



## 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: February 10, 2020**

**Time: 5 p.m.**

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

- 1. Meeting Called to Order and Roll Call**
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meeting**

**A. Minutes of January 13, 2020 Organizational Meeting**

Documents:

[01-13-2020\\_Committee\\_on\\_Legislative\\_Matters.pdf](#)

**4. Public hearings on proposed zoning changes**

Public hearing notices published on January 27, 2020 and February 3, 2020 per M.G.L. Chapter 40A, Section 5.

Documents:

[Legal Ad for 2-10-20 LM Meeting.pdf](#)

[Public Hearing Notice for 2-10-20 LM Meeting.pdf](#)

**A. 5:00 P.M. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding**

**History:**

- Referred to Planning Board (PB) and Legislative Matters (LM) -

11/21/2019

- Positively recommended with amendments, PB - 01/09/2020

Documents:

[19.173 An Ordinance to Allow Change from One Conforming Use to Another Without a Finding - as amended by PB.pdf](#)

[19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding.pdf](#)

**B. 5:15 P.M. 19.125 An Ordinance Related to Wireless Antennas on Street Poles**

**History:**

- Referred to Legislative Matters (LM) and Planning Board (PB) - 9/5/2019
- Public Hearing Held/Positive Recommendation, PB - 9/26/2019
- Public Hearing Held/Positive Recommendation with the stipulation that amended language be provided by the Office of Planning and Sustainability (OPS) to address concerns about placement of equipment on the pole - 10/7/2019
- Amended by City Council to strike word 5G from phrase "for the purpose of providing 5G wireless telecommunications."
- Referred back to Legislative Matters for further discussion - 10/17/2019
- Continued to 12/9/2019, LM - 11/12/2019

**Process note:**

Proposed amendments were submitted by OPS to address concerns about the mounting height of antennas on the poles and the projection of equipment beyond the curb, but these amendments have not yet been accepted.

Documents:

[19.125 An Ordinance Related to Wireless Antennas on Street Poles - POST CC.pdf](#)

**5. Items Referred to Committee**

**A. 20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings - referred by City Council 1/16/2020**

Documents:

[20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings.pdf](#)

**6. New Business**

**A. Schedule Public Hearing for Charter Review Committee Recommendations**

**Process note:** referral from City Council anticipated 2/6/2020

**7. Adjourn**

Contact B. Dwight at  
bdwight@comcast.net of (413) 262-6710



## 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 MINUTES

**Date: January 13, 2020, Time: 5:00 pm**

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

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Acting Chair William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Dwight, Councilor Maiore, Councilor Sciarra and Councilor Thorpe.
2. **Announcement of Audio and Video Recording**  
Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Open Media (NOM).
3. **Approve Minutes of December 9, 2019**  
Councilor Dwight noted that members do not have to have been in attendance in order to approve the minutes of a meeting.

Councilor Sciarra moved to approve the minutes of December 9, 2019. Councilor Thorpe seconded. Councilor Maiore pointed out a scrivener's error, and the Administrative Assistant made the correction. The motion passed unanimously 4:0.

4. **Election of Chair/Vice Chair**  
Councilor Dwight opened the floor to nominations for chair.

Councilor Sciarra nominated Councilor Dwight to serve as chair. Councilor Maiore seconded.

There being no further nominations, Councilor Dwight closed nominations. He called his nomination to a vote, and Councilor Dwight was unanimously elected chair by roll call vote.

Councilor Dwight opened the floor to nominations for Vice Chair.

Councilor Maiore nominated Councilor Sciarra to serve as Vice Chair. Councilor Thorpe seconded.

There being no further nominations, Councilor Dwight closed the nominations. He called the nomination of Councilor Sciarra to a vote, and it passed unanimously 4:0 by roll call vote.

5. **Set Schedule for 2020-2021**

Members discussed the 2020-2021 meeting schedule. The committee usually meets the second Monday of the month at 5 p.m. Members said this was agreeable. For regular meetings that conflict with a holiday, members decided to determine a month in advance if a meeting is necessary.

Councilor Sciarra moved to approve the calendar for 2020-2021. Councilor Maire seconded. The motion passed unanimously 4:0 by voice vote. The following meeting schedule was approved:



**City Council Committee on  
Legislative Matters Meeting Schedule  
2020-2021**

All Meetings of Legislative Matters begin at 5 p.m. unless otherwise posted.

January 13, 2020	January 11, 2021
February 10, 2020	February 8, 2021
March 9, 2020	March 8, 2021
April 13, 2020	April 12, 2021
May 11, 2020	May 10, 2021
June 8, 2020	June 14, 2021
July 13, 2020	July 12, 2021
August 10, 2020	August 9, 2021
September 14, 2020	September 13, 2021
October 12, 2020 (Columbus Day) – alternative date TBD	October 11, 2021 (Columbus Day) - alternative date TBD
November 9, 2020	November 8, 2021
December 14, 2020	December 13, 2021

6. **Public Comment**

The chair recognized Mark Moggio of 445 Spring Street in Leeds. The meeting coming up will be about a huge ordinance change in Northampton, Mr. Moggio informed members. He said he had a packet of information for them. He handed out a packet and was assured that it would be made part of the public record.

Councilor Maire moved to adjourn. Councilor Sciarra seconded. The motion passed unanimously 4:0. The meeting was adjourned at 5:10 p.m.

*Prepared By:*

*L. Krutzler, Administrative Assistant to the City Council  
413.587.1210; [krutzler@northamptonma.gov](mailto:krutzler@northamptonma.gov)*

## **EXHIBIT A**

List of Documents Reviewed at January 13, 2020 Legislative Matters Committee Organizational Meeting:

1. January 13, 2020 Legislative Matters Committee Agenda
2. Legislative Matters Committee Meeting Minutes of December 9, 2019
3. Proposed ordinance change and section of City Ordinance (350-9.3 B1&2) submitted by Mark Moggio

## COUNCILORS

### AT LARGE

Gina-Louise Sciarra - President  
William H. Dwight



### WARD

1 Michael J. Quinlan, Jr.  
2 Karen Foster  
3 James Nash – Vice President  
4 John Thorpe  
5 Alex Jarrett  
6 Marianne L. LaBarge  
7 Rachel Maiore

CITY COUNCIL  
***CITY OF NORTHAMPTON***  
MASSACHUSETTS

**Northampton Public Hearing  
Monday, February 10, 2020**

**City Council Committee on Legislative Matters, Council Chambers, 212 Main St  
5:15 PM** Amendment to Zoning Ordinance:

- 1) Create a definition for Small Cell Telecommunication Antennas
- 2) Modify and add to Section 350-10.9 specifying permit approval criteria for Small Cell Telecommunication antennas.

*All permit files viewable by Map ID [www.northamptonma.gov/pending](http://www.northamptonma.gov/pending)  
Publish date: January 27, 2020 and February 3, 2020*

Bill to: Northampton City Council, Account #17225

## COUNCILORS

### AT LARGE

Gina-Louise Sciarra - President  
William H. Dwight



### WARD

1 Michael J. Quinlan, Jr.  
2 Karen Foster  
3 James Nash – Vice President  
4 John Thorpe  
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6 Marianne L. LaBarge  
7 Rachel Maiore

CITY COUNCIL  
***CITY OF NORTHAMPTON***  
MASSACHUSETTS

## PUBLIC HEARING NOTICE

The City Council Committee on Legislative Matters will hold a public hearing on Monday, February 10, 2020 at 5 p.m. on the following proposed change to the Zoning Ordinance of the City of Northampton, Massachusetts in City Council Chambers, 212 Main Street, Northampton, MA:

**5 p.m.** Proposed Zoning Ordinance Amendment:

- Amend 350-9.3 (B1 & 2) to allow modifications to non-conforming lots when changes meet all the zoning requirements except for the existing non-conformities.

**Publish Date: January 27, 2020 and February 3, 2020**

**City of Northampton  
MASSACHUSETTS**

**In the Year Two Thousand Nineteen**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

An Ordinance of the City of Northampton, Massachusetts,  
providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing  
Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

**§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.**

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

**B.** A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

**(1)** As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements. ~~that are pre-existing non-conforming such as lot size, frontage, or depth [AS1] and when the lot size, frontage, and depth requirements do not change.~~

~~**(2)** With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).~~

**Renumber subsequent subsections based upon the deletion above.**



**City of Northampton**  
**MASSACHUSETTS**

**In the Year Two Thousand Nineteen**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**19.173 An Ordinance**  
**to Allow Change from One Conforming Use to Another without a Finding**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

**§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.**

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

**B.** A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the elements that are pre-existing non-conforming such as lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not increase based on the proposed change.

~~(2) With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use (and lot does not fully conform to the present zoning requirements for the proposed use).~~

**Renumber subsequent subsections based upon the deletion above.**

**City of Northampton  
MASSACHUSETTS**

**In the Year Two Thousand Nineteen**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**19.125 AN ORDINANCE  
RELATED TO WIRELESS ANTENNAS ON STREET POLES**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding a new Section 285-53 and amending Section 350-10.9 and 11.4, providing for rules for wireless small cell telecommunications antennas on street poles.

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

Add

**§ 285-53 Small Cell Telecommunications Antennas on Street Poles.**

- A. It is City policy to embrace wireless small cell telecommunications to improve telecommunications service for all users, while minimizing adverse impacts and covering city monitoring and administration costs.**
- B. Wireless and all other telecommunication antennas are regulated by Zoning, Section 350-10.9 Telecommunications, Personal Wireless Facilities and Small Cell Telecommunications.**
- C. Each wireless small cell telecommunications antennas on public ways or public land (including those already installed) shall pay annual \$400 for right-of-way access and inspections. (Fees shall be waived if the wireless telecommunications provider provides free community or city Wi-Fi services in accordance with a service agreement signed by the Mayor.)**
- D. The telecommunications provider shall be solely responsible for equipment and safety, for moving equipment at no cost to the City when required for any City construction project, and for ensuring that there is no impediment to pedestrian or traffic flow.**

Amend

§ 350-2.1 by adding the following new definition

**Small cell telecommunications (also known as small cells) are wireless telecommunications antennas and equipment that are mounted on structures less than 50 feet tall, including their antennas, or are not more than ten percent taller than adjacent structures, with antennas of less than three cubic feet in volume, and with wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that is no more than 28 cubic feet in volume, for the purpose of providing ~~5G~~ wireless telecommunications, consistent with Federal Communication Commission regulations, standards and orders for small cells, including no RF frequency in excess of FCC rules. Small cells are distinct from satellite antennas elsewhere defined in this section.**

§ 350-10.9 by adding a new subsection D Small Cell Telecommunications and by adding subsections (1) – (3) thereunder, inclusive:

- (1) **An application for approval of a wireless small cell telecommunications shall be granted if it meets the requirements set forth in § 350-2.1 and the following design standards: All equipment other than antennas, wires to the antennas, and emergency shutoffs shall be placed in an underground vault; antennas shall be located at least seven feet high on the pole; only the emergency shutoff shall be placed at ground level.**
- (2) **Wireless small cell telecommunications applications must include Radio Frequency Analysis to demonstrate the proposed equipment will have the smallest number of pole attachments necessary to serve city, that rooftop and tower (city's preferred locations) are not feasible, and that equipment is located on arterial or collector street locations over residential neighborhoods.**
- (3) **The Director of Planning and Sustainability shall be the approval authority for small cell applications and shall approve any application that meets the requirements set forth herein.**

# CITY OF NORTHAMPTON

## MASSACHUSETTS

*In the Year Two Thousand and Twenty*

Upon the Recommendation of the Mayor and Historical Commission

### 20.012 An Ordinance

### Relative to Demolition Review for Historically-Significant Buildings

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to modify the buildings and structures to which Demolition review applies. The amendments will apply Demolition review to all buildings and structures built in 1900 and earlier, and all principal structures on a lot built in 1945 or earlier to allow for more effective protection and preservation of the City of Northampton's significant historic resources.

### 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:

Amend the text with the additions, modifications, and deletions shown below.

#### §161-3

Buildings and structures regulated by this chapter are buildings or structures built in 1945~~39~~ or earlier, determined to be historically significant and preferably preserved by the Northampton Historical Commission. Such regulated buildings or structures ~~are all of those will be defined by age for properties~~ built in 1900 and earlier, ~~and all principal buildings or principal structures (e.g., not including out buildings, sheds, accessory structures, fences) and determined by inventory listing for those~~ built between 1901 and 1945~~39~~. ~~The Northampton Historical Commission will create the inventory within a two-year period from the date of the adoption of this chapter. The Historical Commission shall make a report to the City Council every six months after the date of the adoption of this chapter for the two-year period, to report on the progress. All reviews will be conducted based on a construction date of 1939 or earlier during the time that the inventory is being developed.~~ After the initial age-~~and inventory~~-based threshold determination, the Commission will institute the public hearing process to ascertain if the historically significant and preferably preserved criteria apply. At that time the determination will be made whether or not to activate a review period.