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**MEMORANDUM**

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**TO:** PLANNING BOARD  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** ZONING ORDINANCE AMENDMENTS – 105 BARTLETT ST  
**DATE:** 05/14/2018

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On February 13, 2018, Attorney Phoenix submitted a letter to the City Council on behalf of his clients, Clipper Traders, LLC requesting lots at 105 Bartlett St be re-zoned to Character District 4 West End (CD4-W), included in the West End Overlay District, and added to the Height Requirement Area which allows up to 2-3 stories (with a short 4<sup>th</sup>) or 45'.

City Council Referral

At the February 20, 2018 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. One of the principle legislative functions of the Planning Board is to make recommendations related to amendments of the zoning ordinance. Whether the zoning amendment is generated by a citizen petition or a referral by the City Council, the Board has the responsibility to review and make a recommendation and to take the proposal through a public hearing process. All zoning amendments also require three readings in front of City Council including a public hearing. These occur after the Planning Board has completed its process and made a recommendation to the City Council.

Planning Board Review

The Planning Board initially considered this zoning amendment petition at its March 15<sup>th</sup> meeting at which time a public hearing was conducted. At that time, the Planning Board voted to postpone a recommendation and continue the public hearing until April pending a report back from Planning Department staff.

The Board continued the public hearing at the April 26<sup>th</sup> meeting and reviewed proposed revisions presented by Planning Department staff. The Planning Department's revisions included changing a portion of the property from Office Research (OR) to Character District-4 Limited (CD4-L2) as opposed to Character District-4 West End (CD-4W) as originally proposed by the petitioner and reducing the proposed height area requirements. In addition, staff recommended some revisions to the Incentive Overlay District Standards and other housekeeping amendments to the building, façade and community space types.

The Planning Board voted to postpone a recommendation and continue the public hearing to May to allow Planning staff to make additional revisions based on public and Board member input received at the April meeting.

Planning Department Staff Review

Since the April meeting, staff have proposed some additional revisions to the zoning amendment as originally proposed by the petitioner. These changes are summarized below but include limiting outdoor and non-residential uses, reducing height and mass of buildings that abut the residential neighborhood, and preserving views of the waterfront.

Additional Proposed Amendments for May 17, 2018 Planning Board meeting

*Amendments to Table of Uses (Section 10.440)*

- 1) Change Indoor Performance Facility with occupancy of ~~more~~ less than 500 to be allowed by Special Exception in the CD4-W District. A Special Exception is granted by the Zoning Board of Adjustment. This use is currently permitted by right (no additional land use board approvals required).
- 2) Add a new use category for an outdoor café to be allowed as an accessory to an existing eating or drinking establishment in certain districts. This use is currently not listed separately on the table of uses and therefore is allowed wherever a restaurant type use is allowed. The outdoor café accessory use would now be permitted in the CD4, CD5, GB, G1 and G2 Districts but would be allowed only after receiving a conditional use permit from the Planning Board in the CD4-L2, B, and CD4-W Districts.

*Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)*

- 1) Reduce the proposed CD-4L2 district boundary to between Cabot St and Langdon St (previously proposed to extend to Brewster St).
- 2) Reduce the height requirement area for the portion of the site between Cabot St and Langdon St to 1 ½ Story (20') height area (previously 25').

*Amendments to Development Standards for Character Districts*

- 1) Keep the maximum building block length at 80 ft in the Character District 4 – Limited (CD4-L1/CD4-L2), but allow it to be increased to 100 ft in the Incentive Overlay District.
- 2) Further refine the definition of Outdoor Dining Café Community Space Type to reflect the table of use changes listed above.
- 3) Added a requirement to preserve public view corridors along the North Mill Pond at the intersecting streets of Dover, Cabot, and Langdon.

*Incentive Overlay District Standards Amendments*

- 1) Allow a maximum building block length of 100 ft in the CD-4L2 District. Remove the previously proposed allowance for a single-story recessed connector building in the CD4-W. Limit the requirement for a commercial liner building to be provided for any developments with ground story parking to only buildings that front on a public street.

The effect of the West End Incentive Overlay District standards on the underlying zoning requirements for height and building footprint is illustrated on the map attachment provided as an exhibit with the Planning Board packet. See document labeled "Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street and the North Mill Pond" dated 05-14-18. The increased height, footprint, and building block length allowed with the Incentives are labeled "density bonus height", "density bonus footprint", and "density building block length".