

Estelle M. Rand-Chair
Todd C. Rotondo
Brendan S. Sweeney

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LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Monday, March 27, 2023, 6:00PM

City Council Committee Room, 3rd Floor, Beverly City Hall, 191 Cabot St.

Rand called the meeting to order at 6:00pm.

Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

Members absent: None

Councilors present: Hannah Bowen, Scott Houseman, Matthew St. Hilaire

Others present: City Solicitor Stephanie Williams, Assistant City Solicitor Jesse Dole, Planning Director Darlene Wynne

Order Number	Date to Committee	Description	Action Taken
#282	11/14/2022	Councilor Bowen-A letter regarding Accessory Dwelling Units	Held
#070	3/20/2023	Reappointment-Mr. William Finch, 50 Front Street to serve on the Beverly Historic District Commission	Approved (3-0)
#072	3/20/2023	Amendment to Beverly Ordinance Section 15-18 "Building and Other Facilities Planning and Construction Committee"	Approved (3-0)

Discussion on Order #282

Bowen gave an introduction, stating she used language from MAPC [Metropolitan Area Planning Council] with a few tweaks. Bowen stated she was open to other recommendations.

Wynne stated she is planning on having a public meeting on this in May. There would be a couple changes to the version that the city would submit, not the MAPC version. There has been a year-long process with stakeholders to get input. The tentative meeting date is May 9.

Rand asked if generally the administration is willing to put forward this type of ordinance.

Wynne stated yes, the three factors we're looking for are owner occupancy, parking, and no affordability restriction. We would also strike any reference to short-term rental because the administration is looking to tackle that in another way.

There was some clarification on how many accessory buildings would be allowed on each lot with this proposal and the difference between an accessory building (includes garage and shed) versus an accessory dwelling unit. Wynne stated the administration would keep it at one accessory dwelling unit and Councilor Bowen's proposal would include up to three dwelling units. The administration would support the original recommendation from MAPC on this part.

Sweeney stated currently ADUs are allowed in Beverly but restricted to relatives and by special permit. It seems as though this would open up the large amount of residential districts by right instead of through the permit process.

Wynne stated it would be a clearer process.

Sweeney asked about the limit of occupants for an ADU and the setback requirements for building one.

Wynne stated the same limits would apply as to other housing and lots.

St. Hilaire asked if there was any projection on new units over time if this was approved.

Wynne stated in Salem's first year with an ADU ordinance they had six units added. Wynne shared some statistics from MAPC but stated it's something she could get more comparisons on.

Rand asked if the affordability restriction (in section C of 300-55) raises any red flags.

Williams stated it does. The City wouldn't be able to regulate it and likely does not have the authority to require it.

Wynne agreed it would be difficult to enforce.

Houseman asked about the timeline of addressing short-term rentals since the ADUs could increase the prospects of that happening.

Williams stated that currently unless something is identified as a permitted use, then it's not permitted, so short-term rentals are not permitted. In residential districts, the primary use is a permanent dwelling, not transient lodging. It needs to be addressed more globally. Williams stated that personally she doesn't think the ADU ordinance should be passed without the short-term rental thing squared away.

There was some discussion on the timeline if there is a meeting in May before the ordinance would be submitted.

A motion to hold #282 was made and seconded. A vote was taken, and the motion passed (3-0).

Houseman and St. Hilaire left the meeting.

Orders #070 and #072 were approved unanimously without discussion.

The motion to adjourn was made and seconded. A vote was taken, and the motion passed (3-0). The meeting adjourned at 6:58pm.