



TOWN OF TEWKSBURY

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OFFICE OF TOWN CLERK

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ARTICLE 22

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by adding a new section, 9415 to read as follows:

9415. The Planning Board in considering a project under a Site Plan Special Permit may allow for waivers of Section 5100, Parking and Loading Requirements, Section 5400 Landscaping, Screening, and Buffer Requirements. Waivers will also be considered for Appendix C: Table of Parking Requirements. The waiver request must be specific in nature and the Planning Board must make specific findings to waive any of these requirements. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of the Zoning Bylaw. The Planning Board will base its findings on the stated requirements of those sections of the bylaw listed above as well as standards that are established by other professional organizations, such as, but not limited to, parking standards published by the Institute of Transportation Engineers, standards of the American Society of Highway and Transportation Officials, Commonwealth of Massachusetts agencies (DEP Stormwater Policy, for example) Urban Land Institute publications, and American Planners Association publications.

~~Provisions, as part of said Site Plan Special Permit process, under which the Planning Board may provide waivers under this section, 9415, from Section 5100 and 5400, shall not be subject to a grant of a variance by the Zoning Board of Appeals. The Planning Board retains sole discretion in said matters of Sections 5100 and 5400 as stated herein.~~

Planning Board

Motion: Planning Board Chairman, Robert Fowler, motioned to Adopt Article 22.

Voted: Article 22 was Adopted. 17 YES -0- NO (2/3's vote required-Unanimous Vote) 8:01 PM 10/2/07

Executive Summary: This article seeks to add flexibility and realistic requirements on projects submitted for a site plan special permit. Currently an applicant could be faced with a 2-step process where the action of one Board does not necessarily meet with best planning practices due to the nature of available relief.

Finance Committee Chairman, Ron Hall, motioned to Adjourn the October 2, 2007, Special Town Meeting, Sine Die, at 8:01 PM, and this motion was Adopted.

Respectfully submitted:

ELIZABETH A. CAREY, CMC, CMMC
TOWN CLERK

08 JAN 11 PM 3:04

TEWKSBURY, MA
BOARD OF REGISTRARS
TOWN CLERK

A TRUE COPY ATTEST
Elizabeth A. Carey
ELIZABETH A. CAREY
TOWN CLERK