

# ZONING BYLAW COMMITTEE MINUTES

May 4, 2022

## **Call The Meeting to Order**

Chairman Todd Johnson called the meeting to order for the Zoning Bylaw Committee at 6:30 PM in the second floor library at Tewksbury Memorial High School. Members present at the meeting were Steve Johnson, Mark Bertonassi, Richard Cuoco, Robert Fowler, James Mackey, and Erin Wortman. Also present was Community/Economic Development Planner Alex Lowder and Assistant Town Manager Steve Sadwick.

## **1. Approval of Minutes from April 28, 2022**

**MOTION-** Mr. Fowler made a motion to approve the minutes from April 28, 2022. The Motion was seconded by Ms. Wortman and unanimously approved.

## **2. Draft Amendment to Height in OR District**

Mr. T. Johnson confirmed that communications were made through staff regarding a proposed amendment to Section 5.3.4 of the bylaw. He asked Mr. Sadwick and Ms. Lowder to research and continue communications with the proponent of the amendment and that the committee would consider endorsing the amendment and bringing it forward as a committee instead of from Town Meeting floor. Mr. T. Johnson noted that this amendment followed open discussion and was submitted for committee and staff vetting to ensure there were no unintended consequences of this proposed amendment.

Mr. T. Johnson read the amendment as follows:

*“In Section 5.3.4 for the OR District change the Maximum Height (stories) from 5 to 3 and Maximum Height (feet) from 60 to 40; and change Footnote B of Section 5.3.4 to read: Except that in the I1, I2 and OR districts the Planning Board may grant a special permit to increase the maximum building height to five stories and 60 feet.”*

Mr. T. Johnson noted that this was not a substantive change and reverts back to old language. He opened it up for comments from committee members.

Mr. Fowler stated he was OK with the amendment as it goes back to old language in the bylaw in the 80s. He is comfortable with the numbers.

Mr. Cuoco asked that if the committee adopts the amendment here, then the committee will present the article as its own. Mr. T. Johnson confirmed. Mr. Cuoco said he is OK with the amendment if that is how it's presented.

Mr. S. Johnson stated that the amendment is not a big deal to him especially because it is not a ban on something and reverts back to old language. He noted that it was originally changed in the draft to match industry standards and cautioned that shifting to discretionary means the Town may lose out on business. He said some companies may not want to be at the mercy of the [Planning] Board. Mr. S. Johnson also stated that he was concerned about how making an amendment so soon looks from an optics standpoint but is overall OK with it. Mr. T. Johnson responded that he would be giving context as to why the committee is bringing an amendment so quickly.

Ms. Wortman said she was not initially in favor of the amendment, but if it makes people more comfortable with the overall bylaw, she is OK with it. She is OK with the restriction making it discretionary.

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Mr. Sadwick offered additional context and history of building heights as they evolved in the OR district. He noted that in 1947, which predates OR districts, the non-residential zones were characterized as industrial. He said that all industrial buildings were allowed to be five stories or 60 feet by right. He further clarified that it was like that until 1993. At this point, those building heights were made discretionary through a special permit from the Planning Board. In 1996, the OR district was created to be its own from the HI district and went to a 35 feet maximum with up to 60 feet by special permit from the Planning Board. He also noted that as of 2006, the Planning Board has the right to waive height above 60 feet and reduce setbacks to as little as they see fit. Mr. Sadwick confirmed that tonight's article provides more discretion in the process.

Mr. Mackey thinks the change is going in the right direction, and likes that it cleans up the 2006 language change and thinks that is an important distinction.

**MOTION**- Mr. Cuoco made a motion to adopt the amendment as presented. Ms. Wortman seconded the motion and the amendment was adopted unanimously. It will be presented at Town Meeting by the committee.

### **3. Committee Dissolution**

Mr. T. Johnson thanked everyone who has been part of the process over the last six years. He said that a lot of time, effort, and hard work went into this bylaw. He stated that there were many iterations of the committee over the years, but everyone contributed.

He further stated that this is the last meeting of the committee, and there will be no further action taken. He proposed that the committee be dissolved effective at the conclusion of Town Meeting, which allows them to meet during the discussion of the article, if necessary.

**MOTION** – Mr. Fowler made a motion to dissolve the committee at the conclusion of Annual Town Meeting on May 4, 2022. Ms. Wortman seconded the motion, and the motion passed unanimously.

### **4. Approval of Minutes from May 4, 2022**

Mr. T. Johnson noted that, after discussion with Town Counsel, the best way to not have unapproved meeting minutes would be to verbally summarize minutes taken during this meeting and approve them thereafter.

Mr. T. Johnson asked Ms. Lowder to summarize the May 4, 2022 committee meeting for the record as minutes taken, and she did so.

**MOTION** – Ms. Wortman made a motion to approve the minutes from May 4, 2022. The Motion was seconded by Mr. Cuoco and was unanimously approved.

### **Adjournment**

**MOTION** - Ms. Wortman made a motion to adjourn the meeting at 6:49 PM. The motion was seconded by Mr. Cuoco and unanimously voted.

**Approved on: May 4, 2022**