



Land Use-Urban Redevelopment Committee – Board of Representatives

Bradley Bewkes, Chair

Nina Sherwood, Vice Chair

Committee Report

Date: Wednesday, February 22, 2023

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Land Use / Urban Redevelopment Committee met as indicated above. In attendance were Vice Chair Sherwood and Committee Member Reps. Adams, Campbell, de la Cruz, Garst, Grunberger, Matheny, Summerville, and Tomas. Excused were Chair Bewkes and Committee Member Rep. Mays. Also present were Reps. Boeger and Gilbride; Ralph Blessing, Land Use Bureau Chief; Sue Halpern, Barry Michelson, and Sheila Barney, South End Historic District Study Group; Elizabeth McCauley; and Mary Donne, SHPO.

Vice Chair Sherwood called the meeting to order at 7:02 p.m.

Item No.	Description	Committee Action
<i>Possibly in Executive Session:</i>		
1. LU31.019	REVIEW; Status of Property at 21 Pulaski Street 07/06/22 – Submitted by Rep. Adams 07/28/22 – Report Made & Held by Committee 10-0-0 09/01/22 – Report Made & Held by Committee 9-0-0 11/03/22 – Held by Committee 11-0-0	Held 7-1-0
2. LU31.026	REVIEW; Smoke Shop Signage - Violations by Current Retail Locations and Possibility for Additional Regulations. 01/04/23– Submitted by Rep. Gilbride	Recommended to Steering 9-0-0

A motion to hold Item No. 1 was made, seconded, and approved by a vote of 7-1-0 (Reps. Sherwood, Adams, de la Cruz, Garst, Grunberger, Matheny, and Tomas in favor; Rep. Summerville opposed).

Mr. Blessing explained that Rep. Gilbride had contacted him regarding a particular smoke shop, which was inspected and determined to have a flashing sign, in violation of the zoning regulations. The sign was then turned off.

He explained that signs are regulated by [§13 of the Zoning regulations](#). Signs are only permitted on a limited basis in the residential districts. Signs are allowed in commercial districts more broadly. §13.D specifies signs that are prohibited in all districts. Many of the signage limitations for cannabis stores are contained in the state regulations.

The Zoning regulations have a separate use definition for smoke shops, so special conditions could be applied to that use. An upcoming text change may include adding a minimum distance

between smoke shops and schools. Adult uses are currently only permitted in industrial districts and need a special permit.

The Zoning Board would entertain use restrictions from the Board of Representatives. Any ordinance restrictions would require law departments input. An ordinance would have the advantage of being able to require compliance and would not have the grandfathering of zoning regulation changes.

In response to questions from the Committee, Mr. Blessing noted that sales to minors are not a zoning issue. The definition of a smoke shop is a shop in which more than 50% of the retail areas is dedicated to the sale of tobacco or products that contain nicotine and related paraphernalia. This definition was written before the legalization of cannabis.

A motion to recommit Item No. 2 to Steering was made, seconded and approved by unanimous voice vote (Reps. Sherwood, Adams, de la Cruz, Garst, Grunberger, Matheny, Summerville and Tomas in favor).

3. LU31.028	REVIEW; South End Historic District Study 02/08/23 – Submitted by Reps. Bewkes and Sherwood	Recommitted to Steering 8-0-1
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Ms. Halpern provided the following update to the committee:

- The original request to form a committee was presented to the Board in May, 2019
- The resolution creating the committee was approved on February 1, 2021
- In 1986, the South End had 449 properties on the National Registry of Historic Places
- A local historic district is an area with clear boundaries enclosing a contiguous set of historically or architecturally significant structures that are related through proximity, ownership, history, or use.
- A local historic district designation is the strongest form of historic preservation tools available to support local neighborhoods. It is administered by a locally appointed commission
- A local historic district is intended to promote responsible treatment of resources and protect structures from the threat of demolition and inappropriate exterior alteration.
- The Study Committee was created as a first step in a statutory process to explore whether a local historic district is feasible.
- The mission is to identify properties or districts that are significant to local and state architectural history
- Their certified local government grant was awarded in August, 2021
- Beginning in July, 2021, they interviewed consultants and began working with a social media consultant; Darren Raymond Locke was selected as the consultant; her initial study with a proposed map was presented to the committee at the end of July 2022; on September 2, 2022 the report was presented to Mr. Blessing and SHPO; on September 13, 2022, a presentation was made to the South End NRZ
- The Study Committee then withdrew the report on October 20, 2022 without prejudice in order to give time to get property owner contact information and hold the required public hearings

Ms. Barney read the [attached email](#) sent to the Board of Representatives into the record. In response to questions from the committee, she noted that:

- She and Rep. Adams have received letters from a number of property owners requesting to be opted out of the historic district; these letters were submitted to Mr. Blessing, the Mayor, and the Board of Representatives
- She has no knowledge of any organization behind the letters

- She was on the committee and was initially in favor of it but was not in support after she saw that there was no outreach to the community

Rep. Adams stated that:

- they have received letters from 79 property owners asking to opt out and are continuing to receive letters
- he would like there to be a conversation between the Study Committee and the constituents so the Study Committee could listen to their concerns
- he believes that being on the National Registry as they already are provides the benefits they want

Committee members continued to discuss this with the invited guests. Items stated included the following:

- The current resolution expired in November, 2022 and there is currently no request to extend the study committee
- The Study Committee is currently setting up smaller neighborhood meetings to see what the concerns are
- Meetings have been open to the public
- Meetings have not been held in the South End; they have been held at Mr. Michelson's house
- The people objecting are homeowners, not developers
- there was a letter from a developer in 2020 objecting to the creation of a historic district
- There is no timing issue as to SHPO at this point because the study was withdrawn
- Would the resolution need to be amended to extend the date?

Ms. Dunne reviewed the process for the creation of a historic district with the Committee:

- A study report committee is created
- The committee investigates the architectural and historical significance of the area
- The committee generates a report and proposed ordinance which goes to SHPO and the Planning Board, each of which has 65 days to comment
- The committee then holds a public hearing (the office recommends a lot of public outreach during the entire process before the public hearing)
- The study committee then modifies the report and boundaries in light of any concerns expressed at the public hearing
- The committee then submits the report to the Town Clerk for ballots to residents within the proposed district
- 2/3 of the ballots must be returned in favor
- This process can be found in the [handbook for Historic District Committees](#)

A motion to recommit Item No. 3 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Sherwood, Adams, de la Cruz, Garst, Grunberger, Matheny, and Summerville in favor; Rep. Tomas abstaining).

4. [LU31.027](#)

REVIEW; Overview of Land Use Bureau
01/04/23 – Submitted by Rep. Cottrell

Report Made

Mr. Blessing reviewed the [attached PowerPoint presentation](#) with the Committee.

Vice Chair Sherwood adjourned the meeting at 10:07 p.m.

Respectfully submitted,
Nina Sherwood, Vice Chair

This meeting is on [video](#).