

3rd Reading Draft Comments

Clerical/ General Comments

- Need consistency between “R40” and “R-40” 2 instances of R-40 – Section 5.3.2 (2 tables, and 6.2.7
- Need consistency between “# feet” and “number feet” (ex. 10 feet vs. ten feet)

8.3 Affordable Housing Requirement

For me the issue is simple, 40b and not being protected. By allowing in lieu any time we are under 10% we the residents are left vulnerable to likes of some bad developers. I don't understand why the town folks best interest was not served by ensuring not only are we 40b compliant but that we would be at Safe Harbor. Addressing this for the future of our town is paramount to me.

We went to that meeting in Feb 18 for what was thought to be a meet and greet and it turned into we were forced to accept this, we had no choice because decisions were made by Boards, Committees and Town Hall to allow paltry in lieu of payments. Every development should be mandated to have 10% affordable housing, our children should not be forced out of town which they are. As a resident, as a parent - thats heartbreaking to know we have invested 25 yrs here only for them to not afford to live in town.

I go to leave that awful meeting where i watched you and residents of this town tell us they were approving and we had to accept it as fate. As I am leaving, a PB member whom I had never met decided to chide me about attending meetings, not understanding what 40b is. As a resident, my first response is to say, ensuring this quota is met is the job of the Local Housing committee, Planning Board committee and not necessarily incumbent for the everyday resident to understand but for them to take care of.

My concern with the Zoning Bylaw changes is that I will be a strong opponent of MDU, Multipurpose developments as long as they are not forced to have 10% mandatory affordable housing. I actually like the MDU developments for certain areas, I can see where they could fit in different spots. Not sure I agree with several proposals at all but again, if the language is such that 40b is covered, I could work with that. What will it take to get it acknowledged that the various groups and the builders have created a situation that has a negative impact on the community and requests that the residents should be listened to, fix the 40b, get rid of in lieu of payment and never again let us be vulnerable.

For the next meeting this is where I am coming from as far as the Zoning bylaws - no 40b requirements language in there to cover the community and it will interesting to see how the rest of the town view it.

8.3 Affordable Housing Requirement

There is one by-law that is currently written in the 3rd revision the following way, but I have a problem with the way it is worded. The by-law I am referring to is below my comment so you know what I am writing you about.

I think this should include the following wording:

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The Town should NOT allow 'in lieu of' payments UNLESS we are well above our 10% quota. I do feel that we would have already met our quota if this was in place when all of the newly built apartment buildings that were built were not allowed to have buy-outs.

Affordable Housing Trust Fund (not Zoning Bylaw issue)

Besides this, I really would like to know where the existing funds that have been collected and have accumulated (substantial amount of money) by buy-outs is going to be used for. Is this build-up of funds going to be used as a slush fund for whatever, or whenever, the Town decides to tap into it? This money should have a specific purpose, and used for it accordingly. Social Security did this to the elderly, and it is so, so wrong. Whatever money is earmarked for, is where it should be applied to.

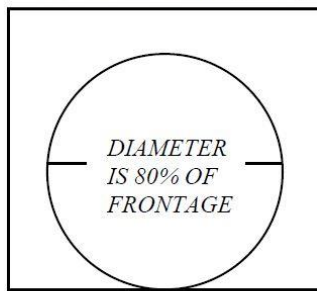
2.0 Definitions

Definitions – Some of the missing definitions may be ok...I just wanted it noted in case of oversight.

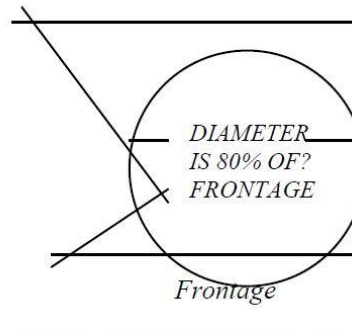
- New – Adult Day Care – Shouldn't that be grouped with Senior Housing
- Missing – Accessory Motor Vehicle Rental and Leasing
- Missing – Boarding or Lodging House
- Missing – Commercial Mobile Radio Service/Mobile Telecommunications Providers
- Missing – Daily Vehicular Trip
- Family Child Care Home – Why is it broken down into 2 definitions?
- Dwelling, Single-Family Attached – There is NO such thing in Tewksbury. We don't have duplexes on their own lot.
- Family Suite – We need to list what is defined "Family Members"
- Live Work Unit – What is this?
- Missing – Earth Moving
- Missing – FIRM
- Missing – Itinerant Roadside Vending
- Kennel, Commercial – We need to break this definition down. Grooming and Training should NOT be in the same category as housed, bred and sold (Kennel should be aligned with Town Clerk regulations)
- Missing – Light Manufacturing
- Missing – Major Commercial Project
- Missing – Major Recreational Equipment
- Missing – Width of Parking Stall
- Should Nursing Home be grouped with Senior Housing?
- Zoning Enforcement Officer – This is new – 40A?

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8. All buildable lots shall be able to encompass a circle that touches the frontage and has a diameter equal to 80% of the lot's frontage requirement within the interior of the lot.



A BUILDABLE LOT



NOT A BUILDABLE LOT
(Circle will not fit within lot lines)

Section 3.5 Special Permits

Another suggestion I have is that any of the major changes that the Planning Board has to decide on, be put to some type of election or vote so the Towns people can have some say into the decision. This would give the residents a voice into some of these major happenings. The Public meetings that the Board offers now, is not working. It seems that the residents comments have not been taken into play when the Planning Board makes their final decision on what they are going to vote on.

Section 4 Establishment of Districts

- 4.1 – Use Districts should match the districts in Section 5 (Name and position)
Farming (F) vs (FA)
Multiple Residence District vs. Multiple Residence
South Business vs. South Village Business
West Side Neighborhood (WSN) vs. Westside Neighborhood Business (WNB)
Transition District (TD) is listed in Section 5.2.2(A) but not in Section 4.1
- 4.2.1 (H) – Did we decide not to fix the zoning along Main Street to the property line and stick with 291'?

Section 5 District Regulations

- 5.1 – Note – we should look at a different residential zone for certain areas.
- 5.2.2 – The order should match Section 4.1 and naming consistency
- The definition for the TD district in the 5.2.2(A) is different than TD in 5.2.4(B). Are they both needed and if so, should be combined.

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- Page 33 Section 5.3.1.A.2. Lot width equal to minimum frontage at building setback. Is this necessary as in the next section we have the 80% building envelope?. Lot width same as minimum frontage would cause some funky shaped lots and or create un-necessary increase in frontage on the inside of curved lots.
- Page 34 Section 5.3.1.A.4. On the 6th sentence is the 5 in Section 5 correct?
- 5.3.1(B)1 – I know this is in the current zoning but why? How do we know if the street is 40’?
- 5.3.1(E)5 – There needs to be something in place for residences who want to put up a fence over 6’ in a residential neighborhood.
- Did we take care of the “Z factor”?
- 5.3.2 – What is a “zero lot line”? Why should we ever approve something with zero setback?
- 5.4.1(D) – Should this be ALL municipal uses not just parks and playgrounds since the Municipal District has gone away.
- Page 41 Section 5.4.D.1 Truck Boxes.. Did we want to allow them in certain instances with a special permit? ie. in the rear of building not visible from any abutter?
- 5.4.2(A) – The prohibited uses in the current bylaw should be listed. A statement not limited to could be added. Also, this is referencing tables in Section 5 but the uses have been moved to Appendix A.
- 5.4.5(3)a – There is no R80 so that should be deleted
- Page 41 Section 5.5 Wireless Communication. Do we need to address the antennas mounted on utility poles or exempt them?

Section 6 Site Development Standards

- Page 63 Section 6.1.10 This differs from DPW standards. Although not an issue on Main Street it can be a major issue on Town Streets.
- Page 66 Section 6.1.12.1.G.2 Parking in front yard setback in Industrial zones. This section needs some work as applicants are always asking for a waiver. Not sure what the original intent was but it needs looking at.
- 6.2.3(A) – This should be deleted.
- 6.2.3(H) – Does this include all flags?
- 6.2.3(I) – What if they have a logo on the directional sign?
- 6.2.4(A) – Add comma after tethered.
- 6.2.7(A) – There is no limit on how many signs? How does this work with a home occupation?
- 6.2.9(E3) – It should read ...”more than 3 feet from” not “more than feet f3rom”
- 6.3 – Section 4.X – just a place holder to update section
- 6.3(A3b) – How far into the setbacks can porches, stoops and balconies go?
- 6.3(B1) – Table X.X – place holder to update section

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Section 7 Special Use Regulations

- 7.2 (A4) – Conflict w/sign bylaw?
- 7.2 – So there is no Special Permit option now? They can have a stream of customers coming to their house without proper parking?
- 7.2(B) – Where permitted? What does that mean? What about a dentist or chiropractor or the like?

Section 8 Other Development Regulations

- Section 8.4 – Why would we do an OSRD by right? Just a question?
- Page 95 Section 8.2.4.B This was flagged as a potential issue with the AG. It should be corrected so it does not jeopardize the entire by-law being voided? Or can the AG just exclude certain sections.
- Section 8.4.7.E.2 still is showing 5%. At the March 22, 2018 meeting we discussed this should be 50%.

Appendix A

- Should “MUV” be “MUB” in title?
- There are two “TD” columns are they the same?
- Why is non-profit outdoor recreation and camp a “SP” in R40, should it be N?
- Why is camp an SP and not N in R40?
- Why is camp an SP and not N in R40?
- Two-Family should be “PB or “SP” in MR and VR
- Should Multifamily, up to 8 units be a “PB” instead of a “Y”
- Family Suite should be “Y/PB” because there is a by-right Family Suite
- Family child care – why is it broken up into 2 separate definitions? I thought day cares were exempt from zoning?
- Cemetery – This would be allowed in a FA or R40?
- Auto body shop – There are blank columns
- Commercial parking lot or parking garage – There are blank columns
- Medical, dental or other – There are blank columns
- I thought we talked about Automotive sales, leasing, and service, including sale of automotive supplies being a "PB" item in the I1 or I2 zone?
- Industrial 2 (I2). The Industrial 2 district is a small district with use regulations very similar to those for I1 with a few exceptions, mainly that motor vehicle **sales, service and** body repair facilities are allowed in I2 but not in I1. It is an industrial district and as such, it supports job creation and retention and is intended to enhance the Town’s tax base. Uses that

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could create a high risk of conflict with industrial operations – mainly but not only residential uses – are prohibited.

Our goal is to include everything that applies to a specific district listed under that district. Toward that end shouldn't we list in the specific sections like MFD Section 8.2, OSRD Section 8.4, Town Center, Mixed-Use Business and Village Residential, that they are subject to section 8.3? Currently if you do not look at 8.3 you wouldn't know an affordable component was required.

Second on page 101 under section Eligibility it lists R-40 and Farming. It does not state OR as listed in Appendix 1. We should either add OR or say in all districts where residential development is allowed or words to that effect.