

REPORT – ORDINANCE COMMITTEE
July 26, 2023

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

#1 on agenda

having considered the same, report POSTPONED until the next Ordinance Meeting by Motion of Councilor Rodrigues, 2nd by Councilor Minichiello.

#2 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Rodrigues, 2nd by Councilor Lally.

#3 on agenda

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Farwell, 2nd by Councilor Lally.

#4 on agenda

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Lally, 2nd by Councilor Rodrigues.

#5 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Lally, 2nd by Councilor Farwell.

#6 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Lally, 2nd by Councilor Rodrigues.

MINUTES – ORDINANCE COMMITTEE
July 26, 2023

The Standing Committee on Ordinances and Rules was called to order at 6:09 p.m. by Councilor Asack, Farwell, Lally, Minichiello and Rodrigues present.

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor Asack
(Councilor Solicitor Aileen Bartlett unable to attend)

Comments by Councilor Lally
(meant to address a problem we have all seen and can see coming in the future, square millage issue, growth and development, calls about developers putting a single family home on a postage stamp lot, we don't have as much area as other communities, undeveloped land in city is limited, if can't build out, we need to find a way to build up, opportunity for businesses and developers to come in the appropriately zoned areas to build up, like downtown, ceiling in place about 20 years ago, need to keep governance on height, this proposal tries to balance that, cap for height and then special permit process to build higher)

Comments by Councilor Asack
(would have liked to see this for the public safety building)

Comments by Councilor Minichiello
(East Boston development, landowners have garages under their homes, looks great, cars off the street)

Comments by Councilor Lally
(reaching the parking problem, clears cars off the street, we want a walkable downtown, flexibility)

Comments by Councilor Asack
(re costs of building)

Comments by James Plouffe, Inspector of Buildings
(agrees, the higher we go with buildings, the more commercial space, apartments, less expensive, big benefits, building code, construction techniques have changed, mix construction materials so can get larger buildings)

Comments by Councilor Minichiello
(has seen this, it makes sense)

Comments by James Plouffe, Inspector of Buildings
(sprinkler system and fire protection systems, need for tall fire trucks not there as much)

Comments by Deputy Chief Edward Williams
(law on the books for a long time, back then that was where the ladders would reach, sprinkler systems mandatory, building constructions have changed, no objections from the fire department, more value, letter from Rob May, City Planner, looking for his input on the matter)

Comments by Councilor Lally
(special permit would have to go to the zoning board which has the fire chief on it)

Comments by Councilor Farwell
(re prior language, Rob May letter, why not add feet language, what if these locations were next to a residential zone)

Comments by Councilor Lally
(yes to adding feet language, would need buffer language throughout if we were to do that because of what we have right now for zones, part of the process for zoning board, this already exists in his ward, not usual in the large region or in the city itself, to build they need to go to planning, to go beyond the limits they need to go to zoning board)

Comments by Councilor Lally
(translation for 6 stories)

Comments by James Plouffe
(doesn't know how many R-3s abut an R-1 zone, planning board approval)

Comments by Councilor Farwell
(worried about Residential Zones that abut a 6 story building, council still needs to vote on this, consultant working with zoning wants to make sure that process plays out, comfortable seeing this amended with a feet addition, is there a cap for special permit)

Comments by James Plouffe
(variance has strict criteria, special permit is allowance by law so long it is not more detrimental to the neighborhood)

Comments by Councilor Farwell

(that's part of his concern, special permit effect, still need to modernize the zoning)

Comments by Councilor Rodrigues

(same concerns, looking for example of residential zone properties)

Comments by James Plouffe)

(R2 lots of 3 families, R3 zones condo complex, R4 is an small overlay zone, very few properties on North Warren Ave)

Comments by Councilor Rodrigues

(leaving R3 and R4 alone, stay away from 6 stories in these locations, need to protect the neighborhoods, asks for boundary of first fire district)

Comments by Deputy Chief Williams

(boundary description)

Comments by Councilor Rodrigues

(mixed zones, would like to see language on a radius for flexibility in downtown, thinks 6 is too little for downtown, minimum heights, Quincy looks like a downtown)

Comments by Councilor Lally

(okay if the option for a special permit remains, okay with R3 going to 4 stories, rules and regulations for parking and traffic, important highlights by Councilor Farwell and Councilor Rodrigues, need to be able to be a City, radius is a reasonable idea, traffic concerns needs to be a separate ordinance)

Comments by Councilor Asack

(questions re observations)

Comments by James Plouffe

(3 families aren't being built as often, not cost effective due to sprinkler systems, mixed use being taken advantage, building residential units in R3 zones for multifamily, not many to redevelop, apartments downtown got variances, hard to get, R-3s to be evaluated for taller buildings, City ordinances are so old, fixing this would be better for the City)

Comments by Councilor Asack

(would postponing this cause any delay?)

Comments by Councilor Lally

(not in favor of postponing, wording change is simple, how many feet for where it says 6 feet)

Comments by Councilor Farwell

(not fair to put the zoning board guessing what the City wants, leaving open you have a special permit with no cap)

Comments by Council Minichiello

(criteria for special permit when located near a homeowner, safe guards, consulting)

Comments by Councilor Lally

(how many does that directly effect?, how often do the R1 and R2 bump into these spots, need to know area before we decide on a buffer)

Comments by Councilor Asack

(all on board, city council doesn't meet until end of August, Rob May unable to be here)

Comments by Councilor D'Agostino

(Rob May was invited, came to 1 meeting)

Comments by Councilor Lally

(share the video and minutes with people to give us the information needed)

Comments by Councilor Farwell

(would apply city-wide, plot of land?)

Comments by Deputy Chief Williams

(lot size wouldn't matter, access to it)

Comments by Councilor Rodrigues

(goal is to make things easier for residents and developers, important that this won't create chaos)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Letter from Rob May read into the record.

Motion to report POSTPONED until the next Ordinance Meeting by Councilor Rodrigues, 2nd by Councilor Minichiello. Motion carried unanimously.

Next the Committee considered the following:

#2 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor Asack
(conflicts for Councilor Nicastro)

Comments by Councilor D'Agostino
(thanks working group, current ordinance only addresses corners, this would expand to give the City more authority to enforce fence heights, especially on the front of the property)

Comments by Councilor Farwell
(existing fences)

Comments by James Plouffe
(anything in existence remains, can't make it retroactive, replacement would have to go the new requirement, repair would be old requirements)

Comments by Councilor Farwell
(re carving out an amendment for replacement or repairs, can suggest something with legislative council)

Comments by Councilor D'Agostino
(concern re front lot)

Comments Councilor Rodrigues
(permit? How can we enforce this)

Comments by James Plouffe
(anything over 7 feet tall would need a building permit, enforcement)

Comments Councilor Rodrigues
(special permit? Need to be able to enforce this)

Comments by James Plouffe
(able to enforce it, need inspectors on the street, building permit required for construction, finding people every day building without permits)

Comments by Councilor Asack
(getting this information out to the ordinance)

Comments by James Plouffe
(publication of the ordinance process, notifying fence companies, deputy building commissioner TV episodes)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Motion to recommend FAVORABLE by Councilor Rodrigues, 2nd by Councilor Lally. Motion carried unanimously.

Next the Committee considered the following:

#3 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor D'Agostino

(businesses being run out of residential properties, some are okay, others belong in a commercial properties, two sections, one by a right, one by a special permit, phone calls from folks in residential areas taking issue with commercial activities in residential neighborhoods, seal coating machine example, give to building department something that can actually be enforced)

Comments by Councilor Lally

(parking commercial vehicles on the lawn, amend to have language that the parking is on nonpermeable land to keep them off lawns)

Comments by Councilor D'Agostino

(agrees, does not want to see them parked on lawns)

Comments by Councilor Asack

(more than 1 vehicle is too many, keep it off the lawn, questions re fees, number of employees, tax assessment)

Comments by Councilor D'Agostino

(employees addressed in item 1 for as a right)

Comments by Councilor Rodrigues

(more specific with #9, trucks or large vehicle)

Comments by Councilor D'Agostino

(re truck descriptions)

Comments by Councilor Asack

(parking ordinance already exists, still wants to limit vehicles)

Comments by Councilor Rodrigues

(problem with passenger van use)

Comments by James Plouffe
(occupation businesses)

Comments by Councilor Rodrigues
(exclude passenger vehicles from description)

Comments by Councilor Lally
(calls are not for passenger vehicles, they are for box trucks, commercial plates
and markings, enforcement folks have discretion)

Comments by Councilor D'Agostino
(okay with striking passenger language, changing it two 1 commercial vehicle)

Comments by Councilor Asack
(business restrictions?)

Comments by Council D'Agostino
(felt like these restrictions would limit the nuisance industries)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Amendments:

Motion by Councilor Farwell to amend item 9 to strike "two commercial motor vehicles" and insert in its place "one commercial motor vehicle", 2nd by Councilor Lally. Motion carried unanimously.

Motion by Councilor Farwell to strike "a passenger car", 2nd by Councilor Rodrigues. Motion carried unanimously.

Motion by Councilor Farwell to strike "meeting", 2nd by Councilor Lally. Motion carried unanimously.

Motion by Councilor Farwell to change "clear" to "clearly" in item 2, 2nd by Councilor Lally. Motion carried unanimously.

Comments by Councilor Farwell
(how would we know the business is in the building)

Comments by Councilor Rodrigues
(re hair salons)

Comments by Councilor Farwell
(registered with the City Clerk, education first)

Comments by Councilor Lally

Business license enforcement by the state, referral to the state, consider separate ordinance to tackle problems we have and will have with that service branch for at-home industry)

Comments by Councilor Farwell

(re item 1)

Comments by Councilor Rodrigues

(too broad)

Comments by Councilor Asack

(laws are for the law abiding, something to enforce)

Comments by Councilor D'Agostino

(adding an item 11, saying is licensed by the state where required, or doesn't generate excessive foot traffic, kind of in item 8, is licensed by the state as required)

Comments by Councilor Lally

(home occupation is registered with city clerk, already in draft, are we making illegal businesses illegal, an Item 11 would probably fix, to have any appropriate licenses)

Amendments:

Motion by Councilor Rodrigues to add item 11 "Is properly licensed, as required, if applicable." 2nd by Councilor Lally. Motion carried unanimously.

Motion by Councilor Lally to add "or on permeable land" to item 9, 2nd by Councilor Rodrigues. Motion carried unanimously.

Comments by Councilor Lally

(prevent parking on any land not paved over)

Motion to recommend FAVORABLE AS AMENDED by Councilor Farwell, 2nd by Councilor Lally. Motion carried unanimously.

Next the Committee considered the following:

#4 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor Asack

(glad this is before us, one of her biggest pet peeves, losing money for having these containers everywhere)

Comments by Councilor D'Agostino

(issue with containers showing up in residential areas, commercial businesses that put these on the properties, tax revenue issue, packing up to move, flexible, goal to say this is not a way to skirt building code, zoning, and taxes)

Comments by Councilor Asack

(likes to see this says Building Department will enforce)

Comments by Councilor Farwell

(portable storage registered with the RMV)

Comments by Deputy Chief Williams

(re complaints)

Comments by Councilor Farwell

(still does not think a registered portable storage container should be committed, increase penalty to \$200 per day)

Comments by Councilor Asack

(regular trailer would only cost \$40, strike this out)

Comments by Councilor D'Agostino

(length of vehicle size restrictions, might address what you are looking to address here, or utility trailer language, but we do have language restricting size in item e)

Comments by Councilor Rodrigues

(problem with small containers as storage containers like a shred should be excluded, not sure this is what we are trying to limit, pay a permit)

Comments by Councilor D'Agostino

(size limits)

Comments by Deputy Chief Williams

(accessory structures)

Comments by Councilor Rodrigues

(lots of them in the city, storage, what problem do these cause)

Comments by Deputy Chief Williams

(one accessory structures)

Comments by Councilor Asack

(purpose of the ordinance to cleanup, beautify the City, these really are an eye sore, avoiding taxes)

Comments by James Plouffe
(these would be considered temporary structures)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Amendments:

Motion by Councilor Farwell to strike "\$50.00" penalty and insert it in its place "\$200.00", 2nd by Councilor Lally. Motion carried unanimously.

Motion by Councilor Farwell to strike "spots" in Section 2 –(2)(e) and insert in its place "spaces.", 2nd by Councilor Minichiello. Motion carried unanimously.

Motion to recommend FAVORABLE AS AMENDED by Councilor Lally, 2nd by Councilor Rodrigues. Motion carried unanimously.

Next the Committee considered the following:

#5 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor D'Agostino
(raised by building department, to avoid building an illegal apartment)

Comments by James Plouffe
(pictures of stairs, stairs are built to upper levels as a guise of 2nd egress, some are being done to build an illegal unit, special permit puts them on record)

Comments by Councilor Lally
(special permit, does this give the board the leverage needed?)

Comments by James Plouffe
(comfortable with this, fire escapes and exterior stairways)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Motion to recommend FAVORABLE by Councilor Lally, 2nd by Councilor Farwell. Motion carried unanimously.

Next the Committee considered the following:

#6 on agenda

Public Hearing Opened to those to speak in Favor.

Comments by Councilor D'Agostino
(housekeeping item, state fire code covers this now)

Comments by Deputy Chief Williams
(modernizing ordinances, can confuse people, state building code different)

Councilor Asack asks if anyone else is in Favor. Closes that part of the public hearing.

Councilor Asack asks if anyone is here to speak in Opposition. Closes that part of the public hearing.

Motion to recommend FAVORABLE by Councilor Lally, 2nd by Councilor Rodrigues. All.

Motion to adjourn by Councilor Lally, 2nd by Councilor Farwell. Motion carried unanimously.

The meeting was adjourned at 9:00 p.m.