

Committee on Legislative Matters

A Committee of the Northampton City Council

Members:

Councilor Jesse M. Adams
Councilor David A. Murphy
Councilor Ryan R. O'Donnell
Councilor Gina-Louise Sciarra

MEETING AGENDA

Date: February 8, 2016

Time: 5:00 pm

Location: City Council Chambers
212 Main St., Northampton, Massachusetts

- 1. Meeting Called to Order and Roll Call**
- 2. Public Comment**
- 3. Election of Committee Chair and Vice Chair**
- 4. Approval of Committee Schedule for 2016**
 - February 8, 2016
 - March 14, 2016
 - April 11, 2016
 - May 9, 2016
 - June 13, 2016
 - July 11, 2016
 - August 8, 2016
 - September 12, 2016
 - October 11, 2016 (Tue.)
 - November 14, 2016
 - December 12, 2016
- 5. Items Referred to Committee**
 - A. 16.003 - Ordinance to delete fees from chapter 174 of city code book**

Documents: [16.003_Ordinance-Pertaining_to_Fees-Delete_Chapter_174_from_Code_Book_AOS-REFER.pdf](#)
 - B. 16.028 An Ordinance to delete Chapter 290 from the City Code Book**

This item will only be discussed by this committee if it is referred to this committee on February 4, 2016.

Documents: [16.028_DeleteChapter290.pdf](#)
 - C. 16.005 - Ordinance pertaining to LED Lighting**

Documents: [16.005_LED_SIGN_ORDINANCE.pdf](#)
 - D. 16.025 An Ordinance Regarding Parking on Center Street**

This item will only be discussed by this committee if the City Council refers it to this committee on February 4, 2016.

Documents: [16.025_Ordinance_Regarding_Parking_Center_Street.pdf](#)
 - E. 15.377 Ordinance regarding Zoning for Significant Trees - item carried over**

from the 2014 - 2015 Council

This item will only be discussed by this committee if the City Council refers it to this committee on February 4, 2016.

Documents: [15.377_As_Approved_By_ROAO.pdf](#), [15.377-comm_roao_report_201512111006.pdf](#)

F. 15.382 Order Regarding Sick Time - Accept MGL Chapter 149 Section 148 C

This committee will take up this item only if referred to the committee by the City Council on Feb. 4, 2016

Documents: [15.382_Earned_Sick_Time.pdf](#)

6. New Business

7. Adjourn

Prepared By:

P. Powers, Administrative Assistant to the City Council
413.587.1210; ppowers@northamptonma.gov

City of Northampton
Massachusetts

In the Year Two thousand sixteen

Upon the Recommendation of Mayor David J. Narkewicz

16.003

AN ORDINANCE

To delete fees from Chapter 174 of Code Book

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § Chapter 174 of said Code; providing that Fees.

Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:

Section 1: that § Chapter 174 of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section §Chapter 174

Delete

Chapter 174 shall be deleted in its entirety and replaced with the following wording:

Reserved: see fee schedule on www.northamptonma.gov

City of Northampton
Massachusetts

In the Year 2016

Upon the Recommendation of Mayor David J. Narkewicz

16.028

AN ORDINANCE

To delete Subdivision of Land from Chapter 290 of the Code Book

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § Chapter 290 of said Code; providing that Subdivision of Land.

Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:

Section 1: that § Chapter 290 of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section § Chapter 290

Delete

Chapter 290 and add in place thereof: Reserved: See Subdivision of Land regulations listed on www.northamptonma.gov

Refer to Ordinance and Planning Board

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen

Upon the Recommendation of Office of Planning and Sustainability & Planning Board

16.004

An Ordinance

Relative to specifications on sign lighting in residential and commercial districts
and creating specifications for dynamic display boards.

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-7.2 7.3 7.4 of said code; providing for specifications on sign lighting in residential and commercial districts and creating specifications for dynamic display boards.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That §350-7.2 of the Code of Ordinances be amended as follows:

16.005

Refer to Ordinance and Planning Board

7.2 B amended as shown:

A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. A sign or any part thereof which moves or flashes, ~~all signs of the traveling light or animated type, and all beacons and flashing devices are prohibited,~~ except that such portions of a sign as consist solely of indicators of time and/or temperature ~~or automatically changing message~~ shall comply with the requirements herein as dynamic display ~~be permitted if the Planning Board and Chief of Police determine that the sign is not a hazard to traffic and pedestrian safety.~~ All illumination of signs must be in conformance with § 350-12.2.

7.2T {New subsection in general sign standards to define outdoor dynamic display }

Dynamic display sign means any sign designed for outdoor use that is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors. Signs with this technology which are placed by a public agency for the purpose of directing or regulating pedestrian or vehicle movement use are exempt from this ordinance.

7.2U {New subsection in general sign standards to prohibit mobile dynamic display }

A dynamic display sign on, in, or part of any portable/mobile vehicle parked in view of the public way, whether registered or unregistered and which carries, displays, any sign or billboard for the primary purpose of advertising will be regulated as a ground sign (see relevant district allowances for ground signs).

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That §350-7.3 of the Code of Ordinances be amended as follows:

7.3C {Signs in Residential Districts}

Institutional and other non-residential uses in residential districts allowed in accordance with:

1) Each membership club, funeral establishment, nursing care facility~~hospital, , community facility or public utility~~ may have one ground identification sign ~~(not to exceed~~ up to a maximum of 10 square feet in surface area~~).~~ If signs are illuminated, they may only be illuminated between the hours of 7 AM and 10 PM.

2) C~~and~~ churches, community ~~facilities~~ centers~~not places of public assembly~~, schools may have one ~~additional~~ ground sign up to a maximum of ~~(not to exceed~~ 40 square feet in surface area~~).~~ Such signs shall be set back at least 1/2 the required depth of the front yard setback. ~~provided that such sign(s), if lighted, shall be illuminated internally or by indirect method with white light only and in conformance with § 350-12.2.~~ Signs may only be illuminated between the hours of 7 AM and 10 PM. Signs may contain dynamic display, as defined in 7.2T above, so long as the following are met:

- a) The dynamic display area may be no more than one-half the total sign area

Refer to Ordinance and Planning Board

- b) Minimum display time between display changes shall be 30 minutes. Transition time to next display shall be less than one second.
- c) Display boards shall not emit sound.
- d) If images are displayed, only static, non-fluctuating, non-changing video images allowed.
- e) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

3) ~~and such signs shall be set back at least 1/2 the required depth of the front yard setback.~~ Tourist home/bed-and-breakfast establishments ~~facilities~~ may have one identification sign, attached flush to the structure (not to exceed three square feet in surface area), provided that such sign, if lighted, shall be ~~illuminated by indirect method with white light only~~ in conformance with § 350-12.2 and may only be illuminated between the hours of 7 AM and 10 PM.

That §350-7.3D of the Code of Ordinances be amended as follows:

7.3D. For approved residential subdivisions, townhouse, multifamily, and open space developments, one ground sign identifying the development, provided that:

(4) If lighted, ~~it shall be illuminated internally, or by indirect method with white light only and must be in conformance with § 350-12.2~~ may only be illuminated between the hours of 7 AM and 10 PM. No dynamic displays allowed.

That §350-7.4B6 / D of the Code of Ordinances be amended as follows:

New 7.4B6- ~~+~~ Illumination for wall signs Commercial district sign section ~~+~~

Dynamic displays shall comply with:

- a) Minimum display time between display changes shall be 1 minute. Transition time to next display shall be less than one second.
- b) Display boards shall not emit sound.
- c) The display must be turned off at the close of business
- d) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

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7.4D Business signs shall be permitted as ground signs as ~~follows~~ 350.12.2. Dynamic displays must comply with 7.4B6, above except the following. Informational boards may emit sound only if such boards are used as accessory to drive-through sales and service establishments and if they are not directed/oriented to the street. Such boards are not considered ground signs under these provisions. ~~+~~

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In all I, BP and PV Districts, the following exterior signs, and no others, are permitted:

A. Signs permitted in § 350-7.3 (R Districts), subject to the same regulations.

B. Business signs shall be permitted as follows:

Refer to Ordinance and Planning Board

(1)7.5 In all GI and BP Districts and for PV Districts as provided in Subsection D below not more than two wall signs for each building, provided that each sign:

(c) If lighted, ~~it each shall be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.~~ comply with lighting standards in 7.4B(6) whether dynamic or static;

(3)In all OI, GI and BP Districts, and for PV Districts as provided in Subsection D below, one ground sign for each building, provided that:

(d)If lighted, it shall ~~comply with lighting standards in 7.4B(6) whether dynamic or static display~~ ~~be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.~~

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

Upon the Recommendation of Chief Jody Kasper and Councilor Ryan O’Donnell.

**16.025
AN ORDINANCE**

**RELATIVE TO PARKING NEAR THE POLICE STATION
ON CENTER STREET**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-104 of the Code of Ordinances be amended as follows:

§ 312-104 Schedule III: Limited-Time Parking.

Center Street	Northerly	15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday	A point 179 feet easterly from Center Court	A point 197 feet easterly from Center Court
<u>Center Street</u>	<u>Northerly</u>	<u>15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday</u>	<u>A point 161 feet easterly from Center Court</u>	<u>A point 179 feet easterly from Center Court</u>

SECTION 2

That § 312-102 of the Code of Ordinances be amended as by adding the following:

§ 312-102 Schedule I: Parking Prohibited All Times.

<u>Center Street</u>	<u>Northerly</u>	<u>A point 179 feet easterly from Center Court</u>	<u>A point 197 feet easterly from Center Court</u>
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**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fifteen

Upon the Recommendation of City Councilor Jesse M. Adams and City Councilor Ryan R. O'Donnell

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending section 350-2.1 and adding section 350-12.3 of said code; providing for standards for significant trees.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1.

That § 350-2.1 be amended by inserting the following definitions in alphabetical order:

CALIPER DIAMETER

The diameter of a tree trunk of a new tree measured at 12 inches above the ground.

CRITICAL ROOT ZONE (CRZ)

The critical root zone (also known as essential root zone) is the portion of the diameter of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. For the purposes of this section the critical root zone shall be calculated by using the following formula: the Diameter at Breast Height in inches multiplied by 24. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree trunk measured at 4.5 feet above the ground.

DRIP LINE

A circular area around a tree encompassing the tips of its outermost branches from which rainwater tends to drip.

SIGNIFICANT TREES

Any tree of 20 inches diameter breast height (DBH) or larger or any other tree specifically identified as a specimen tree on any Tree Inventory Plan adopted by the Planning Board.

Section 2.

That the following section be added to the Code of Ordinances after § 350-12.2:

§ 350-12.3 Significant Trees

- A. Legislative findings and intent. The City of Northampton finds that Significant Trees enhance air quality, reduce noise, reduce energy costs, create habitat, enhance aesthetics and property values, and benefit city neighborhoods. The intent of this section is to encourage the preservation and protection of Significant Trees during development and redevelopment projects that require a site plan approval, special permit, comprehensive permit, finding, or variance (collectively “zoning relief”).
- B. No person shall remove any Significant Tree associated with any site plan approval or any other zoning relief without a site plan approval from the Planning Board (if a site plan approval is otherwise required), or an administrative site plan approval from the Office of Planning and Sustainability if no site plan is otherwise required.
- C. The removal of any Significant Tree after July 1, 2015 or within ~~eighteen~~twelve (12) months immediately prior to such a site plan or zoning relief, whichever is later, shall be subject to this section.
- D. The requirements of this section shall not apply to:
1. Trees located on property under the jurisdiction of the Conservation Commission.
 2. City-owned Public Shade Trees pursuant to M.G.L. Chapter 87.
 3. Trees associated with emergency projects necessary for public safety, health and welfare as determined by the Building Commissioner, Director of Planning and Sustainability, or Director of Public Works.
 4. Trees that are hazardous due to disease, age, or shallow roots, as determined and confirmed in writing by a certified arborist and reviewed by the City’s Tree Warden.
 - 4.5. The section is not meant to regulate work performed by a utility company in maintenance of its rights of way or in its maintenance, repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief.
- E. Any person removing a Significant Tree that is subject to this section shall satisfy either of the following conditions:
1. Provide for replacement trees according to the following standards:
 - i. Replacement trees shall be non-invasive deciduous trees (as defined by the Planning Board) on or off-site, as approved as part of a site plan or administrative site plan, so that for each inch of Diameter at Breast Height of the removed trees there shall be no less than one-half inch of Caliper Diameter of replacement trees.
 - ii. Replacement trees shall have a minimum of two inch Caliper Diameter.
 - iii. Replacement trees shall be maintained in good health a minimum of 24 months after they are planted as confirmed by the City’s Tree Warden. If replacement trees are not found to be in “good health” as determined by the Tree Warden, the trees shall be replaced as directed by the Warden.

- iv. Replacement trees shall either be Approved Street Tree Species as defined in Section 290-38 or other trees that are hardy in all of the following USDA Plant Hardiness Zones: 6a, 6b, 7a, and 7b.
2. Pay funds to the city for a Tree Replacement Fund account that, in the ~~city's~~ Planning Board's estimate, will allow the city to plant new Public Shade Trees on city property in accordance with the above formula.

F. Protection of Significant Trees during Construction.

1. Any Significant Trees to be retained and any replacement trees on property where demolition and/or construction activity is planned shall be protected in an area shown on the approved site plan and should follow American National Standards Institute (ANSI) A300 standards for tree care practices.
2. The protected area shall exceed both the critical root zone and drip-line of each Significant Tree unless the Planning Board approves an alternate maintenance and tree protection plan submitted by a certified arborist.
3. A certified arborist shall submit a written letter to the Building Commissioner, Tree Warden and Office of Planning and Sustainability certifying that such area has been so protected in accordance with the site plan.

G. Recordkeeping. The Department of Planning and Sustainability shall collect annual totals of the number and Diameter at Breast Height measurements of Significant Trees preserved and replaced.

Committee Report on a Legislative Matter

Report Regarding: 15.377

Zoning for Significant Trees

From:

Comm. on Rules, Orders,
Appointments & Ordinances

Date of Meeting: 11/9/2015

Prepared By: P. Powers

Factors Considered:

Recommendation:	
Move to Continue to the Next meeting.	
Yes	3
No	0
Abstain	0
Abstain	0

The Committee reviewed the ordinance and considered the recommendations of the Planning Board as presented by Sr. Land Planner Carolyn Misch.

Comments, Discussion & Debate:

Councilor O'Donnell moved to recognize Sr. Land Planner Carolyn Misch who was present to review the changes to the Ordinance regarding significant trees. It was noted that the version that was attached to the agenda did not include changes that were proposed and agreed upon by the Planning Board and by this committee at its last meeting. Ms. Misch will review the document for missing language and provide to the Admin. Assistant. Once updated, this ordinance can go back to City Council for approval. Specifically, the sentence "The section is not meant to regulate work performed by a utility company in maintenance of its rights of way or in its maintenance repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief" should be moved to section D. 5.

Other changes: capitalization of Warden; under E. remove the website address and replace with Planning Board.

Ms. Misch indicated that at the last meeting Councilor Murphy had indicated that he wanted better language to address continuity of ownership. Ms. Misch suggested that to address this, she recommends that the standards should apply if trees are removed within 12 months immediately prior to a site plan or zoning relief. This length of time would replace the current 18 month stipulation. (section C). Given the amount of time it takes to plan a project and get it in the approval pipeline, 12 months seems realistic.

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the City Council,

Upon the Recommendation of Councilor Ryan R. O'Donnell

Ordered, that

WHEREAS, The City of Northampton recognizes the importance of providing earned sick time to its employees in order to safeguard the public health, keep the cost of healthcare down, and allow workers to take care of themselves and their families; and

WHEREAS, Voters approved ballot initiative Question 4, entitled "Earned Sick Time for Employees" on November 4th, 2014, providing that employees may earn and use sick time if they must be absent from work for certain reasons; and

WHEREAS, Northampton voters approved Question 4 by a vote of 81% to 19%; and

WHEREAS, The law allows employees to use earned sick time to look after their own medical needs or the needs of family members, or to address issues related to domestic violence; and

WHEREAS, The law requires an employer to provide a minimum of one hour of earned sick time for every thirty hours worked by an employee; and

WHEREAS, Workers employed by a city are not included under this law unless the City Council votes to accept the law as required by Article CXV of the Amendments to the Constitution of the Commonwealth.

NOW, THEREFORE, BE IT ORDERED

That the City Council accepts the provisions of MGL Chapter 149, Section 148C, effective July 1st, 2015.