



**Joint Meeting of the Planning Board, City Council Committee on Legislative Matters
and the Northampton City Council**

Legislative Matters Committee Members

Councilor Alex Jarrett, Chair

Councilor Marissa Elkins, Vice Chair

Councilor Stanley W.. Moulton, III

Councilor Jim Nash

MEETING AGENDA

Date: August 8, 2022

Time: 5 p.m.

Video Teleconference

The August 8, 2022 Joint Planning Board/Legislative Matters Committee meeting will be held by 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 the virtual meeting: [PUBLIC MEETING LINK](#)

For telephone call-in, call:

+929 436-2866 US

MEETING ID: 897 5659 8600

PARTICIPANT #: #

PASSCODE: 279513

- 1. Meeting Called to Order and Roll Call**
- 2. Announcement that meeting is being audio/video recorded**
This meeting is being audio and video recorded.
- 3. Public Comment**
- 4. Approval of Minutes of Previous Meeting**
 - A. Minutes of February 14, 2022**

Documents:

[02-14-2022_Committee_on_Legislative_Matters.doc](#)

5. 5:00 P.M. **Public hearing on proposed zoning change**
Public hearing notice published July 25, 2022 and August 1, 2022 in the Daily Hampshire Gazette per M.G.L. Chapter 40A, Section 5.

Documents:

[Public Hearing Notice for 8-8-22 Joint PB-LM Meeting.pdf](#)

A. 22.141 An Ordinance to Amend the Zoning Map (350-3.4) on Bridge Road and Cooke Avenue

History:

- Referred to Planning Board and Legislative Matters - 7/14/2022

Documents:

[22.141 An Ordinance to Amend the Zoning Map on Bridge Road and Cooke Avenue.pdf](#)

6. Items Referred to Committee

None

7. New Business

8. Adjourn

PLANNING BOARD MEMBERS

George Kohout	Samuel Taylor	Melissa Fowler
Janna White	David Whitehill	Chris Tait
Vacancy	Corinne Coryat, Associate Member	Associate Vacancy

Contact Alex Jarrett at
ajarrett@northamptonma.gov



City Council Committee on Legislative Matters and the Northampton City Council

Members

Councilor Alex Jarrett, Chair
Councilor Marissa Elkins, Vice Chair
Councilor Stanley Moulton, III
Councilor Jim Nash

MEETING MINUTES **Date: February 14, 2022** **Time: 5:30 p.m.** **Virtual Meeting**

- 1. Meeting Called to Order and Roll Call:** At 5:33 p.m., Councilor Alex Jarrett, Chair, called the meeting to order. On a roll call, the following councilors were present: Councilor Jarrett, Councilor Marissa Elkins, Vice Chair; Councilor Stanley W. Moulton, III and Councilor Jim Nash. Also present were Office of Planning and Sustainability (OPS) Assistant Director Carolyn Misch and Administrative Assistant Laura Krutzler.

Councilor Jarrett announced that the meeting was being audio/video recorded.

Councilor Jarrett proposed that unless there is a concern, they all call each other by first names.

- 2. Public Comment**

No members of the public were present.

- 3. Approval of Minutes of January 10, 2022 Organizational Meeting**
Councilor Moulton moved to approve the minutes of the January 10, 2022 Organizational Meeting. Councilor Elkins seconded.

Councilor Jarrett pointed out that the minutes of November 8, 2021 had not yet been approved. He asked the administrative assistant to put them on the March agenda.

The motion passed unanimously 4:0 by roll call vote.

- 4. Public Hearing on Proposed Zoning Changes**
A. 21.339 An Ordinance to Allow Beverage Service and Entertainment at Farm Stands Under Certain Circumstances, referred by City Council - 10/7/2021

History:

- Referred to Planning Board (PB) and Legislative Matters (LM) for public hearing - 10/7/2021
- Public hearing continued by PB - 11/18/2021
- Continuation of PB public hearing - 2/10/2022
- Positive recommendation w/amendments, PB - 2/10/2022

Councilor Jarrett noted that today's hearings were properly advertised.

Councilor Nash moved to open the public hearing. Councilor Moulton seconded. The motion passed unanimously 4:0 by roll call vote.

The public hearing was opened at 5:37 p.m.

As background, this ordinance is before them because there are overlapping jurisdictions for zoning, entertainment and licensing, OPS Assistant Director Misch presented. Service of alcohol is regulated through the License Commission but is separate from land uses allowed. Several years ago, the state passed legislation allowing greater flexibility for farmers growing crops and producing alcoholic beverages from them, whether cider or beer or wine, and created a separate class of license that could be issued by the License Commission. Part of that licensing allows the service of beverages on a property but most farms are in a rural area and not in a commercial district where restaurants and bars are typically allowed.

As a result, on the one hand, the License Commission was given the ability to grant licenses but, on the other, some of the places licensing is requested are not in a zone where the city would allow those types of uses. That is the case in Northampton. Northampton doesn't allow restaurants in Rural Residential (RR) or Suburban Residential (SR) areas, and it just so happens that the License Commission has been granting open-ended licenses to a place that has been producing wine and has moved on from serving wine on site to hosting weddings and other events. The farm has received licensure but the use is not allowed under current zoning, so there is need to fix that discrepancy.

This is not complaint-based; it was just discovered that a business is not legally allowed to do what it is doing from a zoning perspective, she explained. It is important that they don't turn a blind eye and just say let them continue to do what they're doing. Also, there is general agreement in the community that this is a good thing because it provides additional income for farmers, so they want to open up this opportunity. The ordinance in front of them is a way to do that by saying that, under certain circumstances, farmers growing products on site and having an accessory function related to that are allowed to serve alcoholic beverages and have entertainment.

The ordinance says that in those areas where these farms are located, beyond just having a farm stand, they should, as a community, allow this additional functionality. It opens the door in the SR, RR and Water Supply Protection (WSP) district.

The ordinance went to the Planning Board in November. Members had quite a lengthy discussion and determined at that point that there were too many unanswered

questions. They wanted feedback from the Agricultural Commission since it represents the agricultural community and to find out more details of what licensing actually permits and how that process might be changed. The ordinance was carried over from the previous City Council to the new council and went back to the Planning Board at the end of January. In front of them is an amended version of the ordinance originally introduced to council last year.

Based on feedback the Planning Board received, members ended up voting to recommend the proposal but adding an additional district to the list of districts where the functions could be allowed. Originally, the planning department excluded the special conservancy district that represents mostly the Meadows and properties east of Bridge Street. Planners' initial thinking was to not encourage uses that might require additional structures such as bathrooms or canopy covers that they are trying to discourage in the flood-plain. However, after discussion with the Planning Board and Agricultural Commission, it was felt that there are already bodies that review new structures in the floodplain and that that is an appropriate place to determine whether structures are allowed instead of categorically saying that they are not allowed. Uses in addition to agricultural uses can include the service of alcoholic beverages on site for accessory events or entertainment not to exceed 12 events per year (up from four) with a license from either the License Commission or a Mayoral Entertainment License.

After the threshold of 12, the use would require site plan review allowing the Planning Board to evaluate potential impacts and potential mitigation that might be appropriate for more frequent events.

Councilor Jarrett screen-shared the updated version as recommended by the Planning Board.

Councilor Moulton asked if he understood correctly that they are adding both uses and an additional district within this ordinance.

The ordinance as first introduced added additional uses that would be allowed as part of an agricultural use, Ms. Misch clarified. The version that came out of the Planning Board added a fourth zoning district to districts where the additional uses are allowed. It proposes additional uses to be allowed in four zoning districts, she confirmed.

The yellow highlighted text are Planning Board revisions together with the strike-through of the limit on 12. Planning Board members felt like the code shouldn't arbitrarily create a cap of 12 events.

Councilor Nash said he's liking the idea of something going on out in the Meadows; he thinks that's cool. He said he's wondering if there would be a limitation on size. Can somebody have 300 or 400 people or have a concert? He asked.

Residents presently do not need any kind of license or permission to invite 300 people to a wedding, Ms. Misch pointed out. Only by charging for hosting an event where alcohol is being served is a permit required. If someone owns a farmhouse and wanted

to host weddings, they would need a license from either the Mayor's office or the License Commission to serve alcohol.

Zoning is not regulating the total amount of people because members talked about how each site is different and putting a cap on size doesn't take into consideration variables such as different types of events, different-sized properties, etc.

The difference between zoning and licensing is that, once something is allowed in zoning, it is allowed. You can't pull it back unless a condition is attached, whereas licenses can be granted and revoked. There is no vesting granted in a license. If the License Commission grants a license and all 10 of such events are just too big with too great an impact, the License Commission has the jurisdiction to revoke the permit. There is a difference in the way the two permissions are regulated and implemented.

Councilor Nash said he is comfortable with the License Commission making that determination. He expressed his understanding that while they're allowing the use through zoning, the License Commission can narrow things down based on the event.

He loves that it is not complaint-based but is forward-thinking, he added. He knows the winery in question is somewhere out by West Farms Road, but he asked if she had heard from the Agricultural Commission where other possible events might be.

The Agricultural Commission didn't say where they thought other events might happen, Ms. Misch said. They liked the idea of supporting agricultural tourism but were very clear to say they don't want this to become the primary function. They want to allow producers to thrive, so if these events help support the underlying function of growing and producing food, they're all for it. They didn't necessarily have examples of other farmers that might be interested in undertaking this. She cited Valley View in Williamsburg which produces hard cider and has weddings, a haunted hayride in Hadley and the corn maze as examples of events around the valley that illustrate the kinds of events that might happen.

Councilor Jarrett asked if the definition of agricultural use includes a certain scale of production or amount of money earned. How is it defined?

The state statute has certain exemptions, Ms. Misch advised. Properties with five acres or more that are producing commercially are deemed to be agricultural. They talked a lot about how to make sure this additional entertainment piece is accessory to growing or making wine or making cider. It is hard because weddings could bring in a lot of cash so they don't want to use cash receipts as a determination of whether it is accessory so that's why they came up with a number of events. Most of the farmers have a whole range of acreage in production and then might have some ancillary production such as wine-making. They are already allowed to serve samples on the property under an agricultural exemption.

Councilor Moulton expressed his understanding that there are standards that apply to agricultural use so that it would not extend to people home-brewing in their basements. He asked how many agricultural licenses are available in Northampton.

These licenses are not restricted in the same way as retail beer and wine licenses, package stores, etc., Ms. Misch said. There isn't a cap on the number because it is associated with what is being grown on site. There is no cap and no competition with existing alcohol licenses that have been granted, she confirmed.

Councilor Jarrett asked if anyone would like to speak in favor. Hearing none, he invited any opponents to speak.

There being no further comments, **Councilor Moulton moved to close the hearing. Councilor Nash seconded. The motion passed unanimously 4:0 by roll call vote.**

The hearing was closed at 6 p.m.

Councilor Moulton said he thinks this is forward-thinking and supportive of the agricultural business in Northampton, which is still significant. In this bumpy economy anything they can do to help any class of business is welcome.

He moved to forward the ordinance with a positive recommendation. Councilor Elkins seconded.

Councilor Nash said he concurs. He likes the idea of some sort of event going on out in the meadows. He knows there was strawberry picking going on for some time. Any other events to get people out there and to celebrate the produce coming out of their farming community [is welcome].

Councilor Elkins said she is glad to be here to see this come full circle. She was there for the first discussion on the Planning Board in November. She thinks this is great to pull in things that have been happening and give them some legitimacy.

Councilor Jarrett agreed. His concern is alleviated by the fact that there is a license from either the License Commission or the Mayor's office. As Ms. Misch mentioned, it is not an unrestricted zoning use so it can be specific to the site and the conditions.

The motion passed unanimously 4:0 by roll call vote.

B. 21.356 An Ordinance Relative to Housekeeping Changes to the Zoning Ordinance, referred by City Council - 11/18/2021

History:

- Referred by City Council to Planning Board (PB) and Legislative Matters (LM) - 11/18/2021
- PB hearing held, positive recommendation with comments - 1/13/2022

Councilor Moulton moved to open the public hearing. Councilor Nash seconded. The motion passed unanimously 4:0 by roll call vote.

The hearing opened at 6:04 p.m.

As the title reflects, this is really a clean-up of text in the zoning ordinance to focus on accessibility terms and bring them up to modern preferences and usages, Ms. Misch presented. Different terms are sprinkled throughout the zoning ordinance as it relates to accessibility issues and disabled residents. This updates the language to reflect a better way to refer to people with disabilities. It also updates the title of the Office of Planning and Sustainability, formerly the Office of Planning and Development.

The Planning Board recommended adoption of all of these items with a question as to whether the revision to Section 350-6.2 would create a conflict with language in state law and removal of an extraneous word from 8.1, she reported. The board otherwise recommended it positively.

Councilor Jarrett said he spoke to the city solicitor about the concern with Section 350-6.2 and he did not have any concern about a potential conflict with state law. He said courts look at function so the text does not have to exactly match as long as the meaning is clear.

Members reviewed the individual proposed changes.

With regard to Section 350-2.1, Councilor Jarrett wondered if it was intended for the text to read 'elderly or persons with disabilities,' as opposed to 'elderly **residents** or persons with disabilities.'

She knows the folks in the senior services department have also been looking at modifying the way of referring to people who are older, Ms. Misch advised. She thinks **elder residents** may be the preferred term but she would defer to Marie Westburg.

Councilor Jarrett said he could reach out to Marie Westburg.

Since they are at a juncture where they are about to change language for what could be a decade or more, Councilor Nash said he is in favor of getting it right.

Councilor Jarrett asked about 8.1 which currently conflicts with the Tables of Use by saying one parking space is required for every 500 square feet of gross floor area. The Table of Use specifies one parking space is required for every 1,000 square feet.

Ms. Misch confirmed that the Table of Use controls when it comes to parking.

Councilor Nash asked if they will eventually move beyond talking about 'people with disabilities.'

As of now in the disability community, it is really preferred just to use the term disability rather than avoiding it, Councilor Foster volunteered. So far, that is still the preferred language.

Councilor Jarrett asked if anyone else wished to speak in favor.

Councilor Foster said ADA Coordinator Keith Benoit provided quite a bit of support in the planning office and Councilor Nash was really helpful in bringing the need to update the language to the Ordinance Review Committee. It is really gratifying to bring forth this new language. She thanked them for taking it on.

Councilor Nash moved to close the hearing . Councilor Moulton seconded. The motion passed unanimously 4:0 by roll call vote.

The hearing was closed at 6:17 p.m.

Councilor Elkins moved to forward the ordinance with a positive recommendation. Councilor Moulton seconded.

Councilor Nash acknowledged all the work and advocacy Councilor Foster did in this. She initiated this and has been fostering it along. As someone else who works in the community with these folks, language is important, he confirmed.

Councilor Jarrett thanked Councilor Thorpe and Councilor Sciarra for their work in co-sponsoring the ordinance.

The motion passed unanimously 4:0 by roll call vote.

5. Items Referred to Committee

A. 21.355 An Ordinance Relative to Housekeeping Changes to the General Ordinances - referred by City Council 11/18/2021

Councilor Nash moved to forward the ordinance to the full City Council with a positive recommendation. Councilor Moulton seconded.

Councilor Jarrett suggested screen-sharing the five-page document and going through the proposed amendments to see if councilors had any questions or comments.

Councilor Foster explained that, as with the previous zoning ordinance, the reason for a number of the recommended language changes is to remove the word “handicapped,” particularly from parking, and to replace it with “accessible.” The preferred language is to describe the function of the accommodation, such as an ‘accessible parking space’ rather than to describe an individual as ‘handicapped,’ which refers to a barrier.

Councilor Jarrett asked about the proposed change to Section 116-1. He expressed his understanding that deleting the phrase “three false alarms in any calendar year” and replacing it with “false alarm” would result in property owners being charged a fine after just one false alarm in perpetuity. In other words, once a property gets a false alarm the owner would always pay a fine for any subsequent false alarm, regardless of whether it was a new owner or a different alarm system.

Councilor Moulton said he didn’t know the answer but he agreed it was an important question. He asked if someone could explain the context of the change. The intent

before was to limit the property to three false alarms in a year but to reset the count each year, he noted.

In some instances, people are not as conscientious in maintaining their alarm systems, resulting in multiple calls to emergency services, Councilor Nash said. The charge for multiple false alarms is to encourage repair/maintenance of faulty systems, he indicated.

Councilor Jarrett said he was not sure about the removal of the phrase 'in any calendar year.'

Councilor Moulton noted it is a double change in that it is reducing the number of alarms allowed before a fee is imposed and also eliminating the calendar year reset. He said he's not sure that's really what they want to do.

Ms. Krutzler said she was not sure it was the intent to limit the calendar year timeframe. She offered to double-check with the City Clerk, who introduced the need for the amendment. She said she could add a process note to the City Council agenda reporting the City Clerk's recommendation when the ordinance comes back before the full council.

Members said they thought that would be good.

Councilor Nash said he would like to pull up the Ordinance Review Committee notes as well, and Ms. Krutzler said she would do so.

In discussing the amendment to Section 124-111, Councilor Jarrett noted that sometimes the city ordinance refers to 'people with disabilities' and other times 'persons with disabilities.'

Councilor Jarrett also noted that the reference to 312-95B4 on pg. 3 should be changed to 312-99B4. And, he suggested that the two references to a subsection of Section 337-10 should be changed to be identical. Ms. Krutzler said she would make both changes as corrections to scrivener's errors.

The motion passed unanimously 4:0 by roll call vote.

B. 22.024 An Ordinance Relative to Stop Signs in the Village Hill Neighborhood, referred by City Council - 2/3/2022

Councilor Moulton moved to forward the ordinance to the full City Council with a positive recommendation. Councilor Elkins seconded.

As discussed in council, only one stop sign is being added and the new ordinance is simply codifying other stop signs which already exist on the ground, Councilor Jarrett reminded.

Councilor Moulton said he was in Village Hill today driving around and noticed a small miniature stop sign at the intersection of Higgins Way and Ford Crossing.

Higgins Way is a private road so all of the houses there are part of a homeowner's association, Councilor Foster explained. This ordinance was driven by a lot of demand from Village Hill residents; she received a letter with 47 signatures. The homeowners got together and bought a small stop sign on Amazon. She met with them the other day and requested that they get a regulation-sized stop sign. She made the request and is waiting to hear back.

Councilor Moulton said he thinks the proposed stop sign makes a lot of sense and his only concern about the miniature one is that it's not as visible.

Councilor Nash said he thinks it's great and they should move it forward.

The motion passed unanimously 4:0 by roll call vote.

6. **New Business**

A. Potential Joint Planning Board/Legislative Matters Committee Public Hearing on Form-Based Code

Ms. Misch let him know that Thursday, March 24th at 7 p.m. is the most likely date for a potential joint hearing, Councilor Jarrett advised. Ms. Krutzler said she heard back affirmatively from everyone that they are available. Councilor Jarrett asked members to continue to hold the date open.

7. **Adjourn**

Councilor Moulton moved to adjourn. Councilor Elkins seconded. The motion passed unanimously 4:0 by roll call vote. The meeting was adjourned at 6:58 p.m.

Prepared By:

L. Krutzler, Administrative Assistant to the City Council

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Planning & Sustainability • City of Northampton

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Northampton Public Hearings August 8, 2022 VIA REMOTE TELECONFERENCE

City Council Legislative Matters Committee with the Planning Board

5:00 PM Hearing to consider a zoning map amendment to expand the Urban Sustainable Growth Overlay District to parcels 737 Bridge Rd, map id 18C-048-001 and 196 Cooke Ave, map id 18-22-001.

Projects at: northamptonma.gov/pending

Publish date: July 25, Aug 1

Bill to: Office of Planning & Sustainability Account #: 22276



**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Twenty-Two

Upon the Recommendation of Mayor Gina-Louise Sciarra and Planning & Sustainability

22.141 An Ordinance to Amend the Zoning Map (§350-3.4) on Bridge Road and Cooke Avenue

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 350-3.4, the Zoning Map, to add a new Smart Growth-c overlay district as it meets the criteria of being walking distance of area of concentrated development.

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

Amend § 350-3.4 Zoning Map to add additional Smart Growth-UR overlay district, in addition to the existing SG overlays, overlain at 82 Bridge Street, for Map ID 18C-048-001 and 18-22-001 as shown below.

