

Summary of Revisions in 2022 Zoning Bylaw Article Compared to 2021 Zoning Bylaw Article

1. Fee in lieu of affordable units- (ZBC: 12/2/21 and 12/20/21)

8.3.4. Methods of Compliance

B. For an Open Space Residential Development, units must be provided on-site until such time that the Town reaches its 10% affordable housing requirement under G.L.c.40B, §§20-23. Once the 10% requirement is achieved, the fee in lieu of affordable units will be allowed at the discretion of the Planning Board may grant a special permit for the applicant to pay a fee in lieu of affordable units to the and will be deposited in the Tewksbury Affordable Housing Trust Fund. 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. Appendix A: Table of Use Changes

a) Office Research District Changes (ZBC: 12/2/21)

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

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

A.4.MM.SELF-STORAGE FACILITY from ~~not allowed~~ N to ~~PB special permit~~

b) General Business District (1/5/22)

A.4.F. PRE-OWNED GREEN VEHICLES SALES Allowed by PB Special Permit

3. Billboards (ZBC: 12/2/21)

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.~~

4. Open Space Residential Design Calculation (ZBC: 12/2/21)

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.

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5. Sidewalks (*ZBC: 12/2/21*)

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.

6. 6.1.12 Landscaping Requirements (*ZBC: 12/2/21, ZBC 2/2/22*)

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 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.

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.

J. **Screening Maintenance. Plantings that are installed to serve as a screening buffer according to an approved site plan shall be maintained as a screening buffer by the owner in perpetuity.**

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7. Appendix A: Table of Uses Changes (ZBC: 12/2/21)

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.L. PERSONAL SERVICE ESTABLISHMENT, BUSINESS OR PROFESSIONAL OFFICE

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. (ZBC: 12/2/21)

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. (ZBC: 12/2/21)

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. (ZBC: 12/2/21)

MOBILE HOME ~~and or~~ MANUFACTURED HOME (HUD): Any vehicle without motor power designed, constructed, reconstructed or added to by means of accessories in a manner to permit the use and occupancy as a one family dwelling unit; whether resting on wheels, foundation structures, or other support; but constructed so as to permit its occasional movement over a street or highway. (ZBC: 1/5/22)

GREEN MOTOR VEHICLE: A vehicle that can be powered by alternative fuels and advanced vehicle technologies and include but are not limited to hybrid electric vehicles, pug-in hybrid electric vehicles, battery electric vehicles, compressed-air vehicles, hydrogen and fuel-cell vehicles, flexible-fuel vehicles, natural gas vehicles, clean diesel vehicles, and blends of biodiesel and ethanol fuel or gasohol. (ZBC: 1/5/22)

STEEL STORAGE UNIT: Something that is generally portable or movable. (ZBC: 12/2/21)

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~~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.

(ZBC: 12/2/21)

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. (ZBC: 12/2/21)

9. Bicycles (ZBC: 12/20/21)

3.6.C.9 Adequacy of parking, ~~and~~ loading spaces, and bike racks.

6.1.1.A Provide for safe and convenient vehicular and bicycle parking areas and delivery areas;

6.1.13.G The following uses are exempt from bicycle parking requirements: ~~place of worship,~~ cemetery, funeral home, automotive repair shop, car wash, or gas station.

6.4.A.2 The maximum front setback may be increased to accommodate amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, bike racks or outdoor dining, but not for automobile use.

10. Family Suites (ZBC: 1/5/22)

7.1 A Family Suite is allowed as an accessory use in a single-family dwelling in R40, F, TD, MF and VR districts in accordance with the following requirements and by special permit of the Planning Board. Except as noted, these requirements are not subject to relief through a variance.

7.1.I Annual certification by notarized affidavit shall be provided to the ~~Building Commissioner~~ Town Clerk's Office that the owner of the property, except for bona fide temporary absence, occupies one of the two dwelling units as a primary residence. Failure to provide a certified affidavit on an annual basis shall be sufficient cause for the Planning Board to revoke ~~Site Plan Review Special Permit.~~ In the case of a family suite unit approved as of right, failure to provide a certified affidavit on an annual basis shall represent sufficient cause for the Building Commissioner to issue a Notice of Zoning Violation to the owner and to undertake such remedial action as the Building Commissioner may determine is necessary.

11. Accessory Building Height (ZBC: 1/5/22)

5.3.1.E.1 An accessory building or structure shall not exceed 1-1/2 stories nor 20 feet in height to the highest roof surface above the average grade around the structure.

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12. Parking Changes (*ZBC: 2/2/22*)

6.1.3. Off-Street Parking Requirements

A. Minimum Number of Spaces. The minimum number of off-street parking spaces shall be provided in accordance with the Table of Parking Requirements below, except for personal service establishment, business or professional office, restaurant, fast-food or drive-in and retail showroom where there shall be no less than 2 spaces per use in addition to the Table of Parking Requirements or as determined otherwise by this Bylaw.

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

G. A minimum of 1 van accessible handicap parking space shall be provided at any nonresidential or mixed-use parking facility.

13. Miscellaneous (*ZBC 2/2/22*)

5.3.1.E.5: Fences not exceeding 6-7 feet and flag poles not exceeding 20 feet shall be exempt from the setback requirements of this Section. Fences that serve as a buffer between abutting residential and industrial /commercial uses and between industrial and commercial uses may exceed 6-7 feet with approval of the Planning Board and are not subject to setback requirements. In no event shall a fence over 6-7 feet in height be permitted on a residential property abutting another residential use.

5.4.5.D.3: No trailer, trailer coach, trailer coach parks, mobile home, or other closed vehicle furnished for housekeeping and designed to be pulled behind another vehicle shall cause the same to be placed upon any premises in any district in Tewksbury except when a residence destroyed by fire or natural disaster is being rebuilt in accordance with G.L. c.40A, § 3. However, nothing in this section shall prevent the Building Commissioner from granting permission to locate a mobile home or trailer home on a construction site for use as a temporary office for not more than 6 months or until such time that the construction has been completed as determined by the Building Commissioner. A recreational camper or mobile trailer used only for recreational purposes is a permitted accessory residential use provided that it shall not be inhabited or used as a dwelling.

14. Medical Marijuana Overlay District components incorporated into Marijuana Establishment Section 8.7 and allowed in the General Business District by Special Permit (*ZBC 2/2/22*)