

CITY OF NORTH ADAMS  
City Clerk's Office  
January 22, 2015

I hereby notify that at twelve noon today the following items of business have been filed with this office and will be acted upon at the meeting in the City Council Chambers at City Hall, Tuesday evening January 27, 2015 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Marilyn Gomeau  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL  
January 27, 2015

Moment of silent prayer

The Pledge

Approval of the Organizational minutes of January 13<sup>th</sup>.

Approval of the minutes of *January 13th*.

**11,436**        *PUBLIC HEARING for underground fuel storage for Cumberland Farms, 580-594 Mohawk Trail.  
CLOSE PUBLIC HEARING*

**11,436**        *Order granting permission to Cumberland Farms, 580-594 Mohawk Trail to install an additional  
8,000 gallons of underground fuel storage.*

*Approval of the Council Rules of Order, which was postponed at the meeting of January 13<sup>th</sup>.*

**11,417**        *Communication submitted by Councilor Bullett regarding junk motor vehicles in residential  
areas, which was postponed at the meeting of November 25, 2014.*

**11,382-1**      *An Ordinance amending Chapter 2 of the Revised Ordinances of the City of North Adams entitled  
Administration by adding a new section, which was passed to a second reading and publish as  
required by law at the meeting of January 13<sup>th</sup>.*

**11,407**        *An Ordinance amending Chapter 2 of the Revised Ordinances of the City of North Adams by  
adding a new section, Arts Commission, which was postponed at the meeting of January 13<sup>th</sup>.*

**11,435-a**      *Mayor's communication #69-a requesting amending Council paper 11,434 and 11,435 and  
withdraw Council paper 11,435.*

**11,435**        *Mayor's communication #69 recommending the re-appointment of William Mahoney to the  
Historical Commission for a term to expire January 2, 2018, which was postponed at the  
meeting of January 13<sup>th</sup>.*

**11,437**        *Mayor's communication #3 recommending Wendy Champney to the Historical Commission for a  
term to expire January 2, 2018.*

(over)

- 11,438** *Mayor's communication #4 recommending a transfer from the Parking Meter Account to Unclassified.*
- 11,438** *An Order transferring the sum of \$49,860.75 from the Parking Meter Account to Unclassified-Capital Items.*
- 11,439** *Communication submitted by Councilor Wilkinson regarding new Zoning Ordinance allowing homeowners in a nonconforming lot the ability to rebuild their homes.*
- 11,440** *Mayor's communication #5 requesting time to deliver the State of the City Address.*

#### **CORRESPONDENCE**

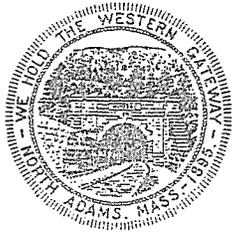
##### **LICENSE**

An application submitted by Emma Tasker, 23 Central Shaft Road, Florida to drive taxi for City Cab, Michael McMillian.

An application submitted by Gregory Lattanzi, 116 Prospect Street to drive taxi for City Cab, Michael McMillian.

##### **OPEN FORUM**

##### **COUNCILLOR'S & MAYOR'S CONCERNS**



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

January 27, 2015

69-A

To: North Adams City Council  
Re: numbering of Council Papers

Dear Honorable Members:

At the last meeting, I presented two communications, Council papers 11434 and 11435 with my communications 68 and 69. My communications were numbered incorrectly.

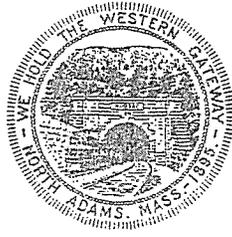
When beginning a new calendar year, my communications need to begin again at one (1). To correct this, I would respectfully request Council move that "Council papers 11434 and 11435 Mayor's communications 68 and 69, be amended to Mayor's communications 1 and 2.

Additionally, at the last meeting, Council postponed Council paper 11435, Mayor's communication 69 for the appointment of William Mahoney to the Historic Commission. I respectfully request the withdrawal of "Council paper 11435" as Mr. Mahoney has moved out of the area.

I apologize for this confusion.

Sincerely,

Richard J. Alcombright  
Mayor



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

January 27, 2015

#3

To: North Adams City Council  
Re: Appointment to the North Adams Historical Commission

Dear Honorable Councilors:

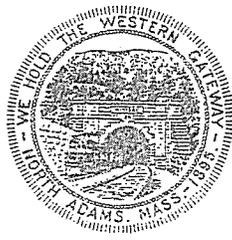
It is with great confidence that I recommend the appointment of Wendy Champney to the Historical Commission for a term to expire January 2, 2018.

Wendy is a retired educator from McCann Technical School and as a life-long resident has a passionate interest in local history and is very excited to serve in this role.

I respectfully request confirmation.

Sincerely,

Richard J. Alcombright  
Mayor



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

January 27, 2015

#4

To: North Adams City Council  
Re: Transfer Order –Parking Meter Reserve to Capitol Items

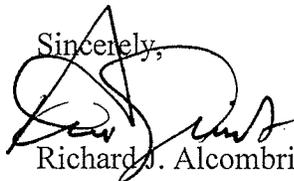
Dear Honorable Members:

The order before you is to request a transfer of the sum of \$49,860.75 from the Parking Meter Account for the third and final payment of a three year lease on three Police cruisers and the Fire Director's vehicle.

As a reminder, the interest rate on the lease was 6% and the lease could be bought out at any time. The lease consisted of three equal annual payments and with this payment we will now fully own the vehicles.

I respectfully request adoption of this order.

Sincerely,



Richard J. Alcombright  
Mayor

RJA



# City of North Adams

In City Council

.....January 27, 2015.....

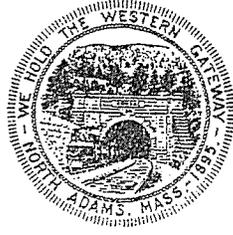
Ordered:

That the sum of FORTY NINE THOUSAND EIGHT HUNDRED AND SIXTY DOLLARS AND SEVENTY FIVE CENTS (\$49,860.75) be and is hereby appropriated from the Parking Meter Account to:

6. Unclassified

Unclassified

Capital Items    \$49,860.75



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

January 22, 2015

#5

To: Lisa Blackmer, President – North Adams City Council  
Re: State of the City Address

Dear Council President Blackmer:

I respectfully request that I be placed on the agenda to deliver my annual State of the City address at the Council meeting to be held on January 27<sup>th</sup>, 2015.

Thank you for your consideration.

Sincerely,

Richard J. Alcombright  
Mayor



## **Communiqué from North Adams City Councilor Wayne J Wilkinson**

**Subject:** A new zoning ordinance that would allow a North Adams homeowner whose residence is located on a non-conforming lot the ability “by right” to rebuild their home if destroyed by fire or other catastrophe.

**Definition: Non-conforming lot:** A building site that does not meet minimum zoning requirements in frontage or area but its creation predates present North Adams Zoning Ordinances.

**The Problem:** The City of North Adams is the only city / town in Berkshire County (other than the town of Hancock which has no zoning) that does not have such an ordinance. As such, this puts the homeowner in North Adams at a disadvantage if a catastrophe happens to their home. Presently if this catastrophe occurs, the homeowner would have to petition the North Adams Zoning Board of Appeals in order to get “permission” to rebuild their property. There are no guarantees this permission will be given or under which additional requirements may be required by the zoning board. Also, homeowners on non-conforming lots have been receiving additional complications when trying to buy or refinance their homes as financial institutes are reluctant to make mortgages on properties in towns/cities where this zoning ordinance is not present.

**The Solution:** The creation of a new zoning ordinance that would allow a North Adams homeowner whose residence is located on a non-conforming lot the ability “by right” to rebuild their home if destroyed by fire or other catastrophe.

Below are some examples of this type of zoning ordinance in other towns/cities in Berkshire County.

### **Pittsfield:**

According to Pittsfield Zoning Ordinance, Section 8.301, "a non-conforming structure damaged by fire, explosion or any other catastrophe may be rebuilt provided such rebuilding, reconstruction or restoration shall be undertaken within two (2) years of such catastrophe, and the structure as rebuilt or restored, shall not be in greater non-conformity with the provisions of this ordinance. Such rebuilt, reconstruction or restored structure may be enlarged or changed in use in accordance with the provisions of Section 8.3"

### **Adams:**

According to Adams zoning ordinance 1734, "Necessary repairs and rebuilding of nonconforming structures or signs after damage by fire, storm or similar disaster are permitted provided that they are started within 12 months and completed in 24 months of the catastrophe, and do not substantially change the character or size of the buildings or the use which they were put prior to the damage."

### **Williamstown:**

According to Williamstown Zoning Bylaws, Article 70-1.4, E-1: "A structure which has been destroyed by fire or other accidental or natural causes may be restored to its original condition, regardless of any nonconformity of the structure or its use, but only provided that either such work is started within 12 months of the damage and completed within 2 years of the date of that damage."