



ORDINANCE REVIEW COMMITTEE

Members

Councilor Jeremy Dubs, Chair
Councilor Garrick Perry, Vice-Chair
Dane Kuttler, Citizen
Molly Moses, Citizen
Councilor Stanley Moulton, III

MEETING MINUTES

Date: May 14, 2025, Time: 6 p.m.

Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 6:01 p.m., Chair Councilor Jeremy Dubs called the meeting to order. On a roll call, the following members were present: Councilor Dubs; Chair, Councilor Garrick Perry, Vice Chair; Councilor Stanley W. Moulton, III, Member Dane Kuttler (6:03 p.m.) and Member Molly Moses. Also present were City Solicitor Alan Seewald and Administrative Assistant Laura Krutzler.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**
Councilor Dubs announced that the meeting was being audio/video recorded.
3. **PUBLIC COMMENT**
There being no members of the public present, Councilor Dubs moved to the next item on the agenda.
4. **APPROVAL OF MINUTES**
Member Moulton moved to approve the April 23, 2025 meeting minutes. Councilor Perry seconded. Councilor Moulton pointed out an ambiguous reference in the paragraph beginning with Forbes Library on the 2nd page and the administrative assistant said she'd fix it. **The motion passed unanimously 5:0 by roll call vote.**
5. **DISCUSSION OF ZONING AMENDMENTS REQUESTED BY OFFICE OF PLANNING AND SUSTAINABILITY (OPS)**
OPS Director Carolyn Misch reviewed the requested housekeeping changes to the zoning ordinance as described on the document titled, "Housekeeping 1.0" attached to the agenda. [See attachment to minutes.]

The planning department presented a package of amendments six months or so ago and this is some more; some are substantive and some are not, Ms. Misch explained. For the most part, the package before them is just clarifying language and references. In an earlier version, two other items were unintentionally included but these have since been removed. She presented the updated list and explained the purpose of each change.

The change in the 'Frontage' definition is intended to make it consistent with the definition found in subdivision regulations, she said.

Regarding 350-7.4B(3) Main wall sign requirements, this is a more substantive change so she would be happy to take it out if they would prefer, Director Misch said.

Councilor Moulton agreed 350-7.4B(3) is a more substantive change. Signs are on their list of priorities to look at. He would want to give the business community the opportunity to react, so he would want to remove that from this package.

He observed that some changes are clean ups and others seem to be driven by concerns expressed by the public about confusion. He asked if she thought any should get to the council more quickly than in an end of year report.

Director Misch said there is no urgency.

6. RESPONSES TO COMMUNITY OUTREACH

The only feedback received was acknowledgment from some recipients, Ms. Krutzler advised. She said she would send the solicitation out to the groups she missed in the initial distribution. (Forbes Library, YMCA, Survival Center, Center for New Americans, Wildflower Alliance, Manna and Pedal People)

Regarding Councilor Moulton's thought that changes to the sign ordinance should reflect feedback from the community, Member Moses asked who would be responsible for initiating a broader discussion of this topic.

Ms. Krutzler said she would consider it direction to Director Misch to submit it to the City Council separately as an ordinance to follow the usual legislative process. It would automatically receive public comment through this process, she noted.

Member Moses suggested that, as members of the Ordinance Review Committee, their role is not necessarily to serve as mediators of conflicting opinions in the city. Ms. Krutzler noted that, when it comes to zoning, the Planning Board usually serves this purpose. She shared that, in 2020, the Ordinance Review Committee placed proposed housekeeping changes on an agenda for discussion to serve as notice to the public of the changes being considered. Then, if committee members agreed they were interested in codifying them as official amendments, she would compile them in a spreadsheet for attachment to the committee's final report.

7. PRIORITY TOPICS FOR DISCUSSION

Members discussed the Priority List of Topics attached to the agenda. Councilor Dubs explained that the ban on weapons manufacturing was placed on the list after numerous calls from the public for an ordinance specifically prohibiting weapons manufacturing.

Councilor Moulton said he had been unable to find any examples of other communities that had enacted bans on nuclear weapons. He referred to minutes of the last (2020) Ordinance Review Committee where Attorney Seewald spoke about the authority/ability of cities and towns to legislate vis a vis the sovereign authority of the state and federal government. He asked if this relates to the ability of the city to legislate around weapons manufacturing.

It may, Attorney Seewald said. It raises a number of issues. He actually had a discussion today with the former head of the municipal law unit at the Attorney General's (AG's) office and put it out on a municipal lawyers' list

serv to see what others thought. He did a national search and couldn't find any bans. There was a ban on gun shops and the city of Cambridge Health Commissioner banned research on Anthrax and other biological agents but that was premised on the fact that those biological agents posed a threat to the city. That is not the issue here. "We're not concerned about health impacts here in Northampton from the manufacturing process;" they're worried about more global impacts, he suggested.

When he talked to the AG's office, she raised several issues, including whether this is a proper municipal purpose, i.e. - whether it furthers any real municipal interest that would be recognized by a Court. That's an open question. The effect on interstate commerce is also involved because interstate commerce is exclusively the jurisdiction of the federal government; they can't discriminate against other states or overly burden interstate commerce. These are all issues that he would need to research.

The bottom line is, he doesn't know. That was the response from everybody he spoke to or heard from from the Massachusetts Municipal Lawyer's Association.

He knows there would likely be a challenge and would caution against any attempt to apply such an ordinance against an existing business like L3, he continued. If the city were found to have taken their property without just compensation, the damages to the city could be enormous. He said he had spoken to another city councilor about this independently. The answer is "I don't know," he reiterated.

The AG's office sent him things like a ban on water being sold in individual bottles, gun sales, etc. that are tangentially related but nothing with regard to weapons manufacturing.

He would have to do an in-depth study on federal statutes with regard to military weapons production, he concluded. They would also have to decide whether they would want to sustain the burden of defending this because there's a fair chance they would have to.

Councilor Dubs recognized a member of the public whose hand was raised.

Phil Wilson, Northampton, said he has been going to meetings with people who are vehemently opposed to L3Harris. To address Attorney Seewald's comments about it not having an effect on local safety/interests, one of the things that came out in meetings is that having L3Harris in town makes Northampton a prime target in case of a nuclear strike. L3 apparently produces essential materials for nuclear submarines and nuclear weapons launched from nuclear submarines, i.e. - sensor/guidance systems. As such, rather than being some anonymous blip on the globe, Northampton would become one of the first targets of, say, Russia, Iran, North Korea or China. If a desperate situation were to unfold, they would be some place very important.

He disagreed that it was possible to completely dismiss the idea that L3Harris poses a local risk and that it's just an abstract moral issue with global dimensions. While there may not be an easily-cited precedent, he's not sure there's anything wrong with being the first. There are certainly many instances where local municipalities have blocked things that are mundane and normal in other places. He cited abortion as an example of an issue first banned in certain red states. It establishes precedent for local municipalities taking matters into their own hands.

Councilor Jarrett thanked members for discussing this topic. His question is how it being implemented as a zoning ordinance as opposed to a regular ordinance might affect [its legality]. Obviously, zoning ordinances are not retroactive. Municipalities are allowed to regulate where certain activities can take place, he pointed out.

If they are asking the city solicitor to do research, he would love that to be on the list of research topics.

Snow Removal/Parking Ban

Members turned to discussion of the other topics on the priority list. Member Moses suggested having a three-minute introduction of each topic and, based on that, deciding whether it was something they wanted to pursue.

Councilor Dubs mentioned the recent history of discussion around the snow removal ordinance, noting that it ended up being a topic on a City Services Committee meeting after a lot of people complained about uncleared sidewalks following the President's Day snowstorm. He would be interested in starting a workgroup to focus on that, he said.

Currently in Northampton, property owners have 24 hours to clear their property of snow and ice or they could be fined \$50, he reminded. One of the reasons it was discussed at City Services is that he learned no one had actually received a fine in the last five years, which he felt was a problem. Property owners were receiving verbal warnings but the police hadn't actually fined people and the chief said he could only remember a handful of incidents where the city had issued fines. This particular issue is why he actually got involved in city government and joined the Disability Commission years ago. People on the Disability Commission were under the impression that the ordinance was being enforced but found out enforcement wasn't as strong as they thought. He would like to figure out a way to achieve greater enforcement/compliance. One solution would be having someone ticket violators like parking enforcement officers ticket people for parking violations.

It is a high-impact ordinance that has been a problem in terms of enforcement for some time, Councilor Moulton confirmed. He would rank this as a high priority

Noise ordinance

Councilor Perry said his concern in particular was about regulating noise downtown. He is trying to be forward-thinking as they look toward reinvigorating night life. As they get more housing in or near downtown and more clubs open, he thinks they should give it a once over. When Tellus came back on line, he got a lot of messages from people living downtown concerned not necessarily about the noise coming from inside but about the noise from people waiting in line and in the parking lot. He would like to look at the noise ordinance and see what the rules are in terms of clubs and their responsibilities for addressing that.

Going back to the snow removal ordinance, Ms. Krutzler said she was surprised to learn that, in addition to the Police Chief and DPW Director, **§285-17** identifies parking enforcement officers as authorized to assess fines to people in violation. She suggested making an information request of the Mayor's office to ask if assigning that duty to parking enforcement officers (PEO's) has ever been considered. She clarified that she was envisioning PEO's having a monitoring role and reporting violations to the police rather than actually enforcing compliance.

Councilor Dubs and Member Kuttler said they loved the idea.

Molly Moses suggested the possibility of asking postal workers to monitor sidewalk conditions since they have to traverse city sidewalks regularly. She and Member Kuttler also raised the question of whether allowances should be made for people with disabilities/inability to clear snow and ice or situations where salt and sand are in low supply.

Attorney Seewald suggested that rather than getting too deep into the weeds on each of these topics they place one or two topics on a future agenda for broader discussion. They have to think about whether the model they use in ticketing is effective since, as of now, there is no consequence for tearing up a parking ticket.

He thinks they are getting a little far afield since they first have to discuss if a \$50 fine is what is going to get the sidewalks cleared. He suggested they simply come to decisions on what to include on the list of priorities and set up more detailed discussions at a later date.

Members agreed to keep the noise ordinance on the priority list.

City Sign Ordinance

Councilor Moulton noted this is a complicated issue as there is a need to bring a number of elements of the current ordinance into compliance with existing law.

In recent years, the Supreme Court has made some decisions on sign regulation because signs are protected by the 1st amendment, Attorney Seewald advised. The whole classification of commercial signs vs. directional signs, political signs, etc. is no longer the method for regulating signs so they need to clean this ordinance up.

He started discussing this with Mayor Sciarra when she was president of the City Council. It was such a large bite to chew that it kind of got dropped but it really does need to be done. He would put this near the top of the list because the city has a blatantly unconstitutional ordinance and has not been enforcing it for some time for that reason. The big issues are going to be how many signs a person can have on their property, how big they can be, etc., not the character of the sign and whether it is commercial or political.

"A sign is a sign," he asserted. This is about aesthetics and about safety; other than that, they cannot regulate signs.

Councilor Dubs agreed it should be high up on the priority list.

Trash removal in front of businesses

Councilor Dubs said he recently got a call from a resident upset about the noise of trash collection so he knows this is an issue.

He worked on **§312.25 Prohibited activities during certain hours of the day** with Councilor Nash when he was Council President, Attorney Seewald shared. §312.25B is collection of trash, refuse or recyclable materials. The amendment was motivated by places like Stop & Shop where big trucks show up to pick up and dump dumpsters at 6:30 a.m.

Councilor Moulton said the council passed a revision two years ago that changed the hours of collection for the downtown (Central Business) and business district in Florence.

Councilor Perry said he would put trash removal in front of businesses lower down. He doesn't feel like it is a huge priority.

Mobile Food Trucks

Councilor Perry said he thinks the ordinance is somewhat outdated. In a city where restaurants close relatively early, he thought maybe they could look at allowing some trucks later at night. He knows the brick and mortar establishments are very against having food trucks. "I think it could use some polishing."

Sidewalk sweeping/obstruction by vegetation

This was suggested by Alex Bowman, members noted.

Member Kuttler informed members that Member Moses was summoned for babysitting and had to leave.

Councilor Moulton said he thinks Alex Bowman's question with regard to sidewalk sweeping was whether the ordinance is completely outdated and should be removed. The problem of vegetation obstructing pedestrian passage and the view of motorists has been discussed with the DPW and is difficult to enforce.

Attorney Seewald said Mr. Bowman shared an ordinance from Glastonbury, CT which referred to vegetation that overhangs the sidewalk. Any substantial bushes or trees along the public way are under the jurisdiction of the tree warden and require a permit to be trimmed/removed. He said this might fall toward the bottom of the priority list.

Rule that patrons can't re-enter bar if leave after 1 p.m.

Attorney Seewald said this is under the jurisdiction of the License Commission and would probably be more appropriate for their review. Councilor Perry said he would move it over to them.

Pedestrian ordinance suggestions

This was also contributed by Alex Bowman. Member Kuttler said this made her wince.

Mr. Bowman flagged certain pedestrian ordinances as being potentially unnecessary. Among others, he questioned the usefulness of an ordinance specifying that a marked crosswalk must be used if within 300 feet of a pedestrian and that pedestrians should use the right side of a crosswalk.

Member Kuttler said she thought it was probably micro-management.

Councilor Dubs said it was worth looking at [for removal] so he would keep it on the priority list.

Councilor Moulton said he understands that they did not get a very robust response when they solicited public input but he would still like to hold a public forum before they go too much further. Councilor Dubs said he would put this on the agenda for the next meeting. Councilor Perry said he thought they should make a decision about where to hold the forum and Ms. Krutzler wondered if it made sense to narrow the focus to a particular topic like a weapons manufacturing ban rather than hosting a more general forum.

Councilor Moulton said he would lean towards having a more general public forum. Eventually they are going to have more substantive discussions on issues, but he wants to cast as wide a net as possible before narrowing the scope to what they will focus on the next six months.

Members agreed to hold their next meeting June 11th.

8. ADJOURN

Councilor Moulton moved to adjourn. Member Kuttler seconded. The motion passed unanimously 4:0 by roll call vote with Member Moses absent. The meeting was adjourned at 7:20 p.m.

Respectfully submitted, Laura Krutzler.

350-1.4 Amendment and validity.

The ordinance refers to the wrong section of the MGL. Correct and clarify the reference.

Amendment. This chapter may be amended from time to time in accordance with Section 5 of Chapter 40A of Massachusetts General Laws, also known as the Zoning Act.[1] During the amendment procedure, subdivision plans in process or review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act.

[1] Editor's Note: See MGL c. 40A, § 5.

350-2.1 Definition of “DWELLING, MOBILE HOME”

Update the language by removing “Dwelling” from the definition title of “DWELLING, MOBILE HOME” and also references to mobile homes being single-family residential units since a mobile home can be designed to be multi-families. Also remove the reference about a mobile home being composed of two or more units, which is not always the case.

MOBILE HOME

A residential unit with all of the following characteristics: a) designed for long-term occupancy and containing sleeping accommodations, a toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; c) arriving at the site where it is to be occupied, conventionally designed to include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; d) designed for removal to and installation or erection on other sites. A mobile home shall be defined to include one or more components, separately towable, which when joined together have the characteristics as described above. For the purposes of this chapter, a mobile home shall not be deemed a dwelling.

350-2.1 Definition of “Frontage”

Update the language to clarify that the front lot line that is to be used for frontage runs along a recognized way. This is to prevent properties abutting the point end of a way to claim that it has sufficient frontage. This would have some deep ramifications since lots whose frontages abut the point ends of roads that were ruled to have valid frontages would now become nonconforming. Another approach is to update the definition to make it more inclusive.

FRONTAGE

The uninterrupted length of the front lot line, as defined herein, whether straight or not, which conforms to the minimum lot frontage requirement and is along the length of:...

350-2.1 Definition of “Open Space”

Update the language to replace the word “terraced areas” with “unroofed level-with-the-ground patios.” Move the list of man-made objects that are considered open space to the end of the definition for clarity.

OPEN SPACE

The space on a lot unoccupied by buildings or structures; unobstructed to the sky by man-made objects; not devoted to streets, driveways, off-street parking or loading spaces; and expressed as a percentage of total lot area. Walkways, swimming pools, and ground-level patios unobstructed to the sky are considered open space under this definition.

350-6.2A Table of Dimensional and Density Regulations

The current ordinance states that the table is at the end of the chapter. Update it to refer to the correct place and mention that character-based districts have their own chapters.

A. The Table of Dimensional and Density Regulations is included as an attachment to this chapter. For character-based zoning districts such as Central Business districts and Florence Village districts, the tables are in § 350-22. Accessible wheelchair ramps for access by persons with disabilities, as defined by MGL c. 40A, § 3, are exempt from these dimensional requirements.

350-6.9 Dimensional and density regulations for lots located in more than one zoning district.

Modify the title of 350-6.9 from “Dimensional and density regulations for lots located in more than one zoning district.” to “Dimensional and density regulations for lots located in more than one zoning district or municipality.” to better reflect what the ordinance covers.

350-6.11C(1) Form-based criteria for two-family and two single-family homes.

Update the language to clarify that the length of each mass is 50 feet.

(1) Building massing. The maximum length of each mass is 50 feet. ("B")

350-6.11C(1)(b)[4] Form-based criteria for two-family and two single-family homes.

The ordinance has four ways to meet the massing requirement when multiple masses are connected to each other. Update the wording for the fourth option to make it as a possible option rather than a required option.

[4] Offset the walls of adjacent masses that are in the same plane by at least four feet.

350-6.11C(2)(c) Form-based criteria for two-family and two single-family homes.

The section is describing the requirement for entries for dwellings behind other dwelling units. Clarify the language.

(c) When a dwelling unit is located to the rear of another dwelling unit that has a covered front entry, the principal entrance to the rear dwelling may face the side or rear of the lot. In this case, the principal entrance to the rear dwelling must meet the requirements for a covered front entry as described above. The entrance must be at least 20 feet from the lot line it is facing unless it has other means to create a buffer/private outdoor space to adjoining properties are approved by the Planning Board.

350-7.4B(3) Main wall sign requirements

The ordinance requires that the total surface area of all main wall signage of a building not be larger than 10% of the main wall area of the ground floor. This becomes a limiting factor for new businesses when existing signs are already at this 10% maximum and sufficient wall area remains for the new businesses. Delete this requirement. Other parts of the ordinance would still limit the sign surface area to be within 10% of the frontage wall area of the story occupied by the businesses.

(3) One main (frontage) wall sign on the street frontage for each establishment in the structure plus one directory wall sign, provided that:

(a) The sign's surface area shall not be larger than 10% of the frontage wall area of the facade of the story which is occupied by the establishment or 100 square feet, whichever is less; and

(b) Except in the Central Business Districts and Florence Village Districts, when an establishment is located on a lot with more than one frontage (i.e., a corner or through lot) a main (frontage) wall sign may only be displayed on one of the frontages. The other frontage(s) may display a side wall sign as allowed below. In the Central Business Districts and Florence Village Districts, a main wall sign can be placed on any wall with street frontage instead of a side wall sign.

350-8.1C Table of Off-Street Parking Regulations

350-8.1C has a general table of off-street parking regulations for all districts while a specific table exists for each district. Clarify that the specific table supersedes the general table.

C. Table of Off-Street Parking Regulations. Parking shall be provided to serve the parking needs which are generated by a particular use or structure. Specific district use table or attachments supersede the following Table of Off-Street Parking regulations when there are conflicts. When there is more than one primary use of a structure, the parking requirements for each use must be met unless one use is incidental to the principal use of the structure. Additional spaces where passengers may be dropped off may be required by the Planning Board for projects which require site plan approval.

350-8.8 Parking and loading space standards.

Clarify the wording while maintaining the same requirements in multiple sub-sections.

A. A parking space shall be at least 8 1/2 feet in width and 18 feet in length. If it has area directly behind it for backing-up and maneuvering (which may be shared with other spaces), it shall be at least 18 feet in length and allow for safe backing-up and maneuvering without colliding into structures, objects, and other vehicles. Except for parking spaces for the same residential housing unit, each space must be laid out so that it does not block access to another parking space.

F. In business and industrial districts, unless directly opposite an intersecting street, no portion of a driveway entrance or exit shall be closer than 50 feet to the curblines of an intersecting street nor shall it be closer than 50 feet to any portion of an existing driveway. .

G. There shall be a maximum of one driveway curb cut per lot. In CB, FV, GB, and HB Districts, and for all new two-family lots, a special permit from the Planning Board is required for more than one curb cut. For Character-Based Districts, see also applicable requirements in §§ 350-21 and 350-22. The Planning Board may only issue a second curb cut if the applicant can show that there is something unique about the property that would otherwise render flow to and from the property unsafe and unmanageable. If the Board finds that more than one curb cut is necessary for traffic safety purposes, then additional off-site traffic mitigation may be required by the Planning Board to address pedestrian safety within the abutting

street network. In all other districts, the Planning Board may, as part of site plan approval, allow additional driveways/curb cuts if, and only if, such permit will promote and improve safe and efficient traffic circulation. Residential driveways shall generally be over the front lot line directly from the street. Residential driveways may be constructed across side and rear lot lines directly from the street, however, when the Department of Public Works finds, or the Planning Board issues a site plan approval, that the driveway will not degrade safety. Driveways shall not cross lot lines of adjoining properties without Planning Board site plan approval.

350-9.3A(10)

The current ordinance allows single- and two-family homes with nonconformities to introduce new zoning violations with a Zoning Board of Appeals (ZBA) special permit. The ZBA’s practice has been to allow for setback violations but not open space. This amendment would solidify that practice into law.

(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 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. The special permit shall not allow for the reduction of open space below the minimum requirement.

350-11.6B(2)

The traffic mitigation fee table is missing some zoning districts or lists districts that no longer exist. This update corrects the errors.

Project Location	Required Payment
Any medical marijuana project regardless of the district (regardless of other entries below)	\$2,000 per peak trip
CB (All subtypes), FV (All subtypes), GB, GI, and OI Zoning Districts; PV District, except for medical and dental offices; and NB District, except for uses with gas pumps	No mitigation
M, URC, and URB Zoning Districts	\$1,000 per peak trip
HB Zoning District; PV District for medical and dental offices; NB Districts for uses with gas pumps; and , URA Zoning District for sites (1)within 500 feet of a transit stop, or (2)within 500 feet of an asphalt or concrete City off-road rail trail or bicycle path, or (3)abutting a sidewalk that extends without a break from the project to either downtown Northampton or downtown Florence	\$2,000 per peak trip
Any other site in WSP, RR, SR, SC, and URA Zoning Districts	\$3,000 per peak trip

350-12.1A(8)

Add a sentence to address properties that abut properties with different uses. This makes the requirement more stringent by requiring boundaries with different maximum requirements comply with the lowest maximum requirement.

No persistently loud or disruptive noise shall be allowed between the hours of 10:00 p.m. and 7:00 a.m. All steady, nonfluctuating noise levels must meet the following standards at the property boundary (using a sound meter which meets the American National Standards Institute's Specification for Type II Sound Level Meters: S1.4-1971.). For boundaries between properties with different maximum noise requirements, the lowest maximum noise requirement shall apply:

Attachment 8 for URC

For zoning districts with required minimum side setbacks greater than 10-feet, a provision allows for attached garages not being used as living areas to have a side setback of 10-feet instead. Page 2 of Attachment 8 for URC also lists this provision, which is not necessary since URC's minimum side setback is 10-feet. Delete this provision, which is 1(c). Also delete an extra space in 1(b)

1. For attached garages/ parking structures that face the street:
 - a) The front face of the garage must be stepped back 10 feet from the house façade; and
 - b) The garage shall comprise no more than 30% of the front facade of the primary structure, unless the garage is stepped back from the façade by 20 feet (A).

The criteria above do not apply to residential structures that are either behind another principal structure which is along the street front or if the structure is set back 40 feet or more from the front lot line.