



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; lkutzler@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

**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:

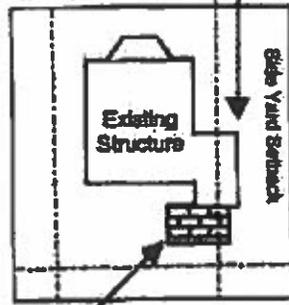
(1) As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the elements that are pre-existing non-conforming dimensional elements lot size, frontage, or depth and when the lot size, frontage, 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.

structure, whichever is less and such extension does not create any new zoning violation (such as further reducing a setback or open space).

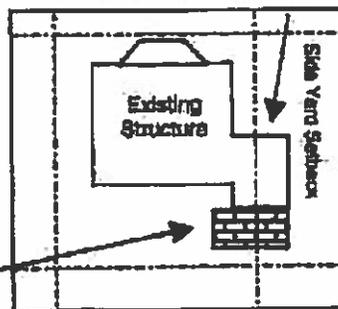
NONCONFORMING SIDE SETBACK



**As-of-right
(≤ 5 feet into
setback)**

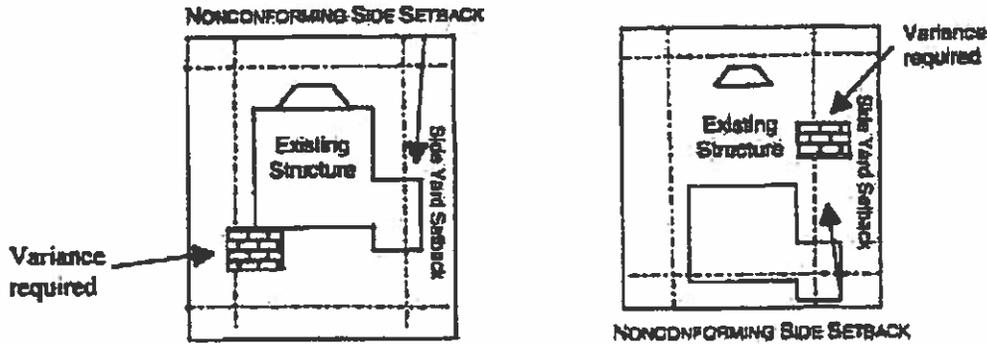
- (6) As-of-right, if the expansion (vertical or horizontal) is for a residential use and does not extend either further into a required setback than the existing nonconforming structure, and such extension does not create any new zoning violation (such as further reducing a setback or open space), and the applicant provides written evidence satisfactory to the Building Commissioner that all owners of all parcels within 300 feet of the subject property have no objection to the expansion.
- (7) With a finding from the Zoning Board of Appeals so long as the change does not involve a sign (see § 350-7 for signs) and § 350-9.3A(5) above does not apply and when the expansion extends (vertically or horizontally), but does not increase the nonconforming nature of the property and does not create any new zoning violation (such as further reducing a setback or minimizing open space).

NONCONFORMING SIDE SETBACK



**Finding required
(over 5 feet into
setback)**

- (8) With a finding, in accordance with § 350-9.2, for a proposed change of use.
- (9) With a variance, for any use except for a single- or two-family, when said change, extension or alteration will create any new violation of the present zoning requirements or if change is an expansion of preexisting nonconforming retail use.



(10) With a special permit for a single- or two-family home when the Zoning Board makes a finding that the change which includes new zoning violations (such as reduction of open space, new setback encroachments or further encroachments into the setback, etc.) will not be substantially more detrimental to the neighborhood than the existing nonconforming single- or two-family structure.

(11) With a combination of a finding and variance when applicable.

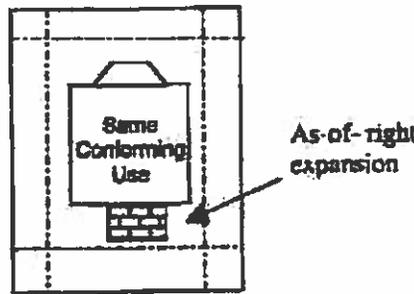
B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not change.

CONFORMING STRUCTURE AND USE ON NON CONFORMING LOT



EXPANSION OF CONFORMING STRUCTURE AND USE ON NON CONFORMING LOT



(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).

(3) With a variance to a conforming use which requires a larger minimum lot area, minimum lot width or frontage or minimum lot depth than is required for the present use or creates any other new zoning violation.

(4) With a combination of a finding and variance when applicable.

C. A preexisting nonconforming lot may be changed, extended or altered:

(1) As-of-right if such change, extension or alteration to the lot does not increase the nonconforming nature of the property, only brings the lot into total conformance with the zoning requirements in existence at the time of said change, extension or alteration, or adds to the lot.

- (2) As-of-right whenever a group of adjoining lots in common ownership is separated or the ownership of one or more lots changed, if each of the lots will conform to all provisions of this chapter, or if the lots are residential lots and each lot contained a principal residential structure at the time the adjoining lots came under common ownership and no changes were made to the structures or lots during the time in which the lots were commonly owned, in a way that increased the nonconforming nature of these lots.