



COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND CLAIMS

Councilor David A. Murphy, Chair

Councilor Jesse M. Adams

Councilor Maureen T. Carney

Meeting Minutes

Wednesday, April 10, 2013

5:00 pm – 7:00 pm

City Council chambers, Wallace J. Puchalski Municipal Building
212 Main Street, Northampton, MA

1. Members present/absent: Councilor David A. Murphy, Councilor Jesse M. Adams, Councilor Maureen T. Carney, City Solicitor Alan Seewald, Councilor Owen Freeman-Daniels, Carolyn Misch, Steve Susco
2. Meeting Called to Order **Councilor Murphy called the meeting to order at 5:03 p.m.**
3. Announcement of Audio/Video Recording of Meeting **The meeting was audio-taped.**
4. Approval of Minutes of February 11, 2013 and March 11, 2013 **Councilor Carney moved approval of the minutes; Councilor Adams seconded. The motion passed unanimously (3-0).**
5. Public Comment **None**
6. **CLAIMS:**
 - Abuza Claims of Property Damage of March 12, 2013 – Claimants Voluntarily Withdrew Claims on April 1, 2013.
7. **ORDINANCES:**
 - Ordinance: Amend §22-3 Committee on Cultural and Recreation Services (*Referred by City Council of March 7, 2013*)

Councilor Freeman-Daniels noted he has had conversations regarding this Ordinance with City Solicitor Seewald. Councilor Murphy stated that all committees will be reviewed soon by the Ordinance Review Committee. City Solicitor Seewald stated that the City Charter does not say “must be done by rule” and preferably all changes regarding Committees of the City Council would be done together.

Councilor Carney moved to send the Ordinance to City Council with positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-3.4 and attachment 1.1 Rezone Watershed Protection Throughout the City (*Public Hearing Continued from March 11, 2013 –Committee on Economic Development, Housing and Land Use Positive Recommendation March 5, 2013, Planning Board Positive Recommendation March 11, 2013*)

Councilor Murphy re-opened the public hearing continued from March 11, 2013.

Carolyn Misch stated that there were questions from several property owners. Mr. Thibeault’s property would be shrinking almost entirely off Chesterfield Road. Ms. Misch stated that Mr. Susco and his neighbor took legal permits for fill three years ago, and the topography has changed. The contour line would now be 160’- this situation is unique. Ms. Misch stated that no one else has contacted her with questions on this Ordinance.

Steve Susco, 754 Bridge Road, thanked the Committee for keeping the public hearing open. Mr. Susco stated that he now had five pages of more questions. Mr. Susco stated that it was a sad commentary when the Planning Board closed their public hearing while citizens still had questions. Mr. Susco stated that he must defend his property and requested that the zoning changes be stopped and left alone. Mr. Susco stated that no portion of his property should be in floodplain, the 500 year recommended by Planning Board has been glossed over and misrepresented as “no big deal”. This has increased the burden of restriction, and Mr. Susco implored the Committee to go slow and

know the full impacts to be done. Mr. Susco questioned what is the real story. Mr. Susco noted that Ms. Misch stated that his property and his neighbor's property are treated special, but this is not seen on the actual Ordinance. Mr. Susco brought personally drawn maps.

Ms. Misch noted that Mr. Susco's maps are very good, with no development in rear setback. Mr. Susco stated that the topographic map does not match to the Ordinance map and is not based on reality, and Mr. Susco would like answers before the zoning is changed. Mr. Susco stated that he takes issue with the proposed change to special conditions that includes 160'. Twenty-five years ago, Mr. Susco was required to calculate, and the plan is in the City's possession, and this plan was accepted at 152'. There has been no change. Mr. Susco suggested that 155' would be reasonable, and at 152' the Big Y flagpole would be flooded and Route 5 would be 18' under water. Please reconsider and use due diligence.

Councilor Murphy questioned Ms. Misch regarding the change to SC; Ms. Misch stated there would be no more overlay of SC. Ms. Misch stated that the WP boundary is a small fraction of parcels and most changes affect only strips that cross property, with the biggest change not issued in 20 years. Existing homes in SC are under the Wetlands Protection Act and are grandfathered. No new construction would be allowed into these areas. This Ordinance eliminates the Special Permit criteria, reduces and follows URB standard, and is flexible on existing parcels. Those areas with WP overlay now are still under WPA, Corps of Engineers and building code.

Councilor Murphy questioned whether stream boundary would be 100' or 200' from WP to SC; Ms. Misch noted that residents still must obtain building permits, determine if floodplain and WPA with review by Conservation Commission. Ms. Misch noted that a few slivers of 500' rezoned from WP to SC are in the Bean/Allard and Parsons Brook, but are irrelevant for the baseball fields.

Councilor Murphy questioned the determination of 160'; Ms. Misch stated that safe adjustments were made three years ago, with the 160' as the best adjustment. The floodplain is different on some parcels. Ms. Misch noted that the maps created are still regulatory. Councilor Murphy noted WP at the end of Greely Ave is 100' above and gave relief in map, with no WP protection above the fields. Ms. Misch stated that Greely Ave is in the FEMA maps and need hard data of impact from stream. Many streams cross property and don't cover all lot lines; these two properties, streams cross in rear. Councilor Murphy questioned the difference between SC and floodplain. Ms. Misch stated that floodplain is a FEMA term on their maps. Our term is SC and conforms with FEMA up to 500'. Ms. Misch also noted that the stream is piped on the Big Y property.

Councilor Carney noted Mr. Susco's question of "the real story" and existing property owners can expand on their property.

Mr. Susco requested to go on record with his objection to the 160' requirement.

Councilor Carney moved to close the public hearing; Councilor Adams seconded. The motion passed unanimously (3-0).

Councilor Carney moved to send the Ordinance to City Council with positive recommendation; Councilor Adams seconded. The motion passed on a Voice Vote of 2 Yes, 1 No (Councilor Murphy).

Clerk's Note: As at least two City Councilors will be absent from the April 18, 2013 City Council meeting, Planning Director Wayne Feiden asked that this Ordinance be placed on the May 2, 2013 City Council agenda.

- Ordinance: Amend §22-30 to §22-34 and §195-1 to §195-10 and §161-3 Merge Historic District Commission into the Historical Commission (*Referred by City Council of March 7, 2013*)

City Solicitor Seewald noted his concerns regarding the statutes and the 40C process for appointing members.

Councilor Carney moved to continue the Ordinance to the May 13, 2013 meeting of this Committee; Councilor Adams seconded. The motion to continue passed unanimously (3-0).

- Ordinance: Amend §195-2 Expand Historic District to Include Much of Round Hill (*Referred by City Council of April 4, 2013 to Committee on Economic Development, Housing and Land Use, and to this Committee*)

Clerk's Note: The next meeting of the Committee on Economic Development, Housing and Land Use is May 7, 2013.

Councilor Carney moved to continue the Ordinance to the May 13, 2013 meeting of this Committee; Councilor Adams seconded. The motion to continue passed unanimously (3-0).

- Ordinance: Amend §312-102 Schedule I: Parking Prohibited All Times – Hockanum Road, Fair Street Ext. (*Referred by City Council of April 4, 2013*)

Councilor Carney moved to send the Ordinance to City Council with positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

Councilor Carney left the meeting at 6:06 p.m.

8. **NEW BUSINESS** –*Reserved for topics that the Chair did not reasonably anticipate would be discussed.*

City Solicitor Seewald noted some issues which need to be addressed by the Ordinance Review Committee. The Committee needs to meet and begin this process.

Clerk's note: A meeting has been scheduled for Wednesday, May 15, 2013 at 5:00 p.m. in the Former Treasurer's office in City Hall.

At 6:16 p.m., Councilor Adams moved to adjourn and was seconded by Councilor Murphy. The motion passed unanimously (2-0).

*Respectfully submitted,
Mary L. Midura
Executive Secretary*