



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Maureen Carney

Councilor Alisa F. Klein

Councilor David A. Murphy

MEETING MINUTES

Date: January 14, 2019, Time: 5 p.m.

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

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Carney, Councilor Dwight and Councilor Murphy. (Councilor Klein arrived at 5:05 p.m.) Also present were: City Solicitor Alan Seewald, Senior Planner Carolyn Misch and City Councilor Jim Nash.
2. **Announcement of Audio and Video Recording**
Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.
3. **Public Comment**
There being no members of the public present, there was no public comment.
4. **Approval of Minutes of Previous Meeting**
Councilor Carney moved to approve the minutes of the November 13, 2018 regular meeting and the November 13, 2018 Joint Community Resources/Legislative Matters Committee meeting as a group. Councilor Murphy seconded. The motion passed 3:0 with one absent (Councilor Klein).
5. **Public hearing on proposed zoning changes**
 - A. **18.204 An Ordinance to Amend the Definition of Accessory Structure**
Councilor Murphy moved to open the public hearing. Councilor Carney seconded. The motion passed unanimously 3:0 by voice vote with one absent (Councilor Klein).

The proposed change is to add one word ('bathing') to the definition of accessory structure to specify that, among other activities not allowed, bathing is also prohibited, Ms. Misch explained. The intent is to make clear to people building accessory structures that bathing facilities are among features excluded. The Building Inspector made the request to amend the definition because he wanted textual support for his interpretations when he meets with applicants building garage or work spaces so everyone understands

very clearly that these are allowed as work spaces only [as opposed to living units]. Detached accessory structures can be a lot closer to the primary dwelling than accessory dwelling units and dwelling units require additional Planning Board review, she elaborated.

The Planning Board voted unanimously to recommend in favor of the change, she advised.

Councilor Klein arrived at 5:05 p.m.

Toilets are allowed, Ms. Misch clarified.

Councilor Murphy asked if there could be a commercial workshop in a residential district and Ms. Misch said that depends on whether it qualified as a home business.

Councilor Dwight noted some workshops have eye wash stations and emergency showers for safety reasons.

The Building Inspector still has the ability to interpret the code and how it's applied, Ms. Misch responded. If someone's work involves a lot of chemicals he or she could make the argument that an eye wash station is needed.

Councilor Carney asked whether hot tubs would be considered a 'bathing facility,' and Councilor Klein asked about a facility for washing a dog.

There are limitations to what you can do in accessory structures, Attorney Seewald reminded.

There is a separate definition for accessory dwelling, Ms. Misch clarified.

Councilor Klein noted that an accessory structure is allowed to be 40% of the area of the principal structure. She pointed out that's pretty big; it could allow a nearly thousand square foot structure for a 2,000 square foot home. She wondered if that formula was standard for other communities.

Ms. Misch said it has been the standard percentage for a long time.

Councilor Murphy moved to close the hearing. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote.

Councilor Murphy moved to forward the ordinance with a positive recommendation. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote.

Ms. Misch informed members that she will not be at the City Council meeting Thursday.

6. Items Referred to Committee

A. 18.222 An Ordinance Relative to Taxis and Livery Vehicles for Hire - referred by City Council, 01/03/2019

Councilor Dwight reviewed the proposed changes. One principal change is elimination of the requirement that a company be based in Northampton reflected by striking the phrase "based in Northampton" from the first paragraph. New language states, "Taxicab and livery business located and permitted in other

communities shall be required to obtain a permit in accordance with this chapter." He reviewed additional changes as submitted.

One impetus behind the change was an appeal from a taxi operator located just outside the city limits who complained that the ordinance as written keeps him from doing business in Northampton, Councilor Nash explained. Another issue was that this company's nominal livery service was operating as a taxi by accepting same-day calls for service. The operator in question has a standing contract with the Cooley Dickinson Hospital to transport patients, but sometimes specific rides are not arranged until the day of the trip. One of the amendments is to clarify that trips scheduled less than 12 hours in advance are taxi pick-ups while livery service trips must be arranged at least 12 hours ahead of time. A bigger goal was to insure that taxi businesses operating in Northampton meet Northampton's permitting requirements, regardless of whether based in another community or in Northampton, Councilor Nash indicated.

In response to a question from Attorney Seewald, Councilor Dwight expressed his understanding that all pick-ups in Northampton have to be made by a licensed operator but drop-offs can be made by cabs licensed in other communities. [editor's note: Councilor Dwight's understanding was only partially correct: under the existing ordinance, cabs licensed in other communities may drop off fares in Northampton from another community but may also pick up fares in Northampton and drop them in another community. Taxicab companies not permitted through the City of Northampton may not pick up and drop off the same passenger within the City limits.]

Members discussed adding the phrase "to pick up fares in Northampton" at the end of the sentence, "Taxicab and livery business located and permitted in other communities shall be required to obtain a permit in accordance with this chapter."

Councilor Klein moved to accept the amendment. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote.

The other amendment (to Section 316-19(B)(1)) is intended to clarify the distinction between livery services and taxis, Councilor Dwight noted. He expressed some discomfort with the fact that it seemed designed to accommodate one particular business with one particular contract, but Councilor Nash assured him that the type of arrangement the change is meant to accommodate is provided by other businesses as well. They don't want to make the service overly difficult to operate since it is a valuable service to many Northampton residents. "There's a lot of value to what they're doing, so we want them to keep going," he observed.

Mrs. Krutzler made a suggestion to restate the added sentence in 316-19 (B)(1) in positive terms; i.e., instead of saying "provided that fares picked up pursuant to a pre-existing contract **shall not** be deemed to comply with the twelve-hour requirement **unless** the specific fare was arranged at least twelve hours in advance," say, "provided that fares picked up pursuant to a pre-existing contract **shall** be deemed to comply with the twelve-hour requirement **if** the specific fare was arranged at least twelve hours in advance."

Councilor Carney moved to amend the ordinance as suggested by Mrs. Krutzler. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote.

Councilor Murphy moved to make a positive recommendation on the ordinance to the full council as amended. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote

B. 18.223 An Ordinance Relative to Parking on Pleasant Street - referred by City Council 01/03/2019

Councilor Murphy moved approval for the purposes of discussion. Councilor Klein seconded.

As chair of the Transportation and Parking Commission (TPC), Councilor Nash explained that this was sent forward to City Council by the TPC with a positive recommendation after being submitted to TPC by the city engineer. As Ward 3 councilor he didn't have time to reach out to his constituents prior to the TPC meeting.

The proposed handicapped space was selected using a formula. It is in front of Millennium Liquors south of Roberto's, along is a stretch of Pleasant Street about 100 feet long. Due to the presence of a fire hydrant and the setback from a cross street, there are only two parking spaces there, so this would turn one of two spaces into a handicapped space. When he talked to the owner, he was concerned about it.

Wearing his Ward 3 hat representing both Millennium and Roberto's owners, he explained the background of the ordinance. Roberto's underwent renovations resulting in the elimination of a handicapped parking space in its parking lot. This triggered the need to create another handicapped space in the area. He is now in the process of trying to find out if the ordinance can be reworked to relocate the space. Both owners are fine with the handicapped space being located just north of the crosswalk.

Councilor Nash showed a google map of the area in front of the store and the alternate proposed location. The DPW has an issue with locating the space beyond the crosswalk because the crosswalk has a slight incline. He measured it with his iphone and the grade was only 1%.

Members discussed how to proceed. Councilor Nash voiced his preference that the ordinance be referred back to TPC for further review.

Councilor Carney so moved. Councilor Murphy seconded.

However, members noted that only the full council has the ability to refer an ordinance to a subcommittee.

Councilor Carney withdrew her motion and instead moved to forward the ordinance on to the city council with a negative recommendation with the caveat that it be returned to TPC for further discussion. Councilor Murphy seconded. The motion passed unanimously 4:0 by voice vote.

7. New Business

None.

8. Adjourn

Councilor Carney moved to adjourn. Councilor Klein seconded. The motion passed unanimously 4:0. The meeting was adjourned at 5:49 p.m.

Prepared By:

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