



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor William H. Dwight, Chair

Councilor Gina-Louise Sciarra, Vice Chair

Councilor Rachel Maiore

Councilor John Thorpe

MEETING AGENDA

Date: November 9, 2020

Time: 5 p.m.

Virtual Meeting

The November 9, 2020 Legislative Matters Committee meeting will be held via remote participation.

The public can join the virtual meeting by phone or by computer. The meeting will be recorded for later broadcast on Comcast Channel 15 and uploaded to the Northampton Government Video Archive on YouTube.

Live public comment will be available using zoom link or telephone call-in beginning at 5 p.m.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

Join Virtual Meeting: <https://bit.ly/352ad85>

For telephone call-in, call:

+253 215-8782 US

+301 715-8592 US

Meeting ID: 920 7880 2702

Participant #: #

Passcode: 316497

1. **Meeting Called to Order and Roll Call**
2. **Announcement that meeting is being held via remote participation and audio/video recorded**
This meeting is being held via remote participation and audio/video recorded.
3. **Public Comment**
4. **Approval of Minutes of Previous Meeting**

A. Minutes of October 13, 2020

Documents:

5. Items Referred to Committee

A. 20.139 An Ordinance to Add Section 285-31 Newspaper Boxes - referred by City Council November 5, 2020

Documents:

[20.139 An Ordinance to Add Section 285-31 Newspaper Boxes.pdf](#)

6. New Business

7. Adjourn

*Contact B. Dwight at
bdwight@comcast.net*



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Councilor William H. Dwight, Chair

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Councilor Rachel Maiore

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MEETING MINUTES

Date: October 13, 2020, Time: 5:00 pm
Virtual Meeting

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Dwight, Councilor Maiore, Councilor Sciarra and Councilor Thorpe. Also present was Administrative Assistant Laura Krutzler.
2. **Approve Minutes of September 14, 2020 Legislative Matters Committee Meeting**
Councilor Sciarra moved to approve the minutes of September 14, 2020. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.
3. **Public hearing on proposed zoning change**
 - A. **20.121 An Ordinance to Amend Section 5.3 to Reduce the Setback from Street Lot Lines for Accessory Stables**
Councilor Sciarra moved to open the public hearing. Councilor Maiore seconded. The motion passed unanimously 4:0. The public hearing was opened at 5:03 p.m.

Office of Planning and Sustainability Assistant Director Carolyn Misch presented. The proposed change is simple. She doesn't know exactly when it was adopted, but a provision in the zoning ordinance requires a 100-foot setback for a stable from a street but a 30-foot setback from every other property line. This merely would make it 30 feet all around. All other detached structures in the zoning code have consistent setbacks from the street and other property boundaries. Sometimes there is a greater setback from the street but 100 feet is the greatest. It happens that there is a property owner who has a horse and lives on a corner lot, so in her situation it would mean 100 feet from all street lines and would eliminate all options for her to keep her horse even though she has an acre of land. This is what brought it to light. It really just creates consistency around the lot lines.

Members speculated idly on the reason behind the greater setback from streets but didn't express any concerns.

Councilor Thorpe asked if it applies to every zoning district in the city.

Yes, since it is outside of the dimensional tables it applies uniformly to all districts in the city, Ms. Misch confirmed.

Councilor Thorpe asked if there is a definition of a stable.

Not in the ordinance but a common definition is a structure for housing horses.

Councilor Dwight recognized a member of the public.

Ezekiel Baskin said it seems like a sensible change and it's nice to see the city being so responsive to a specific citizen. He shares the question as to why it was 100 feet to begin with.

Councilor Dwight said he suspects it was to discourage the establishment of stables in more densely populated areas. It makes it functionally more difficult in downtown areas, he noted.

There is also a minimum lot size requirement on top of that for stables, Ms. Misch said. She wondered if, at the time, people thought they didn't want to see these things.

It sounds like an antique and an artifact and something that needs to be addressed, it was concluded.

Councilor Sciarra moved to close the hearing. Councilor Thorpe seconded. The motion passed unanimously 4:0. The public hearing closed at 5:11 p.m.

Councilor Thorpe moved to forward the ordinance to the full council with a positive recommendation. Councilor Sciarra seconded. The motion passed unanimously 4:0.

4. Items Referred to Committee

None

6. New Business

None.

7. Adjourn

Councilor Sciarra moved to adjourn. Councilor Maiore seconded. The motion passed unanimously 4:0 by roll call vote. The meeting was adjourned at 5:13 p.m.

Prepared By:

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CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Twenty

Upon the Recommendation of the Mayor and Planning & Sustainability

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 285 Code of Ordinances, City of Northampton, Massachusetts, be amended by adding section 285-31 (Newspaper Boxes) of said code; to encourage the availability of publications consistent with public safety and public use of sidewalks and public spaces.

20.139 An ORDINANCE to add Section 285-31 Newspaper Boxes

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 285-31 Newspaper Boxes

A. The purposes of this ordinance are:

- 1) To prevent the unlimited proliferation of private news racks that cause visual clutter, reduce pedestrian safety, and negatively impact city aesthetics.
- 2) To replace individual private news racks with publicly-owned multi-rack newsstands that provide available space for all types of publications.
- 3) To promote the public health, safety and welfare and the aesthetic qualities of the City by controlling the placement, size, construction and appearance of news racks.

B. Definitions

- 1) Newspaper box: shall mean a container used for dispensing of publications to the public at a fee or no charge.
- 2) Broadsheet: the largest newspaper format, characterized by long vertical pages (typically 22.5 inches), typically stored in a newspaper box with a fee collecting mechanism.
- 3) Tabloid: a newspaper having pages half the size or smaller of those of a broadsheet newspaper.

C. Use Regulations

- 1) Privately owned newspaper boxes may not be placed on City sidewalks or on any public property.
- 2) The City provides public newspaper boxes with spaces available for lease for both broadsheet and tabloid publications, on a space available basis.

- D. Use of public newspaper boxes
- 1) Publishers shall apply to the Northampton Building Department for a box space in city-owned newspaper box on the form prescribed by the Building Department, including preferences for newspaper box locations.
 - 2) The Building Department shall annually allocate space at public newspaper box locations using the following:
 - a) First, renewing requests for existing permittees in good standing for their existing space (or for the first year, permitted private boxes on the public way);
 - b) Then, on a first-come-first-served basis based upon the date of receipt of a completed application;
 - c) If applications received simultaneously exceed available boxes, a lottery drawing to determine allocation of available remaining public newspaper box spaces.
 - d) If public newspaper box spaces become available during the year, the Building Department may allocate them to applicants using the same procedures as their annual allocation.
 - 3) Registration and fees shall be due and payable on an annual basis upon the Building Department's annual allocation of newspaper box space.
 - a) Publications shall pay an additional annual registration fee to the City, based on a fee per box for tabloid publications (smaller size boxes) and fee for broadsheet publications (larger size boxes with fee collecting).
 - b) The Mayor shall annually set the application, annual registration, and, if applicable, box retrieval fees for private boxes removed from the street.
- E. The City shall install public newspaper boxes in downtown Northampton and in Florence Center, subject to exact location and relocations approved by the Department of Public Works:
- F. Once public newspaper boxes have been installed, publishers will be notified to occupy the new boxes and to remove all free standing news racks within 30 days of the notification. Free standing racks are not allowed to coexist on sidewalks with public newspaper boxes. Private newspaper boxes not removed within 30 days of notification shall be removed by the Building Department. The City is under no obligation to store private boxes after their removal. If the City does store any private boxes, any box retrieval shall require the payment of a box retrieval administrative fee.
- G. Newspaper box licensees shall be responsible for the maintenance of their door, door operation, fee collection box if applicable, and the inside of their newspaper box space. Newspaper boxes shall not be used for or contain advertising, logos, or for publicity purposes other than that associated with the dispensing of the publication contained in the box. Public newspaper boxes shall be kept in a reasonably clean, neat and rust free condition, with at least 90% of the surface area free of graffiti and weekly cleaned to remove all litter inside, under and around the box.
- H. Newspaper box permit holder shall hold the City of Northampton harmless from all claims for damage whatsoever arising from the use of public newspaper boxes and provide a Certificate of Insurance documenting Workers Compensation coverage and \$10,000/\$100,000 of property damage with the City named as an additional insured.

- I. Public newspaper boxes not used and/or not maintained for 30 consecutive days, not used for the publication shown on the registration form, or for which no annual fee is paid will be considered abandoned and the Building Department may rescind the public newspaper box space permit, and re-allocate the space, with seven days written or email notice to the address shown on the newspaper box registration.