

Town of Tyngsborough Zoning Bylaw Review

February 16, 2022



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in collaboration with
Robert Mitchell FAICP

INTRODUCTION

The Town of Tyngsborough has asked Barrett Planning Group LLC and Robert Mitchell, FAICP, to conduct a diagnostic of the Tyngsborough Zoning Bylaw (ZBL) as the first step in the process of a zoning update. This report provides key findings from our zoning diagnostic and some initial recommendations we think the Town should consider. Note that a zoning diagnostic (sometimes called a zoning audit) is *not* a redline markup of the bylaw or a section-by-section list of deficiencies. It also is not a compendium of all the comments we received about the ZBL and how it has been administered to date. Instead, our purpose is to focus attention on key issues that should be addressed during our work with the Town.

To prepare the zoning diagnostic, we conducted the following tasks:

- We joined Town Planner Eric Salerno on a tour of Tyngsborough on Friday, Dec. 14. The tour helped to familiarize us with most of the community, including all of the main corridors, the commercial and industrial areas, and various residential neighborhoods. Through the tour, we began to understand some of the challenges the Town faces as it continues to grow and change, and also how being a border town with New Hampshire influences some of Tyngsborough's choices and opportunities.
- We interviewed officials on the Planning Board, Zoning Board of Appeals, Select Board, and others, as well as a few developers and local attorneys.
- We have done a "full text" or close reading of the ZBL, marked it up, and discussed several issues internally as a team and with Eric Salerno.

We look forward to discussing our diagnostic report with members of the Zoning Committee, Planning Board, and others.

As a general comment, a well-written and well-organized Zoning Bylaw should be capable of guiding Tyngsborough's future development in a manner consistent with the Town's planning efforts. It will help Town Boards make confident findings, the Building Inspector make consistent determinations, and citizens figure out what is allowable on their properties. With these goals in mind, we

conducted the diagnostic with a focus on the following considerations:

- Structure and format
- Navigability, finding aids
- Clarity and consistency
- Use and placement of definitions
- Simplicity in approval processes
- Consistency with Zoning Act and judicial decisions
- Obsolete or missing provisions, e.g., technology updates

Knowing that Zoning Bylaws are often amended in a piecemeal fashion as specific needs arise over the years, we sought to develop recommendations to create an easy-to-use, readable document with logically ordered sections. That is the main goal of the following report. However, while working to give the Town a document that is easier to work with, we also think Tyngsborough needs to be open to zoning that is far less special permit-dependent, clearer in its intent, and capable of meeting a wider variety of needs.

TECHNICAL REVIEW & COMMENTS

1. Key Issues

The Tyngsborough ZBL would benefit from a substantial revision effort, but there are several key topics that should be addressed as soon as possible. We recommend that the Town focus on the following issues in order to have an up-to-date, clearly written, and legally sound bylaw:

1. The ZBL needs to distinguish site plan approval for permitted uses from a special permit. The Town needs a site plan approval bylaw for “as-of-right” permitted uses uncoupled from the special permit process.
2. The Table of Uses needs to be updated and, as part of that process, the definitions for terms that appear in the Table of Uses should be reviewed and revised. Uses the Town may want to encourage for economic development or other reasons should be added to the Table of Uses, and some of the existing terms should be modernized or otherwise revised. This is probably as good a time as any to step back from the existing Table of Uses, examine the districts on the Zoning Map, and consider what the Town would like to see in each district, given policies and recommendations of the new Master Plan and other sources of input to the Planning Board.
3. As part of the process of reviewing the Table of Uses, we recommend that the Town revisit the need for subjecting so many uses to special permits. Perhaps if the ZBL provided clear standards or requirements for some uses to meet as a condition of zoning compliance, the Town could reclassify those as permitted as of right.
4. Tyngsborough has many lots divided by district boundaries, i.e., “split lots.” The ZBL should address how zoning will work on split lots so that affected landowners can plan for the future of their property. Tyngsborough is not the only town we have worked in where split lots are a real challenge in many places around the community. Regulations for determining what can happen on these lots, and how decisions will be made by the Planning Board or other permitting authority, will help everyone

and may help to make more economically viable, well-planned sites in the future.

5. The approval process for multifamily development and open space residential development needs significant attention. We are concerned about the legal basis or justification for the process imposed by the Zoning Bylaw, i.e., prior Town Meeting approval as a condition of obtaining a special permit. There are a number of issues that should be looked at with Sections 4.12.00 and 4.14.00, and the permitting process is a critical part of the review. Given the recent changes to Chapter 40A to encourage housing – and to *require* zoning for multifamily housing in MBTA communities – it makes sense for Tyngsborough to tackle modernizing its residential zoning land use policies now.
6. As part of addressing these issues, we would like to do simple-but-necessary “clean-up” tasks, e.g., reformatting some sections, simplifying language, removing jargon and excessive “legalese,” and so forth.

The rest of our report provides more details about the zoning review, what we learned from interviews, and what we observed during our tour of the Town.

2. Format, Structure, and Organization

The Tyngsborough ZBL consists of four major sections and many subsections. The major section titles include:

Section

1.00	Purpose, Authority, Procedure
2.00	District Regulations
3.00	General Regulations
4.00	Special Regulations

There is also a Section 5.00, Special Requirements for Licensed Marijuana Establishments, but the ZBL format is not clear whether Section 5.00 is a separate major section or intended to be a subsection of Section 4.00.

The Table of Contents sheds light on a comment we heard from many interviewees – one that seems obvious to us as well as reviewers of

the ZBL. That is, the ZBL is quite disorganized and difficult to navigate, with many subsections and provisions assembled in long sections that do not always work together well.

2.1. Access and Ease of Use

The ZBL should be laid out in logical order, especially within sections, so that readers can find information efficiently. We recommend that you consider reorganizing the ZBL along the following lines. This is a fairly standard approach, so for developers or attorneys applying for the first time for approvals in Tyngsborough, it would be easy for them to find the information they need.

1.0	Purpose and Authority
2.0	Administration and Enforcement
3.0	Establishment of Districts
4.0	Use Regulations
5.0	Dimensional Regulations
6.0	Nonconforming Uses, Structures, and Lots
7.0	General Regulations
8.0	Special Regulations
9.0	Special Residential Regulations
10.0	Special Districts
11.0	Definitions

2.2. Techniques to Improve Navigation

Any of the following navigation aids and document design methods would help to improve the format and organization of Tyngsborough's ZBL

- An alphabetized index at the end of the ZBL
- Liberal use of cross-references where appropriate, especially if internally hyperlinked or bookmarked. For example, whenever a Special Permit or Site Plan Review is mentioned, it could be linked it to the relevant section so readers can easily find more detailed information with less time searching for it.
- Apply color codes to the Table of Permitted Uses and Table of Standard Dimensional Requirements. Assigning a color to each district in the heading row of the tables helps to

communicate both the district's principal uses *and* intensity of use, e.g., a yellow gradient for residential, a red gradient for commercial, and a purple gradient for industrial (the standard color classifications). In a gradient scheme, the darker shades typically signify more intensive or higher-density development; the lightest shades, lower density. The same color codes would be used in the Zoning Map.

- Permitting flowcharts showing the sequence of steps and timelines involved with various approval processes. This can be especially helpful for application types requiring multiple approvals.
- The Zoning Bylaw should be kept up to date, incorporating changes from Town Meeting as soon as possible after they occur. The bylaw made available to the public should provide them an accurate description of current zoning regulations without needing to seek out Town Meeting warrants to check for amendments.

2.3. Using Tables to Communicate Information

- **2.11.50 Accessory Uses.** These uses and their "standards" should be reorganized in a table format for easier identification and reading. In their present format, the accessory uses are unnumbered, i.e., no subsection numbering or other type of designation

2.4. Table of Uses

- The uses listed within each category in **2.11.30 Table of Uses** should be listed alphabetically to create a logical listing that helps readers find the use for which they are looking. For long lists of uses, e.g., Business Uses, they could be grouped in categories first and then alphabetized within each category. This would help to keep similar uses close together, such as Restaurant, Restaurant-Fast Food, and Lounge of Pub.
- In addition, the codes in the Table of Uses should be available to the reader before the Table, not *after* it. The list of codes is on ZBL page 22, but the Table of Uses extends from 18-21.

2.5. Numbering System

- Tyngsborough's code numbering system can be confusing, a problem exacerbated by the full left justification of all sections and subsections. The numbers are sequential for both sections

and subsections, but the numbers jump when they move from a subsection on to a new section. For example, 1.13.20 is a section (Powers and Duties of Board of Appeals). It is followed by four subsections, 1.13.21, 1.13.22, 1.13.23 and 1.13.24. Then, the numbering jumps to 1.13.30 a new section (Public Hearings). However, the numbers 21, 22, 23, and 24 are not in fact sub-numbers of 20 but rather are sequential *whole* numbers after 20.

- Bylaws normally use a sub-numbering or lettering system to indicate subsections. Example 1.13.20 would be followed by 1.13.20.1, 1.13.20.2, etc., or 1.13.20 followed by 1.13.20A, 1.13.20B, and so on, as shown below.

1.13.20 Powers and Duties of the Board of Appeals.

1.13.20.1 To hear and decide appeals or petitions for variances from the terms of this By-law ...

1.13.20.2 To hear and decide other appeals.

1.13.20.3 To issue comprehensive permits.

1.13.20.4 To issue withheld Building Permits.

Still, it would be easier to abandon the existing or intended sub-numbering system in favor of a mix of numbers and letters:

1.13.20 Powers and Duties of the Board of Appeals.

A. To hear and decide appeals or petitions for variances from the terms of this By-law.

B. To hear and decide other appeals.

1. Any person aggrieved ...

2. The Northern Middlesex Council of Governments ...

3. Any person including any officer or board of the Town of Tyngsborough ...

C. To issue comprehensive permits.

D. To issue withheld Building Permits.

Tyngsborough's numbering system also contains occasional errors. For example, there are two sections numbered 2.13.63: "Recreational Vehicles" and "Protection of Sand".

2.6. Reserved Subsections

- The ZBL contains unused section numbers, usually listed as "reserved." If there is no particular need to keep reserved numbers, they should be incorporated into the numbering system of the edited and revised ZBL.

2.7. Definitions

- In Section 2.00, District Regulations, Tyngsborough has a subsection of **Principal Use Definitions, Section 2.11.40**. The absence of an overall Definitions section is unusual. Instead, definitions are peppered throughout Tyngsborough's ZBL, with many subsections containing their own set of definitions. Unfortunately, this makes specific definitions harder to locate and also makes consistency across the ZBL harder to maintain. If the Town is concerned about cluttering a Definitions section with section-specific terms (such as types of wireless communications tower), solutions exist for these situations, e.g., sorting specialized terms by topic, separating them into boxes, or applying a color shade to groups of related terms so they will stand out.
- An example of the hazards with scattered placement of definitions is that where terms are defined, the formatting is inconsistent from one section of the ZBL to the next. Some are bold, some are in italics, and most are neither bold nor italics. Sometimes they appear in all capital letters, too.

2.8. Misplaced Content

Content is not always found where one would expect to find it based on section and subsection headings. Below are some examples.

- Under **Section 3.10, Parking and Loading**, Subsections 3.10.41 and 3.10.49 both have landscaping requirements for parking lots. All landscaping requirements should be located in one section, i.e., by consolidating the existing separate sections, and use consistent language.
- After Section 1.13.00, Board of Appeals, there are three sections that involve "umbrella" content for the ZBL overall: **Section 1.14.00 Amendments** pertains to the manner of

amending the ZBL under G.L. c. 40A. **Section 1.15.00** provides for appeals of decisions made by special permit granting authorities or other approval boards. Following that is the section on Special Permits. It would make more sense to relocate Amendments to the basic overview provisions of the ZBL, which ought to be the opening section (Purposes, Authority, Applicability, Amendment, and Severability) and keep Appeals after the Board of Appeals or after Special Permits – the point being to keep bylaw administrative matters together, separate from the introductory content.

- **Section 2.15.00 Nonconforming Lots, Uses, and Structures** is oddly placed in a sequence of sections about the Overlay Districts. It should be removed and assigned to a separate location with new numbering.

3. Clarity and Consistency

3.1. Long, Dense Paragraphs

1.10.20. Purpose. As currently written, this paragraph is a good example of the long, difficult-to-read text found throughout the ZBL. It could be much simpler and still accomplish what the Town needs it to say. For example:

This Bylaw is enacted to promote the general welfare of the Town of Tyngsborough, to protect the health and safety of its inhabitants, to support the most appropriate use of land throughout the Town, to address the goals and policies of the Tyngsborough Master Plan, and to preserve and increase the amenities of the Town, all as authorized but not limited by the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

1.11.10. Enforcement is also long, dense, and packed with too much content for a single paragraph. Consider the following alternative as an example.

- a. The Building Inspector shall be responsible for enforcing this Bylaw.
- b. If the Building Inspector receives a written request to enforce this Bylaw against any person allegedly in violation of the Bylaw,

within 14 days of receiving the request, the Inspector shall respond in writing of the action taken or refusal to act and the reasons therefor.

- c. If upon investigation and inspection the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of the premises and demand that the violation be abated within a reasonable period specified in the notice. The notice and demand shall be given by mail, addressed to the owner at the owner's address as it then appears on the records of the Board of Assessors and to the occupant at the address of the premises.
- d. If after notice and demand the violation has not been abated within the time specified, the Building Inspector shall take appropriate action in the name of the Town to prevent, correct, restrain, or abate the violation.
- e. Anyone who violates a provision of this Bylaw, or any condition of a variance, site plan review decision, or special permit, shall be punishable by a fine of not more than \$300 for each offense. Each day during which any portion of a violation continues under the provisions of this section shall constitute a separate offense.

3.2. Language Clarity

"Legalese" and jargon exist throughout the ZBL and contribute to how challenging it can be to read and understand the ZBL's intent. For examples, the word 'such' occurs 282 times. Other over-used words such as "said" can be found 44 times. While far less frequent, "heretofor," "hereinafter," "hereafter," and "therefor" appear in various places, too. Most of these words are unnecessary, and often, they create confusion by reducing readability. Here is an example of unnecessary legalese and very wordy phrases (italics added for emphasis)

1.11.10 Enforcement - This By-law shall be enforced by the Building Inspector of the Town of Tyngsborough. The Building Inspector, upon being informed in writing of a possible violation of this By-law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where *such violation* may exist. If the Building Inspector is so informed in writing and declines to act, he shall within fourteen (14) days of his receipt of *such information* give to his informant, in writing, his reasons for

refraining from taking any action. The Building Inspector, on evidence of any violation after investigation and inspection, shall give written notice of *such violation* to the owner and to the occupant of such premises, and the Building Inspector shall demand in *such notice* that *such violation* be abated within *such reasonable time* as may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Tyngsborough and to the occupant at the address of the premises of such seeming violation. If, after *such notice* and demand, *such violation* has not been abated within the time specified, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Tyngsborough to prevent, correct, restrain or abate any violation of this By-law.

And:

1.16.18 Conditioning by the Special Permit Granting Authority -The Special Permit Granting Authority may for valid reason limit the term of a special permit *to be conditional upon* specific ownership of the property and /or structure. The Special Permit Granting Authority *may also require a resubmission of documentation concerning the conditions in evidence* at the time of the *original granting or subsequent thereto if for said good reason* a reevaluation of items concerning the health, safety and welfare of the inhabitants of the Town of Tyngsborough is in order. *Said reevaluation* must be so stated and fixed in period during the original granting.

Note that since the ZBL applies only to the Town of Tyngsborough, there is no need to refer repeatedly to “Town of Tyngsborough.” In general, reference to “the Town” is sufficient.

Last example (there are many others – too many to cite in this report):

2.11.10 Application - No building or structure shall be erected and no premises shall be used except *as herein set forth* in the following sections.

3.3. District Names

- In Sections 2.10.00, 2.13.00, 2.14.00, and 2.16.00, the titles of the Overlay Districts should be consistent:
 - 2.13.00 Flood Plain and Floodway Overlay District
 - 2.14.00 Wetlands Overlay District
 - 2.16.00 Mixed Use Overlay District.
- Although Telecommunications District is listed as an overlay district in Section 2.10.00, it is also called Special Permit - Telecommunications Tower (TC-1) in Section 4.16.00. The language in the ZBL should be consistent – and clear.
- If “Mini-warehouse.” in Section 4.20.00 is intended to mean “Mini-warehouse/Self Storage,” the term should be amended to make the intent clear.

4. Specific Provisions

4.1. Section 1.20.00. Inclusionary Zoning

- As best we can tell, Tyngsborough adopted the Inclusionary Zoning bylaw in 2018. It should be reviewed for effectiveness and potential barriers to the creation of affordable housing, and it appears to need some clean-up. For example, the fee-in-lieu provision refers to the Commonwealth’s “Qualified Allocation Plan for Low Income Housing Tax Credit,” but the hyperlink in the ZBL applies to a specific LIHTC funding cycle, 2017. Unless the Town intends to freeze the total development cost caps from 2017, the hyperlink should be removed.
- We also note that when the Attorney General’s Municipal Law Unit reviewed this Section in 2018, the approval letter contained a note of caution about a potential conflict between requiring “local preference” in the award of affordable units and the non-discrimination requirements of the Federal Fair Housing Act (FFHA). Undoubtedly, most cities and towns have experience with affordable housing lotteries by now, and methods are available to avoid a discriminatory outcome. It would be wise for the Town to consider with it even needs Section 1.20.60, Local Preference. If so, the categories of local

preference should be revisited. Under current state policy, local preference does not include military or veteran status.

- The effectiveness of imposing inclusionary housing requirements on Assisted Living and CCRC developments (Section 4.19) needs to be reviewed.

4.2. Site Plan Special Permit

- This section of the ZBL needs careful review and discussion with the Town. Site Plan Review is for uses permitted as of right and it should be uncoupled from the special permit process. We did not find a Site Plan Review provision in Tyngsborough's ZBL except for the special permit under **Section 1.16.00**. (The Special Permit Granting Authority would review a site plan submitted as part of any special permit application, so the need for Section 1.16.00 is unclear.) The ZBL does not seem to explain the permitting process for limited number of as-of-right uses in the Business Districts.

4.3. Mixed-Use Overlay District

- In the Mixed-Use Overlay District, Section 2.16.60, Site Plan Special Permit (MUOD). The ZBL language provides that "all design criteria in this section shall apply." However, it is unclear what "design criteria" this section refers to. There are no "Design Guidelines" specifically listed in Section 2.16.00, the "parent" section of this overlay district. The ZBL should be updated to specifically identify the design criteria referenced here. If the guidelines are in a separate document, it should be identified and its location named so potential developers will know where to find the information.

2.16.71 Minimum Land Area per Lot/Dwelling Unit. This dimensional standard does not have a requirement attached to it. The requirement listed in the ZBL is actually a lot coverage requirement. Is there supposed to be a lot area per lot/dwelling requirement, or should the section name be changed?

4.4. Parking and Loading Requirements

- **Section 3.10.00, Parking and Loading.** This section of the ZBL calls for some high parking space ratios and may therefore be generating excess pavement. Does Tyngsborough have commercial, business, or industrial properties with excess,

unused parking areas? The Town should review its current parking standards for unintended impacts. Some examples of relatively high parking ratios include one space per 200 sq. ft. of professional offices and one space per 50 sq. ft. for a fast-food establishment. The multifamily parking should be revisited, too.

- **3.10.31 Table of Loading Requirements.** In general, this entire section should be reviewed and updated. What are these requirements based on? Are they based on real-world loading experiences? Why would buildings need a loading dock for each 4,000 square feet of floor area? Six loading spaces for an office building of 24,000 sq. ft. – ten spaces for an office building of 40,000 sq. ft. The Town’s requirements seem excessive and out of line with normal practice. Contrary to real-world experience, warehouse and industrial uses only have half the loading dock requirements of an office building.

4.5. Signs

- **Section 3.11.00, Signs,** should be reviewed for identified problems and legality with regard to sign court cases. (Note that another major sign case is working its way through the federal courts at this time.) As an example of the inconsistency that can occur when definitions are scattered throughout a ZBL, in Section 3.11.20, the terms used in the Sign bylaw are italicized. This is inconsistent as other definition sections of the ZBL. The italics should be removed, but more to the point: the definitions should be grouped together one section, Definitions.
- During interviews, we heard several concerns about Tyngsborough’s sign standards. A specific comment that came up a number of times is a concern about signs being too small for drivers in moving traffic to read safely.

4.6. Environmental Protection

Tyngsborough has a provision we find in other ZBLs that have not been updated in a long time. Under Section 3.14.00, Environmental Protections Standards, the Town attempts to regulate Water Quality, Air Quality, Noise, Solid Waste, and other unclassified environmental impacts. This section is almost word-for-word the same as another ZBL we recently reviewed. It raises for us the following questions:

- How old is Section 3.14.00 and the standards within it?
- Is this section used by the Town?
- Has the Town ever attempted to enforce any of the requirements in this section? Does it have the capacity to enforce them?

4.7. Zoning Map

The evolution of the Zoning Map has contributed to the presence of many “split lots,” or lots divided by a district boundary. This is a problem in many communities, and some have been more successful at addressing it than others. The options, in general, are as follows:

- Add a specific provision in the ZBL to allow some rights in the less restrictive district to extend into the more restrictive district, e.g., by a maximum distance, if the lot frontage is on the less restrictive side (at minimum, this should be done);
- Amend the Zoning Map to eliminate as many split lots as possible (preferred);
- Leave the map “as-is,” which is essentially a “do nothing” solution (least advisable approach).

5. Statutory Consistency and Judicial Decisions

5.1. Areas Needing Update

- Tyngsborough’s **Section 1.11.50** imposes a fine of \$100 per day. The Town can set the fine at \$300 per day under G.L. c. 40A. This should be considered.
- **Section 2.15.21, Existing Use.** This section states a building permit or special permit must be commenced within six months of approval. However, Chapter 40A was amended to change six months to twelve months, so this section should be updated. The same applies to **Section 2.15.23, Restoration** (should be changed to twelve months).

5.2. Growth Management

- **Section 1.19.00, Growth Management.** The ZBL indicates that Section 1.19 expired four years from adoption. If the Section

was not extended by Town Meeting, it should be removed from the ZBL.

- We cannot tell if the Town has actually been using the Growth Management provision. Furthermore, it is not clear to us that Section 1.19 conforms to the most recent, leading court decision on this topic, *Zuckerman v. Hadley* (2004). It seems likely that since the Town just finished updating its master plan, the Growth Management bylaw is no longer needed. This needs further discussion, as in the Hadley case: "... absent exceptional circumstances ... restrictions of unlimited duration on a municipality's rate of development are in derogation of the general welfare and thus are unconstitutional."

5.3. Plan Approval by Town Meeting

- Tyngsborough has two provisions that require approval of a "plan" by Town Meeting: Section 4.12.10, Multifamily Development, and Section 4.14.00, Open Space Residential Development. The plan approval process with Town Meeting is required before the Planning Board can grant a special permit. Both sections raise concerns for these reviewers:
 - By what authority does Town Meeting have to approve a development plan under Chapter 40A?
 - Under what authority can a Town Meeting prevent a Special Permit Granting Authority from acting on a legitimately filed special permit?
 - Is there some right of appeal from Town Meeting denial of a plan, as there is with every other type of development permit?

5.4. Dover Amendment Uses

- In 2.11.30 Table of Principal Uses, the Town requires a special permit for educational uses in four zoning districts. This is plainly in conflict with the Dover Amendment components of G.L. c. 40A, § 3 and it should be changed. Similarly, "daycare facility" requires a special permit, but that also conflicts with Chapter 40A.

5.5. Fair Housing

The Town's Assisted Living/CCRC bylaw imposes at least one requirement that may be problematic from a fair housing perspective. For example, in 4.19.40(E), the Town limits units in an Assisted Living Residence or Continuing Care Campus to a maximum of two bedrooms. As a practical matter, it is unlikely that an age-restricted unit for older adults would need more than two bedrooms. However, the provision assumes that no age-eligible household in an independent living unit would want (or be able to choose) more than two bedrooms. This is an example of matters the Attorney General's office has begun to review carefully over the past several years and has cautioned communities to recognize the potential Fair Housing problems involved.

6. Omissions

6.1. Planning Board

The Town should add a new section somewhere in the first part to provide for the "Planning Board" and specify both its membership and the establishment of associate members.

6.2. District Purposes

The ZBL would benefit from the addition of purpose statements for each zoning district. Without a purpose statement, it is difficult to determine if the table of uses, the dimensional requirements of each district, and other provisions are actually accomplishing what the Town wants or if the zoning as a whole is consistent with the Master Plan. It is a good exercise to go through each district and write down its purposes and goals, and how it relates to the Town's land use plan.

6.3. New Terminology

The following items should be considered for inclusion in the updated ZBL. We identify them as "missing" because in our work in other communities, they frequently come up and are actively being pursued for various reasons: housing diversity, economic development, neighborhood concerns, or simply to encourage new ideas.

- Accessory dwelling unit
- Custom manufacturing, artist studio (this concept may be addressed in Tyngsborough's existing "studio" use)

- Electric vehicle charging station
- Distinguish “restaurant-fast food” from a walk-in food service establishment that does not involve drive-through service
- Pet grooming establishment
- Portable storage unit
- Adult day care
- Animal day care

7. ZBL Reorganization

7.1. Proposed Reorganization of Existing Bylaw

Based on our review, we suggest that the Town consider the following reorganization of the ZBL. Reorganization is important before trying to add new content or making major policy changes to the existing regulatory scheme.

- 1.0 Purpose and Authority
 - Purpose
 - Authority
 - Applicability
 - Amendment
 - Severability
- 2.0 Administration and Enforcement
 - Administration
 - Enforcement, Violations, Penalties
 - Board of Appeals
 - Planning Board
 - Special Permits
 - Site Plan Review
- 3.0 Establishment of Districts
 - Use Districts
 - Overlay Districts
 - Zoning map
- 4.0 Use Regulations
 - General
 - Prohibited Uses
 - Permitted in All Districts
 - Table of Uses

5.0 Dimensional Regulations

- General
- Table of Dimensional Regulations
- Supplemental Lot Regulations

6.0 Nonconforming Uses, Structures, and Lots

7.0 General Regulations

- Off-Street Parking
- Signs
- Outdoor Lighting
- Gravel Removal
- Tree Protection

8.0 Special Regulations

- Fairs, Carnivals, and Similar Events
- Farmer's Markets (to be reviewed further for consistency with G.L. c. 40A, § 3)
- Licensed Marijuana Establishments
- Major Business Complex
- Major Industrial Complex
- Mini-Warehouse
- Outdoor Sale of Holiday Trees, Wreaths, and Similar Facilities
- Telecommunication Towers

9.0 Special Residential Regulations

- Assisted Living and CCC Development
- Inclusionary Zoning
- Multifamily Development
- Open Space Residential Development
- Temporary Independent Living Quarters

10.0 Special Districts

- Floodplain and Floodway Overlay District
- Mixed-Use Overlay District
- Wetlands Overlay District

110.0 Definitions