

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

**LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES**

Monday, September 27, 2022, 6:30PM

Within the Confines of the City Council Meeting

City Council Conference Room, 3<sup>rd</sup> Floor, Beverly City Hall, 191 Cabot St.

Rand called to order the Committee on Legal Affairs and Committee of the Whole at 6:30pm.

Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

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

<b>Order Number</b>	<b>Date to Committee</b>	<b>Description</b>	<b>Action Taken</b>
#237	9/19/2022	Councilor St. Hilaire-Proposed zoning ordinance amendments to limit new building projects in the city of Beverly to three stories	Refer back to Council for discussion 3-0
#238	9/19/2022	Sergeant Henebury-Request to add a “Handicapped Parking Sign” at 24 Myrtle Street and an additional location of 31 Grant Street	Approve 3-0

**Order #237**-Councilor St. Hilaire-Proposed zoning ordinance amendments to limit new building projects in the city of Beverly to three stories

St. Hilaire spoke about a legal opinion from the City Solicitor stating that the council as a body can propose ordinance changes but an individual councilor cannot. St. Hilaire asked how a councilor can make a change.

City Solicitor Stephanie Williams noted that Massachusetts general law states who can initiate zoning changes in Ch. 40A section 5. The city council as a body may deliberate it and take a vote to initiate an amendment if five councilors approve it.

Mayor Michael Cahill referenced the master planning process which yielded a number of zoning change recommendations. The planning department intended to present proposed changes this fall which would also include changes to design standard recommendations. Cahill stated some of the recommendations that are memorialized in the master plan are eliminating the tall building overlay so there would no longer be a special permit option to go over 55 feet. The City had already been tapping the breaks on the Bass River overlay before the bridge closure, and there was also the accessory dwelling unit conversation. Cahill stated there is a lot of nuance to all of this and we would really want to look at master plan documents and the design standard process and talk about it together.

St. Hilaire stated this is a starting point for the discussion. St. Hilaire stated he thinks a pause or moratorium is needed and he would like to move the conversation forward.

Rand clarified that the council cannot just vote to accept or adopt the proposed zoning amendment that was submitted by Councilor St. Hilaire, but they can vote to take a further step to initiate the process of a zoning amendment if they choose.

Rotondo asked about Councilor St. Hilaire’s intent timewise.

St. Hilaire stated he feels it is fairly urgent since he heard about the Family Dollar building this summer but he does not know what the next step is.

Sweeney stated that it sounds like there may be different proposals and asked if it makes more sense for the Legal Affairs Committee to wait until there is a process in place. Sweeney asked if it would be more beneficial to take the action to move the process forward or to wait until the administration and planning department are able to submit the end product of a collaborative conversation which the council could then start with.

Rand stated once it is formally submitted to start the process for rezoning, then they would be in that process which has a timeline and requirements under state law. It would take a vote of five councilors to start that. The process would require joint meetings with the planning board and public hearings. If we want to see if it leads to a formal zoning amendment, we could refer it out to council or we could hold it.

St. Hilaire stated he would be interested in a public hearing on the proposal to hear from stakeholders.

Rand and Flowers clarified that it would be a public forum not a public hearing. Flowers stated it would only become a public hearing if the council voted to move it forward in the zoning process.

St. Hilaire and Houseman expressed interest in a full council discussion.

Cahill asked what the council can do with this proposal before it is signed on by five councilors.

Assistant City Solicitor Beth Oldmixon stated this would need to be voted on by the council as a whole to be put forward and start the process. Right now, the council can have a discussion to see if five councilors would support it. The council would have to propose the zoning amendment and act as a body.

St. Hilaire and Sweeney confirmed that if the council were to begin the process of discussing a zoning amendment, then they could always propose amendments to this proposal throughout the process.

The motion to refer back to council for discussion was made and seconded. A vote was taken, and the motion carried (3-0).

The motion to adjourn Committee of the Whole meeting was made and seconded. A vote was taken, and the motion carried. The motion to adjourn the Legal Affairs meeting was made and seconded. A vote was taken, and the motion carried (3-0). The meeting adjourned at 6:59pm