



## Joint Meeting of the Planning Board and City Council 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: April 9, 2018**

**Time: 5:30 p.m.**

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

1. **Meeting Called to Order and Roll Call:** At 5:30 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: David Murphy, William H. Dwight and Alisa F. Klein. **Absent:** Maureen Carney. Also present were City Councilor James Nash and Senior Planner Carolyn Misch.

**Planning Board Members:** John Lutz, Acting Chair, Dan Felten, Euripedes de Oliveira, Tess Perrone Poe, Samuel Taylor and Alan Verson.

Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

2. **Public Comment:** Councilor Dwight asked if there was any public comment. There was none.
3. **Minutes of March 12, 2018**

**Councilor Klein moved to accept the minutes of March 12, 2018. Councilor Murphy seconded. The motion passed unanimously 3:0.**

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

Public Hearing Notice published March 26, 2018 and April 2, 2018 per M.G.L. Chapter 40A, Section 5.

Councilor Dwight read the text of the legal notice

Councilor Klein moved to open the public hearing. Councilor Murphy seconded. The motion passed unanimously 3:0.

Ms. Misch explained the proposed ordinance changes, offering explanatory comments as needed.

**A. 18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial (OI) - referred by City Council 3/15/2018**

18.063 and 18.064 are related ordinances, Ms. Misch indicated. 18.063 is considered a map change; i.e. - changing the zoning designation from one district to another.

The most southerly parcel is the Sunnyside property which is occupied by Sunnyside Daycare and is currently zoned General Industrial (GI). The parcel behind this is also owned by Sunnyside.

The adjacent parcel is presently zoned Business Park (BP). The reason for changing the zoning designation to Office Industrial (OI) is to allow greater flexibility in the use of the parcels, Misch explained. Sunnyside is not going to build out to anything else and schools are allowed in any zoning district, so the change does not affect the use of the property as a school.

The whole area was once zoned BP, the only section in the city so zoned. The concept of BP zoning was to require a developer to assemble land to create a business park in order to get a permit. At one point, there were five owners of the acreage on the west side of Easthampton Road. The thought was that at some point the area would get sewer and property owners would be able to develop a portion of the property. Since then, planners have learned that city sewer will not be extended to this area and that there are significant wetlands present with vernal pools. Also, the parcel to the north and west has been transferred to the city as permanently protected conservation area. Since the remaining parcels are developable, the intent is to rezone them to industrial use so that individual property owners can develop them individually rather than working to assemble a business park.

The change is in conjunction with the elimination of BP zoning from the zoning ordinance, she confirmed.

There are presently no structures on the parcel to be converted from GI to OI. Presently there is a requirement that the lots must have shared driveway access. The two parcels are separately-owned, and the idea is to free them up for development.

**B. 18.064 Ordinance to Eliminate Business Park Zoning in its Entirety from the Code - referred by City Council 3/15/2018**

This ordinance is intended to eliminate the Business Park (BP) zone in its entirety, Ms. Misch confirmed. The idea is to get rid of all textual references to BP and to take it off the books.

Councilor Klein asked if was any reason to think the city might want to have BP zoning in the future?

Probably not, Ms. Misch responded. The zoning ordinance now has Planned Village as a district which allows multiple uses and could be used in other places other than the state hospital to think about the assemblage of lands. It is sort of an extraneous district at this point. Planner have also changed the way they think about development and now try to focus it on existing infrastructure.

**C. 18.065 Ordinance to Rezone Conservation Areas to Farms Forest Rivers - referred by City Council 3/15/2018**

Ms. Misch drew attention to a minor amendment to add a parcel (Map 29, Parcel 484) which wasn't shown on the original map submitted to council. The idea behind the map changes is a bulk transfer of city-owned conservation land out of its present zoning district to Farms Forest and Rivers which is more consistent with the reality on the ground that the property will never be developed. As the city buys land for permanently protected conservation area, the idea is to zone the property as Farms Forest and Rivers so there is no longer a developable zoning district associated with it.

Ms. Misch referred to two parcels taken out of Business Park (BP) zoning (Map 37, Parcel 50 and Map 37, Parcel 134) and converted to Farms Forests and Rivers (FFR) which contain compressor units separately owned by Berkshire Gas and Tennessee Gas. These are the only two parcels that will come into FFR that are not city-owned, but the parcels are surrounded by city-owned conservation land and the zoning designation is appropriate because utility transmission lines are allowed in FFR districts since they are considered 'essential facilities.'

Councilor Klein asked how being designated as FFR as opposed to a conservation area affects the ability of conservation groups to steward the areas and how it affects the proposal to allow hunting on the parcel. The Girl Scout parcel is how under consideration for hunting, she pointed out.

Conservation area is not a zoning classification, Ms. Misch clarified. The Girl Scout parcel is actually in a Rural Residential (RR) zoning district. FFR is really a zoning classification that co-exists with conservation property. The management of a particular conservation area would address what activities would be allowed on the property.

Ms. Poe asked if any uses are allowed by right in this zoning district, and Ms. Misch said yes.

**D. 18.066 Ordinance to Rezone a Portion of Property from URB to Office Industrial - referred by City Council 3/15/2018**

This is another map change to property on the west side of Federal Street that backs up to the river. The parcel contains the building referred to as the Wireworks Building. The property is presently zoned Urban Residence B (URB), and rezoning it to OI will help facilitate the reuse and regeneration of the building and remove permitting impediments. It is not really possible to put residential there because it would take an enormous amount of work and change, she observed. Also, she thinks there is going to be an activities and use limitation that restricts residential use.

The zoning change does not include the parking lot across the street or the land behind Riverside Drive homes, Ms. Misch clarified. It is really just a carve-out for this building to hopefully facilitate its reinvestment and reuse.

She confirmed that the request is not project specific; i.e., the change is not being made to accommodate a particular developer.

She met with Baystate Neighborhood Association six months ago about the concept of potentially rezoning this building, and neighbors were concerned about the presence of a deteriorating structure and would like to see the building productively reused. The goal of encouraging the reuse of old mill buildings and industrial buildings is consistent with the Master Plan. Residential use is allowed in OI above the first floor, she noted.

**E. 18.067 Ordinance to Rezone Four Residential Properties on Riverside Drive from General Industrial to URB - referred by City Council 3/15/2018**

This change is to the other side of Baystate, Ms. Misch said. Planners are 'cleaning up' the zoning map and making it easier for homeowners to expand or continue to use their properties as they've been used since first built. They are all existing residences but are zoned GI. Zoning districts are supposed to reflect the policy of the city and, with GI zoning, the implication is that the city hopes the properties will transition out of residential use in the future to GI. Planners do not really foresee a transition to GI and so decided they might as well change the zoning.

The back portions of the properties are in the flood plain so they are being rezoned to Special Conservancy (SC), she added.

Justin Wentworth and Christine Shaw identified themselves as the owners of 638 Riverside Drive. In the case of their property, the 'Special Conservancy' zone is pretty much their entire back yard, Ms. Shaw observed.

This is consistent with the zoning of other yards in the FEMA-mapped flood plain throughout the city, Ms. Misch responded. Planners don't want to see buildings in the SC zone since structures within the floodplain must meet special building code standards and require permits from the Conservation Commission. There is a restriction on building new residential units in the SC district but property owners wouldn't necessarily be able to expand a residential use in an industrial area anyways, she pointed out.

Ms Shaw asked how the change would affect property resale value and salability.

Councilor Murphy noted that the houses are located in an area to be rezoned URB. The back of the property is already GI/FP so changing it to SC doesn't really make a difference. Homeowners will not be allowed to put structures there but they can't put structures there now, he pointed out.

Taking the lots out of nonconforming status might actually enhance their resale value, Councilor Dwight suggested.

**F. 18.068 Ordinance to Eliminate Newspaper Legal Notice Requirement for Site Plan Review Projects - referred by City Council 3/15/2018**

Site Plan Review is the Planning Board's review of by-right uses that need additional technical review, Ms. Misch explained. Requirements for this type of permit are not specifically spelled out in state statute as are requirements for special permits. When Site Plan Review was initially adopted in Northampton, city council adopted rules that matched the requirements under state statute for special permits. Not too many people read legal notices but the cost to the city continues to rise. The city is not required by state statute to put a legal notice in the paper so the idea is to remove this requirement from the code with the understanding that planners will still take steps to notify the public, such as posting a notice at the site, mailing notices to abutters, etc. It is just taking the advertising requirement out of the mix to save the city a little money.

It would also save a little time as state law requires notices to be published twice in two successive weeks, with the first publication not less than 14 days before the hearing, Councilor Murphy pointed out. Councilor Dwight recommended posting notices to the website as additional public notification.

**G. 18.069 Ordinance to Eliminate Newspaper Legal Notice Requirement for Projects that Need Central Business Architecture Review - referred by City Council 3/15/2018**

Central Business Architecture (CBA) review is not in zoning but is a separate section of the code, Ms. Misch advised. When adopted a number of years ago, the idea was to mirror the requirements for the special permit process. The justification for eliminating this requirement is the same; i.e. – the city is not required to advertise in the newspaper. Planners will still post signs at the site.

In response to a question, Ms. Misch said public hearing notices run between \$150 and \$262.75. She estimated they cost the city \$500 a month.

Councilor Dwight asked if there were any general comments on the proposals. Hearing none, Councilor Murphy moved to close the public hearing. Councilor Klein seconded. The motion passed unanimously 3:0.

**Ms. Perrone Poe moved to close the Planning Board public hearing. Mr. Felten seconded. The motion passed unanimously 6:0.**

Ms. Misch explained that the Planning Board and Legislative Matters Committee need to make separate recommendations to the City Council.

**Ms. Perrone Poe moved to recommend to City Council and Legislative Matters to adopt and accept all the recommended changes to both the zoning map and zoning code as outlined in the agenda for April 9<sup>th</sup>. Mr. Felten seconded. The motion passed unanimously 6:0.**

Councilor Murphy moved to positively recommend 18.063 and 18.064. Councilor Klein seconded. The motion passed unanimously 3:0.

Councilor Murphy moved to make a positive recommendation for 18.065. Councilor Klein seconded. The motion passed unanimously 3:0.

Councilor Murphy moved to positively recommend 18.066 and 18.067. Councilor Klein seconded. The motion passed unanimously 3:0.

Councilor Murphy moved to positively recommend 18.068 and 18.069. Councilor Klein seconded. The motion passed unanimously 3:0.

Mrs. Misch informed members that neither she nor Wayne Feiden would be available for the next council meeting but could attend the second reading to answer questions if needed. Councilor Dwight said he would forward any questions that came up for her response. The joint meeting was adjourned at 6:20 p.m.

**5. Items Referred to Committee**

**A. 17.265 An Ordinance Relative to Taxis and Vehicles for hire - referred back to LM, 3/15/2018**  
Jeffrey Miller, the owner of Cosmic Cab, was in attendance.

According to Mr. Miller, Northampton would be virtually unique in setting liability limits as high as proposed, Councilor Dwight reminded. The proposal to increase the insurance requirements was introduced by the

city solicitor. In the interim, Mr. Miller has testified that it would be virtually impossible to find carriers that would actually underwrite the higher amounts because even Boston doesn't have similar requirements.

The current requirement is for liability insurance amounts of \$100,000 per person/\$300,000 per accident. He understands that this or wording that insurance limits must conform to state requirements is the standard for other communities.

Mr. Miller said he believes the state requirement is \$20,000/\$40,000.

Mr. Miller has attested that the current premium is about \$6,000 per vehicle while the premium under the new requirements would be about \$10,000 per unit, Councilor Dwight added.

Councilor Klein said she thinks it behooves them to do their own research. Councilor Dwight said he has done some research, and what Mr. Miller presented is accurate. He has not done rate comparisons, he acknowledged.

Councilor Murphy said he would make a motion to maintain the current requirements for \$100,000 per person/\$300,000 per accident for injury or death and send back to council. Councilor Klein seconded.

Councilor Klein asked Attorney Seewald's rationale for raising the rates.

It was his experience with personal injury law, Councilor Dwight suggested. However, he said he understood the concern about depriving people who need the service of the service. Rather than putting an onerous burden on a segment of the population, he was willing to accept maintaining the present rate.

Even in New York the requirement is \$100,000/\$300,000, Mr. Miller asserted.

Councilor Dwight called the motion to recommend maintaining the city's current insurance rates of \$100,000/\$300,000 to council to a vote, and it passed unanimously 3:0.

Councilor Klein moved to forward the ordinance with a positive recommendation with the amendment to maintain existing rates as proposed. Councilor Murphy seconded. The motion passed unanimously 3:0.

6. **New Business**

None

7. **Adjourn**

Councilor Murphy moved to adjourn. Councilor Klein seconded. The motion passed unanimously 3:0. The meeting was adjourned at 6:35 p.m.

*Prepared By:*

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