



Committee on Ordinances

October 16, 2013 – 7:30 PM - **Minutes**
City Hall, 133 William Street, City Council Chamber, Room 214

** View Agenda **

MEETING: COMMITTEE ON ORDINANCES

DATE: OCTOBER 16, 2013

TIME: 7:38 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN; HENRY BOUSQUET; DEBORA COELHO; BRUCE DUARTE, JR.; JOSEPH LOPES (7:45); JAMES OLIVEIRA

ABSENT: COUNCILLORS BRIAN GOMES; JANE GONSALVES; DENIS LAWRENCE, JR.; JOHN SAUNDERS

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Councillor Martins called the meeting to order and took attendance. Memo's were read into the record for Councillors Gomes and Gonsalves stating they would not be in attendance and a Memo from Councillor Lopes stating he would be late in attending this Committee Meeting due to his attending the Clark's Point Neighborhood Association Meeting. The Memo's were received and placed on file by Councillor Alves and seconded by Councillor Bousquet.

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Notice, City Clerk of reference of a Public Hearing, on a Written Motion, Councillor Oliveira, requesting, that 950 King's Highway (Plot 123/Lot 43), 966 King's Highway (Plot 123/Lot 109) and 1080 King's Highway (Plot 125/Lot 29), be changed from "PLANNED BUSINESS" to "INDUSTRIAL A" in their entirety (Ref'd 8/13/13, duly advertised in the Standard-Times on Thursday, October 3, 2013 and Thursday, October 10, 2, 2013) and a Communication, Planning Board to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on October 9, 2013 to discuss the proposed zoning change of 950 King's Highway (Plot 123/Lot 43), 966 King's Highway (Plot 123/Lot 109) and 1080 King's Highway (Plot 125/Lot 29), from "PLANNED BUSINESS" to "INDUSTRIAL A"; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee (10/16/13) were received and placed on file by Councillor Alves and seconded by Councillor Duarte. (1, 1a)

The hearing was opened and Councillor Martins asked if there was anyone who wished to speak in favor of this zoning change.

Mr. Arthur Glassman, Chairman of the Planning Board stated that the Planning Board voted in favor of this even though there is not yet a specific proposal for the property. The Board felt it would be in the best interest of the area to move forward at this time.

Councillor Bousquet asked what might be allowed there. Mr. Glassman stated that the real restrictions would be regarding height due to the airport, and those restrictions would come from the FAA; but typically, a big box department store could go there, so long as the height limitations could be worked out.

Attorney Phil Beauregard representing the owner/developer, Cedar Realty Trust, spoke in favor and explained that this land is in serious need of redevelopment and argued that it was inappropriately rezoned to Planned Business when it should have been changed to Industrial A instead.

No one was recorded in favor, nor did anyone speak or wished to be recorded in opposition. The Chair closed the hearing.

Councillor Oliveira made a motion to approve the zoning change, which was seconded by Councillor Duarte.

On the question, Councillor Oliveira stated that this would help increase jobs.

On motion by Councillor Oliveira and seconded by Councillor Duarte, the Committee VOTED: To recommend to the City Council APPROVAL of the Zoning Change of 950 King's Highway (Plot 123/Lot 43); 966 King's Highway (Plot 123/Lot 109) and 1080 King's Highway (Plot 125/Lot 29) from PLANNED BUSINESS to INDUSTRIAL "A" in their entirety. This motion passed on a Roll Call Vote of Yeas 7, Nays 0.

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Notice, City Clerk of reference of a Public Hearing, on a Written Motion, Councillor Saunders, requesting that Plot 100, Lot 139 (N.S. Davis Street) be REZONED from MIXED USE BUSINESS to INDUSTRIAL B (Ref'd 9/12/13, duly advertised in the Standard-Times on Thursday, October 3, 2013 and Thursday, October 10, 2, 2013) Communication, Planning Board to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on October 9, 2013, to discuss the proposed zoning change of Plot 100/Lot 139, Davis Street from "MIXED USE BUSINESS" (MUB) to "INDUSTRIAL B" (IB); the Planning Board voted to send a **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee. (10/16/13) was received and placed on file by Councillor Alves and seconded by Councillor Duarte. (2, 2a) The Chair opened the Public Hearing. (2, 2a)

No one spoke or wished to be recorded in favor of this zoning change.

Speaking in opposition was: Attorney Timothy Wenger, representing Whaler's Cove stated his opposition to this proposed change and submitted a letter and a petition from Whaler's Cove principals and tenants. Arthur Glassman, Chairman of the Planning Board, stating that the Board voted unanimously for an unfavorable recommendation.

No one wished to be recorded in opposition. The Chair closed the hearing.

Councillor Duarte made a motion to refer this matter to Legal Counsel for review and possible redrafting by working with Councillor Saunders and other involved parties, which was seconded by Councillor Bousquet.

On the question, both Councillor Alves and Councillor Coelho spoke in opposition to this motion, while Councillor Duarte stated he only wanted to provide the opportunity for interested and involved parties to get together, so that the correct action could be taken.

On motion by Councillor Duarte and seconded by Councillor Bousquet, the Committee VOTED: To refer this matter to Legal Counsel for review and possible redrafting by working with Councillor Saunders and other involved parties. This motion FAILED on a Roll Call Vote of Yeas 4, (Councillors Bousquet, Duarte, Martins and Oliveira in favor) Nays 3 (Councillors Alves, Coelho and Lopes opposed).

On motion by Councillor Bousquet and seconded by Councillor Duarte, the Committee VOTED: To table this matter at this time. This motion FAILED on a Roll Call Vote, Yeas 4, (Councillors Bousquet, Duarte, Martins and Oliveira in favor) Nays 3, (Councillors Alves, Coelho and Lopes opposed).

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council NOT to ADOPT the Zoning Change of Plot 100, Lot 139 (N.S. Davis Street) being REZONED from MIXED USE BUSINESS to INDUSTRIAL B. This motion FAILED on a Roll Call Vote of Yeas 3, (Councillors Alves, Coelho and Lopes in favor) Nays 4, (Councillors Bousquet, Duarte, Martins and Oliveira opposed).

This matter remains in Committee.

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Notice, City Clerk of reference of a Public Hearing, on a Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Zoning of the Code of Ordinances to adopt the revisions to Appendix B Table of Dimensional Regulations; this amendment is necessary to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B (Ref'd 9/12/13, duly advertised in the Standard-Times on Thursday, October 3, 2013 and Thursday, October 10, 2, 2013) and a Communication, Planning Board to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on October 9, 2013, to discuss the proposed zoning amendment, in the City Code of Ordinances, Chapter 9 of the Appendix Table of Dimensional Regulations, to eliminate inconsistencies that currently exist between the text of the Zoning Ordinance and the Appendix B; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee (10/16/13) was received and placed on file by Councillor Alves and seconded by Councillor Duarte. The Chair opened the Public Hearing. (3, 3a)

Arthur Glassman, Chairman of the Planning Board, spoke in favor, no one wished to be recorded in favor. No one spoke or wished to be recorded in opposition.

On motion by Councillor Alves and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, amending Chapter 9, Zoning of the Code of Ordinances to adopt the revisions to Appendix B Table of Dimensional Regulations; this amendment is necessary to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B. This motion PASSED on a Roll Call Vote of Yeas 7, Nays 0.

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Notice, City Clerk of reference of a Continued Public Hearing, on a Written Motion, Councillor Saunders, requesting that Item 11 of Part D (Industrial) in Appendix A/Table of Principal Use Regulations of Chapter 9 of the Code of Ordinances in hereby amended by striking the word "N" as it corresponds to Column IB, and insert in place thereof, the word "Y" (Ref'd 8/13/13, 9/23/13 – Hearing continued until 10/16/13) and a Communication, Planning Board to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on September 18, 2013 to discuss Amending Chapter 9, of the Code of Ordinances, that Item 11 of Part D (Industrial) in Appendix A/Table of Principal Use Regulations be amended by striking the word "N" as it corresponds to Column 1B, and insert in place thereof, the word "Y"; the Planning Board voted to send an **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee. (4, 4a)

The hearing was declared open, as it was continued from last meeting on September 23, 2013.

No one spoke or wished to be recorded in favor.

Speaking in opposition was Attorney Timothy Wenger and Arthur Glassman, Chairman of the Planning Board, both reiterated their opposition to this as they did at the previous meeting. No one wished to be recorded in opposition. The hearing was closed.

On motion by Councillor Bousquet and seconded by Councillor Alves, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

Councillor Alves made a motion to adjourn, which was seconded by Councillor Coelho.

This meeting adjourned @ 8:16 p.m.

ATTEST:

Clerk of Committees