

Summary: Revision 1 for 2021 Zoning Bylaw Rewrite  
Zoning Bylaw Committee Approved 12/2/21

1. Fee in lieu of affordable units- Change determination of Fee to Board of Selectmen

8.3.4. Methods of Compliance

B. For an Open Space Residential Development, the Planning Board may grant a special permit for the applicant to pay a fee in lieu of affordable units to the Tewksbury Affordable Housing Trust. The fee-in lieu per unit shall be determined ~~in accordance with the Planning Board's regulations by the Select Board or its designee.~~

2. Open Space Residential Design Calculation

8.4.2. Eligibility To be eligible for consideration as an OSRD, the proposed tract of land shall consist of at least 3 acres in the R40 or Farming district. **Any pre-existing single family structure that is included in the calculation of the minimum acreage will be included in the post development total unit count.**

3. Sidewalks

6.1.11. Requirements for Business, Industrial, or Other Nonresidential Parking Facilities

D. Sidewalks. Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot. Sidewalks are required along all public ways to which the site abuts and must be connected to the sidewalks and pedestrian aisles within the site to provide safe access to entrance(s) to the building from the public way(s).

Sidewalks shall be constructed in accordance with the ~~Planning Board's Subdivision Rules and Regulations~~ standards set forth by the Department of Public Works (DPW). **It may be determined by the DPW during the pre-hearing interdepartmental review that a predetermined fee for use on the public way may be more advantageous to the Town at the time of permitting. This determination rests solely with the DPW.**

6.1.2 Applicability

E. The Planning Board in considering a project under a Site Plan Review may allow for waivers of Section 6.1, Off-Street Parking and Loading Area Requirements, **with the exception of 6.1.11.D.**

4. 6.1.12 Landscaping Requirements

B. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) not less than 5% of the total area of the parking lot. Landscaped area(s) shall be provided with a minimum

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width of at least 10 feet, curbing and **native** shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board.

- C. Planted Area Requirements. Areas shall be planted with native plant species and shall contain an appropriate mix of flowers, shrubs, hedges and trees. **Native** plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the applicant may substitute **native** shrubbery for trees.
- D. Shrubs and Hedges. **Native** shrubs and hedges shall be at least 2 feet in height at the time of planting, and have a spread of at least 18 inches.
- E. Grass. Grass is preferable to mulch where practical.

(New F.) The use of pollinators is encouraged.

~~F.G.~~ Tree Preservation. Existing trees with a caliper of 6 inches or more shall be preserved wherever feasible.

~~G.H.~~ Tree Requirements. **Native** deciduous trees shall be at least 2 inches in caliper as measured 6 inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within 8 years after planting. **Native** evergreens shall be a minimum of 8 feet in height at the time of planting.

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### 5. Billboards

6.3.A. Locations. Off-premises signs shall be permitted in the Industrial 1 and Office/ Research Zoning Districts located adjacent to either Interstate 93 or Interstate 495. No off-premises sign edge shall be located closer than 25 feet from the Interstate highway right-of way or within 1000 feet of a Residential or Multifamily District or Use. ~~500 feet of a Residential use.~~

### 6. Appendix A: Table of Uses Changes

A.1.D. ~~NON-PROFIT~~ OUTDOOR RECREATION, ~~E.G., SWIMMING, HIKING, PICNICKING, FISHING~~ NOT INCLUDING COMMERCIAL OUTDOOR RECREATION

A.2.H. LIVE/WORK UNITS OR ARTIST LOFT ~~OR LIVE/WORK UNITS~~

A.4.E. ~~USED-PRE-OWNED~~ AUTOMOTIVE SALES

A.4.K. PERSONAL SERVICE ESTABLISHMENT, ~~BUSINESS OR PROFESSIONAL OFFICE~~

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### 7. Appendix A: Table of Use Changes Office Research District Changes

A.2.D. MULTIFAMILY DWELLING, UP TO 7 UNITS; ~~PB special permit to not allowed N~~

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A.2.F. MULTI-FAMILY DEVELOPMENT from **PB special permit to not allowed N**

A.4.LL SELF-STORAGE FACILITY from **not allowed N to PB special permit**

## 8. Definition Changes

**BUILDING HEIGHT:** The ~~height of a building measured as the~~ vertical distance from the grade plane to the average height of the highest ~~point of the~~ roof surface. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space.

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at ~~all~~ exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

GROSS FLOOR AREA: The floor area within the inside perimeter of the exterior walls of a building, without deducting for stairways, ramps, closets, the thickness of interior walls or other features.

STEEL STORAGE UNIT: Something that is generally portable or movable.

~~STORY: The portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion so contained if more than 1/2 of such portion is below the mean finished grade of the ground adjoining such building.~~

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see "Basement," "Building height," "Grade plane" and "Mezzanine"). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is: 1. More than 6 feet (1829 mm) above grade plane; or 2. More than 12 feet (3658 mm) above the finished ground level at any point.