CITY COUNCIL MEETING
CONDUCTED AS AN ON-LINE ZOOM MEETING
Northampton, MA

Roll Call

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:25 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Gina-Louise Sciarra
Ward 1 Councilor Michael J. Quinlan, Jr.
Ward 2 Councilor Karen Foster
Ward 4 Councilor John Thorpe
At-Large Councilor William H. Dwight
Ward 5 Councilor Alex Jarrett
Ward 6 Councilor Marianne LaBarge
Ward 7 Councilor Rachel Maiore

Absent: Ward 3 Councilor James B. Nash

Announcement of Audio/Video Recording

At 7:25 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

Public Hearing Announcement of Public Hearing to consider FY2021 Water and Sewer Rates

Public Hearing
Announcement of Public Hearing to consider FY2021 Water and Sewer Rates
Councilor Sciarra made the following announcement:
By Order of the City Council, a Public Hearing will be held on Thursday, April 2, 2020 at 7:05 p.m. in Council Chambers, 212 Main Street, Northampton, MA. The City Council will consider the proposed FY2021 water and sewer rates and hear all persons who wish to be heard thereon.

[Note: The public hearing notice was subsequently revised to indicate that the hearing will be held by remote participation via Zoom.]

Councilor Sciarra reviewed the proposed rates as set forth in **20.032 An Order to Establish Water and Sewer Rates for FY2021.**

. Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs
As councilors struggle to see how they are going to conduct their committee meetings, Councilor Dwight recommended that residents check the city website frequently for updates as to how and when meetings will be convened as well as for COVID-19 bulletins. Councilors welcome calls and texts from residents seeking information, he advised.

Councilor LaBarge informed residents that a wall raising ceremony for a future Habitat for Humanity home owner.at 115 Glendale Road scheduled for Friday, March 20th at 4 p.m. has been cancelled. Habitat for Humanity will let folks know when the event is rescheduled.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors
Councilor Maiore mentioned the following volunteer opportunities:

- Highland Valley Elder Services is desperately seeking drivers for the Meals on Wheels program. Volunteers can email Nancy Mathers at Highlandvalley.org for more information.
- The Medical Reserve Corps of Massachusetts is looking for a crew of volunteers for Hampshire County. Applicants don't need to be health care professionals. Those interested can fill out a registration form on the MRC's website, www.maresponds.org.

Councilor Jarrett let people know that the Pioneer Valley Workers Center and Western Massachusetts Area Labor Federation are organizing around issues such as paid sick leave, the right to leave work around health concerns, eviction, foreclosure and debt

	issues and the release of incarcerated individuals who aren't a risk to the public. Now is a time to both prioritize public health and to realize that people have not now or ever been equally impacted by the concerns society faces, and they need to stand together. For workers with concerns, the Pioneer Valley Workers Center has a 24-hour hotline at 413-351-2300. Western Mass mutual aid is another local resource for connecting people with needs with others who may be able to help. Councilor Jarrett also encouraged people to make more neighborhood connections with email lists. He mentioned several neighborhood lists that are active at this time, including the Baystate Village google group in Ward 5 and florencecommunityma@gmail.com. He encouraged people to contact him with questions and concerns and for help in building their own neighborhood networks.
Communications & Proclamations from the Mayor	**Communications and Proclamations from the Mayor** Mayor Narkewicz gave an overview of the City of Northampton's ongoing response to the Corona virus. As everyone knows, both the Commonwealth and city have declared states of emergency. Last Friday, the city closed all municipal buildings to the public, libraries followed suit, and schools followed suit effective Monday, March 16th. The governor made additional modifications to his initial order around the size of gatherings and city officials updated local orders Tuesday accordingly. Public buildings and schools continue to be closed and Northampton began, with the exception of emergency personnel, to have non-emergency personnel working remotely wherever possible. Skeleton crews are working in various buildings to make sure essential functions of government continue. Public safety-related agencies continue to be fully-operational although they are taking significant measures to try to ensure workers' safety as they are on the front lines. The IT department has done incredible work not only in helping arrange Zoom meetings but in making remote operations available to employees. As they heard from Veterans Services Director Steve O'Connor, departments continue to remain in operation. Phones are being answered, emails are being answered and employees are doing their best to provide information to people as requests come into them. The governor lowered the maximum number of people in terms of gatherings from 250 to 25, and the president lowered that even further to 10. The governor has also ended all on-premises consumption of food or drink at bars and restaurants. They saw a big jump nationally today in the number of cases and in Massachusetts cases also rose significantly. All have read reports of confirmed cases in Hampshire County at the Cooley Dickinson Hospital. As they watch this outbreak unfold, they have to continue to reiterate to folks the need to socially distance them-selves. They have closed schools because they want people to avoid social contact whenever possible and not spread this virus. They urge people to follow the advice of medical experts and, to the extent possible, avoid unnecessary activities. Young people need to try, as hard as it is, to not be with their friends and do things socially. This time they spend isolating themselves could really be significant in terms of limiting the impact, he proposed. Obviously, they are most concerned about the health care systems which are already seeing the impact in terms of the number of people contacting them, he observed. People should continue taking personal care as far as proper handwashing and keeping surfaces clean. Today the governor announced new measures that include the closure of daycare facilities beginning next week and a transition to an emergency daycare facility model, he continued. Some financial resources are also beginning to be discussed. The state legislature and federal government have talked about setting up new programs involving both the small business administration and various aid packages. It continues to be a very fluid situation. He wants folks to know that city government is continuing to function even in this environment. An emergency response team is in contact daily. City officials are doing everything they can but they need the public's help to keep the community safe.

	He will use the reverse 911 system to inform the public of significant changes and continue to share information on social media channels, he assured. The school system began the first feeding program for school children today. A lot of other work is being done by nonprofit and social service agencies, and the city is part of those conversations. He directed residents to the website and city departments for essential information and requests while encouraging them to wait if possible with any non-essential inquiries. "Hopefully, our community and our Commonwealth and our nation will be able to get through this very scary time," he concluded.
Resolutions **20.031 Resolution in Support of the Empower Act – 2nd reading**	**Resolutions** **20.031 A Resolution in Support of the Empower Act – 2nd reading** Councilor LaBarge moved to approve the resolution in second reading. Councilor Dwight seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Nash absent. **The following resolution passed two readings:** ***In the Year Two Thousand and Twenty*** Upon the recommendation of the Northampton Mayor's Youth Commission, Councilor Michael Quinlan, Jr., Councilor Alex Jarrett, and Councilor William H. Dwight R-20.031 A RESOLUTION IN SUPPORT OF THE EMPOWER ACT Be it resolved by the City Council of the City of Northampton, in City Council assembled, as follows: WHEREAS, in 2018 the Northampton City Council passed Resolution R-18.097 to petition the Massachusetts Legislature to allow the City of Northampton to establish a minimum voting age for residents of Northampton of sixteen years for all municipal elections. WHEREAS, the Northampton Mayor's Youth Commission, the Northampton City Council, the Mayor of Northampton, and the Northampton Charter Review Committee have unanimously supported the lowering of the voting age to 16. WHEREAS, the EMPOWER Act would permit 16 and 17-year-olds to vote in municipal elections in those cities and towns whose legislative body has voted to accept it. WHEREAS, lowering the voting age will create a more perfect democracy in our municipality, by empowering young people to be involved in the local political system. WHEREAS, the issues voted on at the municipal level such as School Committee and municipal spending on climate change mitigation, as well as many others, directly affect young people. WHEREAS, the 16 and 17-year-olds of Northampton have already shown their passion for civic engagement and electoral politics through organizing strikes, marches, and walkouts, and hosting elected officials and candidates for elected office at youth-led forums. NOW THEREFORE BE IT RESOLVED that the sponsors call upon the Northampton City Council to petition the Massachusetts Legislature to pass Senate Bill 389 and House Bill 720, of the 191st session, "An Act ensuring municipal participation of the widest eligible range", otherwise known as the EMPOWER Act. BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the state sponsors of the Act, Senator Harriette L. Chandler and Representatives Andres X. Vargas and Dylan A. Fernandes; Chairs of the Joint Committee on Election Laws, Senator Barry R. Finegold and Representative John J. Lawn, Jr.; State Representative Lindsay Sabadosa; State Senator Jo Comerford; House Speaker Robert DeLeo; Senate President Karen Spilka and Governor Charles Baker. **Passed two readings and enrolled.**
Presentations	**Presentations** None.

Consent Agenda

Consent Agenda
Councilor Sciarra reviewed the single item on the consent agenda, the minutes of March 5, 2020. **Councilor Dwight moved approval of the consent agenda. Councilor LaBarge seconded. The motion passed unanimously 8:0 by voice vote with Councilor Nash absent.**

The following item was approved as part of the consent agenda:
A. **Minutes of March 5, 2020**

Recess for Committee on Finance Meeting

At 7:51 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:04 p.m. The City Council reconvened at 8:04 p.m.

Financial Orders (on 1st reading)
20.033 Order for FY2020 Budget Transfers – 1st reading

20.034 Order to Appropriate Free Cash to Public Safety Wireless Project – 1st reading

Financial Orders (on 1st reading)
20.033 An Order for FY2020 Budget Transfers – 1st reading
Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Nash absent.

See minutes of April 2, 2020 for second reading.

20.034 An Order to Appropriate Free Cash to Public Safety Wireless Project – 1st reading
Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion carried 8:0 by roll call vote with one absent (Councilor Nash).

Councilor Dwight moved to suspend the rules to allow a second reading. Councilor Jarrett seconded. The motion passed 8:0 by voice vote with Councilor Nash absent.

Councilor Dwight moved to suspend the rules to allow a second reading. Councilor Foster seconded. The motion carried 8:0 by roll call vote with one absent (Councilor Nash).

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council March 19, 2020

Upon recommendation of the Mayor

20.034 An Order to Appropriate Free Cash to Public Safety Wireless Project

Ordered, that

$ 24,500 be appropriated from the FY2020 General Fund Undesignated Fund Balance (Free Cash) to the IT Department to replace the wireless system for the Police Station, Fire Station and Florence sub-station (19303 586609).

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2nd reading)	**Financial Orders (on 2nd reading):** None.
Orders	**Orders** None.
Ordinances (Not Yet Referred)	**Ordinances (Not Yet Referred)** None.
Ordinances **19.173 Ordinance to Allow Change from One Conforming Use to Another without a Finding**	**Ordinances** **19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding** Councilor Sciarra read the ordinance as positively recommended by Legislative Matters with requested language supplied by the Office of Planning and Sustainability (OPS) to retain the requirement for Findings for projects where no other Planning Board review is required. Councilor Dwight made a motion to put the version with OPS amendments on the floor for discussion. Councilor Maiore seconded. At the request of Councilor Jarrett, Assistant Planning Director Carolyn Misch explained the timeline for acting on amendments to the zoning ordinance. Under the Zoning Act, the City Council is required to take action within 90 days of the close of the public hearing, Misch reminded. The public hearing was closed a week ago. If the City Council doesn't act within that time frame, the process must start over. Councilor Jarrett expressed his understanding that any one councilor could raise a charter objection prior to a vote being taken and this would move the item to the next council meeting. The City Solicitor confirmed this is the case. He wanted to make sure councilors understood they have that ability, Councilor Jarrett said. The public hearing just closed March 9th, so the council has time before the 90 day period elapses, Ms. Misch noted. As context, councilors have heard concerns about having this discussion in this format (i.e. – an online meeting or video conference), Councilor Sciarra advised. While they are mindful of these concerns, they have to keep in mind that there are a lot of unknowns and they don't know how long convening in this way will be necessary. They were able to receive public comment, she pointed out. They are always able to receive comment by email and were also able to get public comment by remote participation tonight. At Councilor Thorpe's request, Ms. Misch reviewed the process leading to tonight's discussion At the third public hearing before Legislative Matters, councilors asked for an amendment to require some kind of Finding for projects that wouldn't require any other kind of review. The new language proposed requires that any change in use would either go to the Zoning Board of Appeals (ZBA) or the Planning Board, she clarified. The previous version provided that a change could go forward without any ZBA review at all. Ms. Misch responded to specific questions from councilors. Councilor Quinlan asked if there were projects that had been denied based on the current Finding criteria. Ms. Misch said yes, but these applicants could reapply. Just because the city said no in the past doesn't bar them from trying again. Attorney Seewald clarified that the only time an objection could be lodged to continue

the item to the next meeting is tonight. Once it goes to second reading, that option is no longer available. To postpone at the next meeting, a motion must be made to continue to a date certain, he advised.

Councilor Jarrett said he does have concerns about taking this up tonight. Some of it comes from public comment received, but it really has to do with the unprecedented changes in their collective lives in the past week. There are people who have not really had the opportunity to come to terms or think about [zoning issues] or perhaps are not coming to meetings who otherwise would. He is in favor of moving this to the April 2nd meeting and having a second reading on April 16th, he volunteered. He cited the absence of Ward 3 Councilor Jim Nash as another reason for waiting. Councilor Nash spoke at the Legislative Matters (LM) meeting in February and had a number of concerns. He then became sick and was not able to come to the March 9th LM meeting. He would like him to be able to heal and to speak at the next meeting, he said.

Councilor Jarrett moved to table discussion to the April 2, 2020 meeting.

Councilor Sciarra clarified that the motion is properly to postpone and not to table.

Councilor Jarrett moved to postpone to April 2, 2020.

If they vote to postpone at this point, no further discussion is possible, Councilor Dwight pointed out. The hearing was continued in LM in hopes of getting more information. He suggested it would be worth hearing now if there are any concerns or additional information sought before acting on a motion to postpone.

Councilor Jarrett withdrew his motion.

Councilors took turns expressing their thoughts on the possibility of postponement and on the underlying zoning change itself.

Councilors have received half a dozen or more letters relative to this specific ordinance speaking in opposition or at the very least requesting that the council postpone or delay discussion, Councilor Dwight related. He has no objection to postponing discussion, but he is not opposed to the ordinance change itself. Unless he hears new information, he plans to vote in favor, he indicated. Addressing himself particularly to John M. McLaughlin, Esq., who has written numerous letters reiterating the same arguments, he would need new information that's not yet been presented.in order to reconsider his intent to vote yes, he disclosed.

Councilor Thorpe alluded to the fact that the ordinance was first presented as a proposal to remove the Finding requirement altogether for changes to new conforming uses. Following LM's second hearing, the ordinance was amended to keep the Finding requirement for projects that did not otherwise require a review. He has heard from constituents both for and against. It is not an easy subject, but he wanted to make sure councilors knew it has come a long way. He is ready to proceed, he indicated.

Councilor LaBarge agreed there has been a lot of opportunity for input and output with two hearings before LM and the amendments put in place. She will support the ordinance whether discussion is postponed or they move forward tonight.

Councilor Quinlan said he understands they've done quite a bit of work on this already but would support postponement to further engage the community. He's not really torn about this; he has disagreed with it from the first time he heard and understood it, he shared. A lot of the opponents are not saying don't change the ordinance; they're saying change the ordinance but in a more thoughtful manner.

Plain and simple, as a person who doesn't feel that deregulation is necessarily a great thing, he doesn't think it is a great thing to make it easier for people who want to do business in their city to basically not have to request as much permission. "I'm not there," he acknowledged.

Councilor Jarrett explained his thought process in great detail, citing the following factors as relevant to his thinking:

- There is an affordability crisis here in Northampton, the state and the nation. Massachusetts is the most expensive state in the nation, with $400,000 being the average single-family home.
- Supply and demand comes into play. Increasing the supply of housing will have an effect on lowering the prices.
- It's been noted there are more vacancies in rental properties and vacancies are harder to fill. To him this is because rents have risen as high as they can and need to come down.
- They obviously need more affordable housing, but they also need more housing at all income levels for which there is demand. Having more expensive homes on the market actually reduces pressure on less expensive houses by freeing them up for people who want to put in sweat equity.
- Many of the nonconforming properties affected are in historic neighborhoods with established infrastructure. Infill development in these neighborhoods makes sense and brings value to the city in the form of taxes. He noted a related concern that increased development in town can lead to a loss of tree cover in the urban tree canopy. To address this, he thinks the significant tree ordinance should be expanded, but he doesn't see this as a reason to hold up the ordinance.

With regard to traffic and parking concerns, Councilor Jarrett explained the concept of 'induced demand.' This refers to the idea that widening a road or building more roads temporarily solves congestion problems but eventually leads to greater usage as people tend to change their habits and drive more on those roads rather than reducing trips or driving somewhere else, eventually leading to the same level as congestion as before.

Similarly, in terms of parking, higher parking requirements can act as an incentive to have more cars, he suggested. With a limit of one car per apartment, it is not quite as easy to have that second car. For this reason, he is concerned about requiring more parking.

Folks have talked about the issue of not being able to find parking in town and the lack of good public transportation. However, there is quite a bit of public transportation capable of serving many people not currently using it, Councilor Jarrett proposed. Northampton has decent service to Easthampton, Holyoke, Hadley, Amherst and Florence. It doesn't make sense for everyone, but not allowing two cars could actually be a push for some folks to move toward using public transportation.

Councilor Jarrett voiced his perception that the problem a lot of people have is with the Planning Board special permit process. He wondered aloud if they need to look at that process. In the case of Dewey Court, that process has not been completed. There are seven special permit criteria, and he is hearing very valid reasons that the Dewey Court project would not meet all of them. If the Planning Board were to approve that, opponents would have the recourse of legal action to challenge the decision.

The bottom line is that he hears the concerns but believes they have some democratically put in place policies that make the permit process a good one and that this ordinance in particular does not go around any of those processes but still requires people to abide by them. He is in favor of this ordinance change but would like to look further at the Planning Board special permit process and significant tree ordinance.

Councilor Dwight thanked Councilor Jarrett for laying out his own case in a much more articulate and knowledgeable fashion than he was capable of doing. They are living in extraordinary times under extraordinary circumstances, and there is probably going to be a massive recalibration of development, population movement, etc. As Councilor Jarrett pointed out, they have literally peaked out in rental rates.

In the event that mortgage relief being promised is actually extended, he would like to

lobby to encourage or require landlords to reduce the rent of their tenants if their mortgages are reduced.

His principal investment of a yea vote for this is as Councilor Jarrett lays out, Councilor Dwight continued. Northampton's affordability is not dictated by the taxes or water rates, it is dictated by the desirability. People desire to move to this community. That desirability created a market on a system with very little ability to expand its inventory of housing. Consequently, what happens is units that were once affordable are torn down and converted and they start to become a wealthier and wealthier community with no room for anyone else. He thinks this is a concern of every councilor on this committee. Creating infill actually does have value. There was considerable resistance to changing the zoning to allow auxiliary dwelling units (ADU's) or mother-in-law apartments. The resistance was concern about the deleterious impact it would have on neighborhoods. The fear was that neighborhoods would change if as predicted there was a significant development of ADU's, but that didn't come to pass.

He is sympathetic to the neighborhood that has lobbied against this because of its immediate concern about a pending development project. He noted that this project has since been withdrawn. He encouraged those neighbors to count on the process and see the process through. The developer withdrew his proposal without prejudice. They don't know what his intentions are but it makes it difficult when one project is pending while they are deliberating a more holistic issue.

As he said before, he has yet to hear any new information in opposition. He has heard the complaints about parking pressures. He won't discount them or shrug them off, but they heard the same thing when Village Hill and the Lumberyard were being developed. He thinks the reality is somewhere in between no impact at all and the cataclysmic impact being projected.

Regarding the issue of a supposedly adverse impact on property values, "that has never been shown to be the case," he asserted. As far as he knows there has never been a single development in Northampton that has actually adversely impacted property values.

He expressed his understanding that neighbors would like the ordinance not to move forward; they would like it to end here. While he understands the request, he respectfully disagrees with it, he concluded.

Discussion continued. Councilor Maiore shared somewhat mixed feelings on the proposal. The ordinance is incongruent and needs to be changed but at the same time she hears very reasonable concerns from residents about traffic and parking and not having 'significantly detrimental' new infill. While she wants to just look at the zoning ordinance, it would be disingenuous to not acknowledge the real impact neighbors fear it will have, she suggested.

At Legislative Matters, she was in favor of a neutral rather than a positive recommendation on the ordinance in order to spark a fuller conversation among the council as a whole. In particular, she also hoped to hear from Councilor Nash (who was not able to be present March 9th) because he is the direct voice of those residents.

She agreed with Councilor Quinlan about not taking away all regulation. Ideally, the reasonable concerns of residents should be captured and embedded in the Planning Board process since Planning Board members are the ones with the focus on and experience in zoning. Councilor Jarrett proposed looking further at that process and she said she would like to be involved in that review. That said, she tends to want to pick one of the doors discussed in LM to bring some regulation to this. She is not sure it's perfect, she admitted.

At Councilor Sciarra's request, Ms. Misch discussed the roles of the Planning Board and Zoning Board and the types of projects each board reviews. She also reviewed other options for amending Section 9.3 B as discussed in Legislative Matters.

At Councilor Dwight's request, Attorney Seewald described the process available to residents to oppose projects in proximity to their properties. Abutters are entitled to adequate notice and a right to be heard and Planning Boards must apply specific standards to projects under their jurisdiction. The state legislature decided many years ago (1975) to make local boards with lay people responsible for applying discretion as to whether development projects meet applicable standards. Community members hear evidence and render a decision. In almost every case, someone is unhappy. If residents are unhappy and think the board has made an erroneous decision, the Land Court in Boston and/or Superior Court in Hampshire County will review the decision to make sure the board wasn't arbitrary and capricious.

Councilor Dwight asked what the legal definition of detriment is.

Detriment comes in many forms, Attorney Seewald responded. The way to determine whether there is detriment is to look at the ordinance and see what interests the ordinance protects; i.e. – overcrowding, parking, noise, etc. In order to appeal, claimants are going to have to show that they actually have been caused some detriment.

When asked if he was still interested in pursuing a request to postpone, Councilor Jarrett said he would first like to hear from councilors who hadn't spoken – in particular, Councilor Foster and Councilor Sciarra. He will be putting forward a motion to postpone, he confirmed.

Councilor Foster said the discussion has been very helpful. She feels as if she has enough information and feels good about moving forward.

Similar to Councilor Foster, she sits on LM and asked questions there, Councilor Sciarra volunteered. While she understands people's concerns both in general and about this moment in time for having this discussion, there has been a lot of opportunity for public input and they have received a lot of public comment both by email and by remote participation tonight. Like Councilor Dwight, she doesn't feel that any new questions have been raised or that there are any new issues to explore. She had voted to move forward with a positive recommendation in LM and is comfortable moving forward now.

Councilor Jarrett moved to postpone to April 2, 2020. Councilor Dwight seconded.

Members discussed. In favor of postponement, Councilor Dwight said he was particularly moved by the stated advantage of being able to hear from Councilor Nash. It was noted by others that Councilor Nash might be available to speak at second reading even if councilors proceed this evening.
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Councilor Quinlan noted that the 90-day deadline from the close of the public hearing (March 9th) is June 7th.

Councilor Jarrett expressed his understanding that a change to the zoning ordinance requires a two-thirds vote of council, and Attorney Seewald confirmed the ordinance requires six positive votes to pass.

If the ordinance fails in first reading by not garnering a two-thirds majority, the process comes to an end, Councilor Dwight stressed.

Councilor Sciarra called the motion to postpone to a vote, and it passed unanimously 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for first reading.

Ordinances
19.178 Zone Change Petition to

Ordinances
19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB - 1st reading

Rezone 3 Wright Avenue from URC to GB - 1st reading

Councilor Sciarra read the zone change petition.

Councilor Dwight moved to approve the zone change in first reading. Councilor LaBarge seconded.

As they heard in Legislative Matters, this is a simple, site-specific petition to change the zoning of a parcel adjacent to New England Treatment Access (NETA) – the marijuana dispensary - to allow it to be used for parking, Councilor Dwight explained. This is a way to alleviate some of the parking challenges that have developed around the popularity of the marijuana dispensary. If approved, NETA has an agreement with the property owner to convert the now vacant lot to parking for NETA customers which would take some of the pressure off surrounding streets.

NETA has already received a permit to expand its employee parking, Ms. Misch advised. Combining the parcels under the same zoning certainly makes sense. Within the Planning Board approval, one of the conditions provides for a required buffer between commercial and residential uses, so landscaping will be included to protect the remaining properties within the URC district.

Councilor LaBarge said she is in favor of the zone change. She thinks it will benefit many of the side streets by eliminating some of the overflow parking.

The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for second reading.

20.004 Ordinance to Rezone Nine Conz Street Parcels from NB to CB - 1st reading

20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB - 1st reading

Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor Quinlan seconded.

Councilor Dwight summarized the discussion in Legislative Matters (LM). The property known as “The Deuce,” a/k/a the World War II Club, is prospectively changing ownership. Discussion mostly concerned the WWII Club without centering on other properties affected by this change. The vast majority of testimony in LM was in favor of rezoning although there were a couple of abutter concerns. Since then, someone in the neighborhood sent a letter expressing concern about activity at the WWII Club adversely affecting surrounding quality of life. Former Councilor David Murphy expressed concern about a related issue - Central Business Architectural Committee (CBAC) design standards being applied to this area. In his opinion, the design standards intended for downtown buildings are not appropriate for the types of buildings on Conz Street.

Although the rezoning will affect the proposed use of a particular property (the WWII Club), the proposed change is not project-specific, Councilor Dwight stressed. He personally has always been an advocate for expanding the Central Business (CB) district toward this section referred to as Northampton’s ‘gateway,’ so he thinks it makes sense. The concern is that there are a number of residential properties scattered in between the properties proposed to be rezoned. They will not be folded into this; he assured. He referred to concern expressed by a homeowner at LM that a house that had been in her family for generations would be required to comply with CB zoning by having retail on the ground floor and residential only on the second floor. This rezoning does not apply to such properties, he asserted.

The ordinance received unanimous approval from LM, Councilor Dwight said.

In fact, there was a proposal to rezone the same parcels a number of years ago at which time there were no plans for the sale of the WWII Club, Ms. Misch related. At that time, there was concern that if CB extended all the way down Conz Street, there might be a bit of a mismatch between the central business design guidelines and the buildings/businesses in this district. Instead, in that expansion eight years ago, CB

actually stopped at the edge of Paradise Copies. The idea of rezoning here isn't something that just appeared in a vacuum, she stressed. The city has looked at options for extending CB down Conz Street and Pleasant Street for a number of years. That's why it is not felt out of character to look at it now before the city adopts a form-based code which planners are looking at in parallel. Such a code would create sub districts with different design standards based on whether buildings are in a gateway district or on Main Street. Later on the agenda is a related ordinance to extend the CBAC map to include the rezoned properties. CBAC design guidelines make allowances for buildings of different styles than those typical of the core central business district, she noted.

Councilor LaBarge asked if CBAC design standards would impact any of the existing nine parcels.

Anytime there is a change to the exterior facade of a building, design guidelines are looked at, Ms. Misch responded. If no change is proposed, there is no reason to look at them.

Councilor Jarrett asked Ms. Misch to talk about plans for the form-based code and how that would affect the CBAC designation.

The idea is to create a unified development review code that absorbs current CBAC guidelines but adds to it, Ms. Misch explained. It would replace what they have now. Making the change to CB on Conz Street will not affect the ability to come back and adopt a form-based code, she emphasized.

Councilor Jarrett spoke in favor of expansion of the CB district, saying he thinks it will bring more opportunity for mixed-use development with retail below and residential above which he sees as very appropriate for the downtown area. With regard to the WWII club, it has functioned as a night-club for decades and brings value to the community. Residents in the area knew the club was there when they moved in. It does not seem like the ownership change/rezoning will be detrimental since the property will continue with a similar function.

There being no further discussion, the motion passed unanimously 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for second reading.

20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue - 1st reading

20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue - 1st reading

Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor Jarrett seconded.

Planners had been working with owners of property at the back of the Roundhouse parking lot with access from the parking lot to think about development opportunities, Ms. Misch related. The rear of the properties are already zoned Central Business (CB), so this would merely push the CB line back essentially to the rear of the structures on Old South Street. The houses would remain in the URC district. The idea is to create more of a developable portion of the lots in case property owners are interested in pursuing access from the parking lot.

The Planning Board did not feel it was as important to extend the CBAC map here because the rearmost portion of the properties are already subject to CBAC design criteria. In response to a question from Councilor Jarrett, Ms. Misch confirmed that zoning has a standard 30-foot buffer requirement between residential and commercial uses. The requirement would not be triggered unless or until a commercial project were proposed.

Councilor Jarrett said he would be pretty sad to see an existing stand of trees be removed. Although he is in favor of the zone change, he would like to see more

guidance from the tree commission along with a strengthening of the significant tree ordinance, he reiterated.

Zoning does have a tree replacement requirement for any project where trees of a certain size are removed, Ms. Misch advised. There are some trees that may need to be removed as part of the redesign of the parking lot anyways. The tree replacement requirement encourages people to look at their design to see if it makes sense to work around existing trees. It is private property, so the Public Shade Tree Committee (PSTC) does not have jurisdiction to review tree removal there, she pointed out.

The motion carried 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for second reading.

.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street - 1st reading

20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street - 1st reading
Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

This is a good proposal that promises great benefit for the community and is in keeping with the long-term vision for development of Village Hill, Councilor Dwight observed.

When the former state hospital was first allocated for development, there were some parcels that were specifically pulled out and dedicated to the Northampton Housing Authority for the purpose of creating affordable housing, Ms. Misch reminded. This 1.6-acre block was one of those. It was never actually developed by the housing authority, so its ownership reverted to the state. The city is in the process of pursuing special legislation to recover the property for development as affordable housing as originally intended through the city's Community Development Block Grant (CDBG) program.

Back in 2007, the city exercised the option of creating Smart Growth Overlay districts as shown for the purpose of developing a mix of affordable and market-rate housing. Smart Growth Overlay districts encourage more dense housing in places where it makes sense through financial incentives from the state. When housing is built within these districts, the state actually makes payments to the community. Northampton has already received money from the state for housing developed at the state hospital. The money is being used to mitigate the impact of new housing with transportation design projects such as the ongoing Main Street redesign process.

The small pocket of Smart Growth-C (SG-c) is a request to expand the existing overlay district so new housing built there will also be eligible for Chapter 40R payments.

Councilors LaBarge and Foster spoke in favor of the proposal. Councilor Foster said she has had a chance to speak to a number of the residents on Laurel Street near the project. Overall the feeling in the neighborhood is very positive and very supportive in recognizing that it is an area close to town on public transportation and suitable for more dense development.

The motion carried 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for second reading.

20.024 Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB - 1st reading

20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB - 1st reading
Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

The concerns she heard at both the Planning Board and Legislative Matters Committee

hearings were related to how design guidelines for the CBAC district would affect Conz Street properties, Ms. Misch reported. Former Councilor Murphy was concerned that CBAC design guidelines were originally created to apply to multi-story building blocks on Main Street and that the design character of buildings on Conz Street and Pleasant Street is much different. However, provisions and allowances are made within the CBAC guidelines to address structures other than traditional landmark and themed-commercial buildings, she noted. These include transitional residential buildings (buildings originally built as residences which have transitioned to commercial use) and 'anomaly' buildings such as the medical buildings on Conz Street, Misch presented. Even though this area is very different than Main Street, there is still allowance for variations in architectural style and review options for those properties, she presented.

Councilor Sciarra expressed her understanding that, while Ms. Misch described types of buildings to which design guidelines do not apply, the guidelines would still apply to residences among the rezoned properties.

Ms. Misch said yes. There are two buildings within the block which are multi-unit residences and Councilor Murphy's building is a transitional residential style of building even though the first floor is commercial. There is a lot of leeway or allowances for modifications to residential-style buildings within the guidelines, she asserted. The design review process only applies to façade changes, such as expansion of the front of the building. The guidelines are very liberal in terms of allowing these changes; the biggest issue they address is the area of window openings. Design guidelines encourage lots of windows on the street. If someone were to propose blocking up windows, that would trigger review. Other than that, there is a wide range of opportunity for people to modify their structures without necessarily needing to go before the review board.

Councilor Sciarra asked whether there would be restrictions on the type of siding that could be used on the exterior of a building.

For transitional residential structures, owners can make a lot of modifications to the exterior of the building so long as they are not closing up windows, Ms. Misch replied. Changing the appearance of the building significantly might trigger review but siding in and of itself most likely would not trigger review.

On Conz Street, there are relatively few residences on a street that is already not architecturally consistent, Councilor Sciarra observed. Her concern is that applying CBAC design standards to these residences could potentially have a financial cost to owners without necessarily achieving the architectural consistency which is the goal.

Ms. Misch acknowledged the original intent of the guidelines was to focus more on core Main Street buildings. Over time, the boundary of the CBAC district has expanded to include many more buildings that don't match the character of Main Street. This is one of the reasons planners are looking at creating a form-based code that creates sub districts to recognize different architectural styles. The goal ultimately is to create something better-suited for the downtown area, but, in the interim, design standards that have been in place for over 20 years are still in effect.

There are specific exemptions for alterations and renovations to transitional residential buildings, she reiterated. As long as it doesn't change or reduce the area of window openings, basically everything else is allowed. It's not meant to impose additional prohibitions, she assured.

The motion carried 8:0 by roll call vote with one absent (Councilor Nash).

See minutes of April 2, 2020 for second reading.

Information (Charter Provision 2-7)

Information (Charter Provision 2-7) and Information Study Requests
None

& Study Requests	
Motion to Adjourn	**Upon motion made by Councilor Dwight and seconded by Councilor LaBarge, the meeting was adjourned at 10:30 p.m.** **Attest:_____ Administrative Assistant to the City Council**

EXHIBIT A

List of Documents Reviewed at March 19, 2020 Northampton City Council Meeting:

1. March 19, 2020 Agenda
2. Written statement from David Murphy emailed to City Council office March 18, 2020 and forwarded to city councilors March 19, 2020 re: 20.024 An Ordinance to Change CBAD Map to Include Conz Street Lots Rezoned to CB.
3. Email from Mark Moggio sent to City Council dated March 19, 2020
4. Email from Joe Blotnick sent directly to City Council dated March 19, 2020.
5. Email from Linda Schwartz sent directly to City Council dated March 19, 2020.
6. Email from Amy Ben Ezra sent directly to City Councilors and Mayor dated March 19, 2020.
7. Email from Susan McCreary sent directly to City Councilors and Mayor dated March 19, 2020
8. Opposition to Ordinance Amendment #19.173, the "Ordinance to Allow Change from One Conforming Use to Another Without a Finding," from John M. McLaughlin, Esq.
9. Tetty Gorfine Email to CityCouncil@northamptonma.gov dated March 19, 2020.
10. Statement from Jen Rex, Manager of the 'Deuce' dated March 19, 2020.
11. Mathieu Tebo Statement dated March 19, 2020
12. City Council Meeting Minutes of March 5, 2020
13. 20.032 An Order to Establish Water and Sewer Rates for FY2021
14. 20.031 A Resolution in Support of the Empower Act
15. 20.033 An Order for FY2020 Budget Transfers
16. 20.034 An Order to Appropriate Free Cash to Public Safety Wireless Project
17. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding
18. 19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB
19. 20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB
20. 20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue
21. 20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street
22. 20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

2020 - 2021 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL											
Record of City Council Votes for March 19, 2020		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @ 7:25 p.m.		Present	Present	Present	Present	Present	Absent	Present	Present	Present	8 Present
20.031 A Resolution in Support of the Empower Act - 2nd reading	2nd reading	Second Yes	Yes	Yes	Motion to Approve Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.033 An Order for FY2020 Budget Transfers - 1st reading	1st reading	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.034 An Order to Appropriate Free Cash to Public Safety Wireless Project - 1st reading	1st reading	Motion to Approve	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll
	Motion to suspend	Motion to Suspend		Second			Absent				Motion carried 8:0 (Nash absent); voice
	2nd reading	Motion to Approve	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll
19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding - 1st reading	1st reading	CONTINUE	Second Yes	Yes	Motion to Continue Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB - 1st reading	1st reading	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB - 1st reading	1st reading	Motion to Approve Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue - 1st reading	1st reading	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street - 1st reading	1st reading	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote
20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB - 1st reading	1st reading	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 (Nash absent); roll call vote

At 10:30 p.m., Councilor Dwight moved to adjourn the meeting; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No (Nash absent).