

Dorchester Avenue Zoning Update

Advisory Group Meeting #9--Questions
December 14, 2011

(Questions and comments from Advisory Group members and community members are listed in ***bold italics***)

-Will the Dot Ave zoning district remain after the zoning for the two districts is combined?

The Dorchester Avenue Zoning District will be incorporated into the Dorchester Neighborhood Zoning District. There will no longer be a Dorchester Avenue Zoning District.

-Why are "Bars with live entertainment" forbidden rather than conditional?

Bars with live entertainment are proposed to be forbidden as they can conflict with adjacent residential uses. However, whether the use is defined as forbidden or conditional, a proposal would still be required to go before the Zoning Board of Appeals (ZBA).

-Request for a review of the distinctions between A, C, and F, esp. the difference between forbidden and conditional if both require must go before the ZBA?

Uses identified as conditional or forbidden, or those that are not currently regulated in the use table, are all required to go before the ZBA. A = Allowed use: permit granted without going to Board of Appeals; C = Conditional use: must receive Board of Appeals approval; F = Forbidden use: also must receive Board of Appeals approval (forbidden uses are uses that are more discouraged than conditional uses).

-Concern expressed over allowing "Group Residence, Limited" as-of-right in LC in Dorchester. Is this the case in other LC districts?

We made an error in our use regulation charts: There is not "second floor" use regulations in LC sub-districts for the Dorchester Zoning District. This "second floor" use regulation is found in the current Dorchester Avenue Zoning District and will not be continued. This means "Group Residence, Limited" will not be allowed as-of-right in LC sub-districts.

-Confusion over the difference between "Group Residence, Limited," and "Group Care Residence, General."

"Group Residence, Limited" is defined as: "premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities."

"Group Care Residence, General" is defined as: "premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies, but not including premises licensed,

regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.”

Most of the concerns expressed seem to be defined as uses under the categories “Group Care Residence, General” (please see definition below). This use is forbidden in all residential and business zoning sub-districts.

-Why are we going from allowed to conditional for Artist Live/Work? We want those uses in our commercial districts.

While the idea of artist live/work may be desirable for commercial districts, some forms of artist live/work such as working with metals/wood products, etc. may result in potential quality-of-life conflicts. These potential use conflicts are why we feel community comment is warranted for Artist Live/Work uses. Furthermore, the term “art” is a very open term and zoning cannot regulate or interpret specific or desired “art” uses.

-Is there a way to separate more and less intensive artist practices in live/work (eg. Live/Work, Arts and Live/Work, Production)?

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-Does making Artist Live/Work conditional contradict the fact that Art Studios are allowed?

The definition of “Studios, Art” is: “A studio for professional work or teaching of music, dancing, or theatrical arts to students.”

-What is the difference between Dry Cleaning and Laundry? Can dry cleaners in commercial districts use chemicals on the premises?

The use regulation for dry cleaning is for dry cleaners while laundry is broken down for retail or self-service laundry. Zoning is not the means to regulate dry cleaners “best practices” or use of chemicals.