and is now of the opinion that it would be best for a single article. The reason given is that it would be a confusing warrant, with amending the current bylaw for retail marijuana sales, an article for the zoning re-write, an article for the map and then an article for retail marijuana sales amending the new bylaw. Including retail marijuana sales in the rewrite saves time and confusion. If it is something that the Committee believes is right for the Town than it should be included and explained. R. Cuoco mentioned that if it appeared to be fatal it could always be amended. S. Johnson believes that it is a good idea to have all marijuana related uses in one section of the bylaw. If someone is looking to amend the bylaw to remove retail marijuana sales it should be surgical and not disrupt the other marijuana uses. T. Johnson commented that there could be too many sidebars with multiple articles that would muddy the water.

b. Definitions

S. Sadwick referenced the definition for accessory building height that was presented to the Committee. T. Johnson thanked M. Bertonassi for raising the issue. The Committee approved by consensus. Sadwick referenced the Green Vehicle definition that was provided. He, A. Lowder, and M. Bertonassi looked at different definitions from the EPA, Kelly Blue Book, and Wikipedia to name a few to come up with the definition. If approved, it would be dropped into the use table as a sale of used green vehicles within the General Business District. R. Cuoco commented that more you can define something the better. T. Johnson recommended that within the next month or two staff will be doing a video to as to what's changed in the draft bylaw as a result of this Committee. S. Johnson stated that the proposed bylaw does have some green elements to it. T. Johnson responded that the community has had a green focus with the award of being a Green Community and the grants that the Town has received. J. Mackey asked if charging stations were covered by this definition or what if gas stations wanted to become charging stations. E. Wortman stated that a charging station would be an accessory use. As for gas stations converting to charging stations, she thinks that we are far enough away from that technology that it shouldn't be a problem. S. Johnson suggested that the addition/

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conversion of parking spaces to charging stations has already been brought to the Planning Board for different locations in Town. There was no opposition to the proposal.

The following was input from the Building Commissioner-

- 1- Manufactured home (HUD) should be added to mobile home. As M. Bertonassi explained, this is the new definition to mobile homes. E. Wortman asked if this creates an unintended consequence for prefabricated homes. M. Bertonassi explained how they are viewed differently under the building code. No opposition to this change.
- 2- Temporary trailers- M. Bertonassi provided comments on how flexibility could be introduced. After discussion by the Committee, it was decided that staff would work on this a bit more before bring it back to the committee.
- 3- Parking spaces for certain uses- Some of the mixed-use properties are coming in with minimum spaces that do not make sense. They would not account for owner, employee, customer. Also, they are not providing handicap spaces due to how small the spaces are. It was decided that what is really trying to be accomplished is a per site requirement for handicap spaces. The committee discussed this issue and asked that staff bring back something.
- 4- Screening Maintenance- M. Bertonassi explained that trees/ shrubs that were originally planted for screening grow up leaving spindly branches that no longer serve as a screen over time. S. Johnson asked about the issue of enforcement. Everyone agreed that more straightforward language would make enforcement easier. There needs to be a connection between screening and maintained in perpetuity. Staff will bring back language.
- 5- Family suite- while the Building Commissioner was concerned about making sure that people know that is a Planning Board special permit, he also wanted to shift the annual certification reporting to the Town Clerk's office. Sadwick said that he also noticed that there was some additional clean-up in the language that was necessary. There was no Committee opposition to this.

T. Johnson thanked M. Bertonassi for bringing these issues forward.

4. Review of Schedule

T. Johnson went over the schedule. Last public input session is 1/18 and will build in a map discussion. The 2/2 meeting will be the last meeting scheduled to tie up loose ends. The intent of that meeting is to have a final product. S. Johnson mentioned that with this winding down, he thinks the Committee needs to strategize how it will handle amendments at Town Meeting. A lot of work has been done and he wants to prepare for success. T. Johnson said that it will be on the 2/2 agenda and the Committee can meet after 2/2 to discuss strategy. R. Cuoco asked if there will be a redline of what was changed by this Committee. Staff will work on it. T. Johnson reference the video summarizing the changes.

Adjournment

MOTION - J. Mackey made a motion to adjourn the meeting at 7:22 PM. The motion was seconded by Mr. S. Johnson and unanimously voted 6-0 on a roll call vote.

Approved on: February 2, 2022

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List of Documents for 1.5.22 meeting

Documents can be found in the Community Development Office

6:00 p.m. Call meeting to order

- 1- Minutes from 12.20.21
 - Meeting Minutes 12/20/2021
- 2- Review of Zoning Map
 - Consolidated meeting minutes document (6 pages; undated)
 - Side-by-side comparison of overlay district changes
 - Parcel reference document dated 12/29/2021
- 3- Outstanding Items
 - a. Results of Marijuana on-line survey
 - Marijuana survey results compilation dated 1/18/2022
 - b. Definitions
 - Suggested definition changes dated 1/5/2022
- 4- Review of Schedule
 - Draft committee meeting schedule (1 page; undated)

Old Business

New Business

Correspondence

Adjournment