



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Gina-Louise Sciarra, Vice Chair

Councilor Rachel Maiore

Councilor John Thorpe

MEETING MINUTES

Date: March 9, 2020, Time: 5:00 pm

Location: City Council Chambers, 212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Chair Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Dwight, Councilor Maiore, Councilor Sciarra and Councilor Thorpe. Also present were Administrative Assistant Laura Krutzler, Office of Planning & Sustainability Assistant Director Carolyn Misch and City Solicitor Alan Seewald.

Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Open Media (NOM).

2. **Public Comment**

Councilor Dwight opened the floor to general public comment.

Claudia Lefko of Ward 3 commented that Ward 3 residents have had a lot of zoning issues, been to a lot of zoning meetings and lost a lot of zoning cases. She thinks one of the issues that concerns them always is the fact that the infill policy the city has adopted has the possibility to change the character of the city and the neighborhood they live in. People who choose to live in a semi-rural community find themselves instead in a denser, more urban community. Her neighborhood is denser because it has a number of urban projects, including the Lumberyard. She doesn't think it occurs to people that some people live in a place because of the nature of the place, and it is changing in front of their eyes. For her personally, she didn't want the Lumberyard because she thought it was going to have a terrible impact. She would now say she was maybe wrong to oppose the Lumberyard because it has brought diversity to the neighborhood, but projects coming into town like the one proposed on Pomeroy Terrace are upscale. She would say projects that specifically address affordable housing in a big way should be viewed favorably.

She mentioned the need for infrastructure repairs and improvements such as sidewalks to accompany housing development. "As we bring more and more people into town, the infrastructure is crumbling beneath us," she observed. City officials can't build more housing and bring more people into the city unless they have a plan to address infrastructure problems, she pointed out.

Amy Ben Ezra of Northampton told councilors she doesn't have a problem with infill. She came from a place where there were a thousand apartments in a square block and she loved it. For her, the issue is the compatibility of the size of the project to the space and what's around it. She also wants the city to be thinking of affordability and thinks projects should be needs-based; i.e. – based on a need for senior housing.

"I don't want to see more housing for wealthy people; there's plenty of that here," she maintained.

That's an underpinning of her concern about the whole effort. The portrayal of Sustainable Northampton and what type of building was going to occur talked a lot about accessory apartments and one or two units. The projects being proposed are 10 units, 15 units, etc. That's very different from what people understood and supported and encouraged their councilors to support. It feels a little like, 'dare I say, a bait and switch' and is very concerning, she commented.

There being no more general comment, Councilor Dwight moved to the first item on the agenda.

3. Continuation of Public Hearing (from February 10, 2020)

Public hearing notice originally published January 27, 2020 and February 3, 2020 per M.G.L. Chapter 40A, Section.5.

A. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding

Councilor Sciarra moved to reopen the public hearing from February 10, 2020. Councilor Thorpe seconded. The motion passed unanimously 4:0 by voice vote.

The hearing February 10th ended with a councilor request to continue, Councilor Dwight reminded. The councilor was concerned that he needed more information before going into deliberations and that the process was moving too fast.

He referred to a memo provided by Ms. Misch addressing comments/issues raised at the February meeting.

She doesn't have a presentation per se but would be happy to answer questions, Ms. Misch said.

Councilor Thorpe asked if the proposed ordinance would remove an all-permit review.

As the ordinance currently stands, if a proposed change of use on a nonconforming lot requires additional parking or lot size, the project cannot move forward, Ms. Misch advised. Right now there is no way to change to an allowed use on a nonconforming property that might require more parking. The proposed change is to eliminate the current prohibition [in Section 9.3 B (2)] and allow projects to move forward. There are many factors that trigger other reviews, mostly by the Planning Board. She cited the fact that new construction of 2,000 square feet or more for anything other than a single family home triggers site plan review (SPR) by the Planning Board as an example. Likewise, if something triggers a special permit, that permit requirement is still in place.

Councilor Thorpe said he sees a potential alternative to this ordinance was presented to require a finding with detailed review criteria for projects that don't otherwise require Planning Board review.

Ms. Misch confirmed that one way to keep some review would be for projects that don't trigger other types of review to still go to the Zoning Board of Appeals (ZBA) for a finding. The zoning ordinance could also maintain ZBA review for projects that also require Planning Board review, but this would result in overlapping review of items such as tree replacement, traffic mitigation, lighting, etc.

Councilor Thorpe expressed his understanding that zoning allows differences in density based on a project's proximity to commercial centers. He asked for examples.

Northampton has business districts such as the Central Business (CB) district downtown and a General Business (GB) district outside of town up King Street, etc., Ms. Misch presented. For residential districts, the city has Urban Residential A (UR-A), UR-B and UR-C, core neighborhood districts mostly around the downtown area and Florence center and between Northampton and Florence. The residential districts have different levels of allowances for the types of residences allowed. UR-C allows the highest density of residential development. UR-B is the next tier with single-family, two-family and three-family residences allowed and multi-family by special permit but not the multi-family, mid-rise residential buildings allowed in UR-C. UR-A currently allows only single-family homes.

The city also has Rural Residential (RR), Suburban Residential (SR) and Water Supply Protection that strictly allow single-family lots.

Councilor Thorpe asked how this would impact the Sustainable Northampton Plan.

Planners feel it is consistent with zoning changes they have made over time to implement that plan, Ms. Misch said. Planners have created detailed development standards for the neighborhoods surrounding downtown and Florence center for the purpose of creating housing in areas where there is known demand which are accessible by biking and walking short distances. Because they have been developing standards for UR-C and UR-B districts, such standards exist in core neighborhoods with more nonconforming lots than areas built out later in time. Some of those nonconforming lots are right where they are trying to encourage development. Since they are getting tripped up by the existing prohibition in Section 9.3, it is a signal to them that they need to change this zoning because it is inconsistent with larger goals.

If they were to amend this zoning ordinance, Councilor Maiore asked about the specific project neighbors are concerned about. Since she knows the developer has withdrawn without prejudice, she asked how that process would resume.

For any project starting out new, a developer would present an application to the building department, Ms. Misch explained. The application would then be reviewed to see what permit path is available to allow the project to move forward. If councilors were to adopt the change as presented, building officials would say that, although the lot is nonconforming, under the rules just adopted, the size of the project means it goes to the Planning Board. If councilors amend the ordinance and keep the ZBA path as a requirement, building officials would look at a project like Dewey Court and say it needs ZBA review and Planning Board review.

Councilor Sciarra asked Ms. Misch to generally explain the jurisdiction of the ZBA vs. the Planning Board.

For the most part, the ZBA reviews projects that fall under Section 9.3 relative to nonconformities. For example, if a house violates the setback requirement, changes to that structure would require ZBA review. The ZBA looks at change to the nonconforming structure with the standard of whether the change is

substantially more detrimental to the neighborhood. The ZBA's review is very project-specific and even site specific. The ZBA also has limited special permit review for signs. ZBA members do very little review of site plan technical details.

The Planning Board review is very much about the function of the site, such as how traffic moves on the site. The board reviews projects to see if they meet standards in the zoning ordinance for elements such as traffic mitigation, lighting, etc. Broadly, the Planning Board looks at the totality of the function of the site.

She confirmed the Planning Board's review involves a public hearing.

PUBLIC COMMENT

Councilor Dwight opened the floor to public comment.

John McLaughlin, Esq. spoke representing Mark Moggio. Mr. Moggio has the support of many of his neighbors on Dewey Court, and they are very much in opposition to the change to the existing ordinance with respect to the finding, he presented.

He referred to handouts submitted to the committee. He thinks there is a 500-lb gorilla in the room that they aren't talking about, he shared. The city is saying, 'Don't worry, you don't need a finding because you're going to have site plan review for smaller projects and special permits for larger projects' The problem they see with that is some of the definitional sections of the existing bylaws. The city defines a dwelling unit to include a kitchen so little units that don't have kitchens aren't considered apartments. This doesn't take into account the trend toward co-living. Dewey Court has little dwelling units that share a kitchen. Northampton zoning regulations only require a maximum of two parking spaces per dwelling unit. If six units shared one kitchen, zoning would only require two parking spaces. That is part of the problem here.

They don't want to get rid of the finding until there is more comprehensive thought given to the definition of a housing unit, he suggested. The parking requirement was appropriate when the norm was a single-family home, but with co-living, almost every bedroom can be expected to have a car. People need cars; there is no T to get to work. Maybe they are underestimating the amount of parking to lower the carbon footprint, he acknowledged. However, they are not lowering the carbon footprint, they are moving it to another location outside of the developer's property and onto the city streets. The real problem as he sees it are the city's parking regulations. It seems as if there are even some anomalies within the parking regulations. One section of the code states that a parking space is required for every 1,000 square feet while another section states one space is required for every 500 square feet, he noted.

Councilor Dwight said he understood the attorney to be making a case predicated on parking concerns. He asked how retaining the ZBA finding would afford him protection.

Right now the city says 'don't worry about it, we'll take care of it with special permit and site plan review.' But if someone has a little lot, it is something nobody could ever build on. When a lot has no frontage it is a real detriment. With a finding, neighbors can go to the ZBA and say this is a terrible lot, but they've been using it for years as a house. Now they are putting in a 30-unit apartment building and that's going to be horrible for parking.

Councilor Dwight pointed out that ZBA members are going to make rulings predicated on the rules as they stand.

His people need the findings, otherwise, they're suffering from the Planning Board regulations, Attorney McLaughlin insisted.

Attorney Seewald interjected to say he thinks there is a disconnect here. The intent of a finding is a very cursory look at a particular existing use and particular use proposed. It doesn't get into parking. If it is a large project, then it will go to the Planning Board for a more granular review. That is where the issue of adequate access will be addressed. The finding doesn't do that; it's a generic, cursory review of whether there is substantially more detriment to the neighborhood. With all due respect, Attorney McLaughlin is complaining more about the very specific requirements under the ordinance than he is about removal of the finding. The same two-car rule will be in place whether the finding exists or not, he pointed out

However, his clients need a finding, Attorney McLaughlin responded. He referred to a hypothetical situation where a developer wants to change the use of lot from a single-family house to 30 units. The ZBA can say 'no, this is going to be substantially more detrimental, the traffic is going to be terrible,' he asserted. Take that away and the developer is able to proceed.

"You should not change the finding unless you also start looking at the parking regulations," he maintained. Comprehensive thought should be given to these issues. He voiced objection to getting rid of finding provisions that all other communities have. "You've got to be able to look at the past use of a bad lot and compare it to the new use," he insisted. If they get rid of it, they're leaving residents to the discretion of the Planning Board to their detriment, he maintained.

Amy Ben Ezra acknowledged that issues of zoning and special permits are extremely, extremely complicated with an enormous learning curve. She has spent dozens and dozens of hours trying to understand this, trying to follow the rules. She has concerns because she doesn't know if members of the Planning Board and ZBA, as well-intended as they are, have put in as much time learning this as they have. They don't get training on traffic, traffic safety, drainage, etc., she alleged. There are so many things to know to understand the positive and negative consequences of a development.

The other thing that's concerning to her is that the special permit process is very subjective. It is guidelines; it is the seven points. Frontage is a law. The special permit process as it exists right now is very vague; it's very subjective, and it lends itself to being manipulated. She acknowledged board members are desirous of doing the right thing but, if they have limited training and understanding of the issues, all they have left is to turn to the staff member for advice. It seems to her that essentially they vote pretty much as Ms. Misch advises. That means the one person that is not elected there has seven votes. "They don't know enough to make a really informed choice," she alleged.

People also had their minds made up before the meeting began, Ben Ezra charged. "It was already a done deal," she observed. That doesn't feel very democratic to her and it didn't feel very respectful. People concerned about traffic were told that they already had an 'F' level of service so what if they were an 'F'.

She thought they were perceived as being against infill and against density and dismissed as 'a bunch of NIMBY's.' At this point, all that's left is a lot of nonconforming lots. They are facing climate change; it's getting warmer and they're getting more and heavier rain. Where's all that water going to go? She asked. We have a really decayed infrastructure. Buildings themselves prevent drainage.

People are going to have cars, she stressed. What's going to happen is there's not enough room on the street, people are going to circle looking for parking. The city is going to end up having to build more parking lots because it's not demanding that the developers put it on their tab to provide parking or to extend the frontage. If this developer had extended the frontage by building a road into his property, he would have met the 50-foot frontage requirement.

She feels like neighbors have the right to hold onto this frontage issue while the city addresses some of these other issues including training their own committee members.

Ben Ezra reiterated her concern about the subjectivity of the special permit process, noting that residents and board members often disagree on whether projects meet special permit criteria. "I'm not feeling a lot of reassurance in using the special permit process as this thing that's going to be there for us when we get rid of the frontage issue because it's so arbitrary," she complained.

She is asking that the whole issue of getting rid of the frontage issue just be slowed down. Leave it there while the city and others look at these issues. Once a developer builds something on a lot, "it's there."

She is asking to slow the whole thing down and really look carefully at all of these issues. She is not sure there is such a crisis of housing that they urgently need to change this.

Councilor Dwight asked if anyone had new testimony that had not previously been shared.

Mark Moggio ditto'd everything Ben Ezra said. The ordinance as it is now doesn't work for the city but there can be variations to it and he really hopes the city does a good job of coming up with a variation. This is going to be happening more and more with projects and development in town; i.e. people being frustrated with the special permit process if the ordinance isn't worded properly and the ZBA is done away with completely. He expressed the opinion councilors need to do some soul-searching on this issue.

There being no new information, Councilor Sciarra moved to close the public hearing. Councilor Thorpe seconded.

Councilor Dwight said he believed two-thirds of the people present were there for other hearings, so he proposed moving on to the other scheduled hearings rather than beginning deliberations immediately. The committee will deliberate on individual ordinances following the public hearings, he indicated.

4. **Public hearings on proposed zoning changes**

A. **19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB**

Councilor Dwight inadvertently skipped over this agenda item and took up 4B out of order. He came back to 4A afterwards.

B. **20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB**

Councilor Sciarra moved to open the public hearing. Councilor Maiore seconded. The motion passed with 4 Yes, 0 No by voice vote. The hearing was opened at 5:55 p.m.

Ms. Misch pointed out the properties in question on the map/diagram. The nine parcels are currently zoned commercial -Neighborhood Business (NB) - and the proposal is to rezone them to Central Business (CB).

The proposal went to the Planning Board February 13, 2020, Ms. Misch reported. It went before the Planning Board without an expansion of the Central Business Architectural Committee (CBAC) map and associated guidelines. The Planning Board had a lot of discussion of whether it was appropriate to separate the design guidelines from the CB district. Previously, whenever there was an expansion of CB district boundaries, planners made a parallel recommendation for expansion of the CBAC map so that new developments would be viewed through the lens of CBAC design guidelines.

The Planning Board voted not to move the zone change forward because the architectural guidelines were not in place. The Office of Planning and Sustainability (OPS) has since introduced an ordinance to expand the CBAC map to include the rezoned parcels, which is on Legislative Matters' agenda later in the meeting.

On the heels of adoption of the Sustainable Northampton Plan there was a proposal to extend the CB district all the way down Conz Street, Ms. Misch reminded. At the time, there was some concern by former City Councilor David Murphy about CBAC guidelines not being appropriate for that section of Conz Street. As a result, the zone change just went to the edge of Paradise Copies and no further. It is something the city has been looking at for many years and it is in that context that they have brought it forward now.

Also, there is a use proposed at the WWII club that doesn't fit the NB district but would be allowed in CB.

Kate Zdepski of Northampton said she and three others own the house at 14 Fruit Street, less than a five-minute walk from the WWII club. The location of the WWII club was a very positive factor in their choice to buy a house there. As a local person, she has never had any noise trouble from existing activities there and she is a librarian. She supports the proposed zoning change to the parcels on Conz Street because she feels it will allow the WWII club to continue doing 'very wonderful things.'

She has lived in Northampton for 10 years and has been a part of Friday night karaoke at the WWII club for at least five years, Ms. Zdepski continued. Friends who visit make sure to structure their visit to include a Friday night at the Deuce. The place isn't just about routine; the WWII club has consistently gone above and beyond when it comes to supporting the community in times of need, and it has allowed her to be more connected and civically engaged. She mentioned some of the positive activities of the club. In 2016 on practically no notice, they donated space for an impromptu fundraiser following the tragedy at the Pulse nightclub. There's a lot going on there and what makes it so great is it's a short walk away. It is important to her to find more and more things that she can get to by bus or by walking for environmental sustainability reasons. She has spent months trying to find ways to keep this establishment alive, and, after reading about the proposed buyers' plans and hearing from workers at the club, she really believes this rezoning is the best answer.

Ace Tayloe of Northampton identified himself as a co-owner along with Kate Zdepski of Fruit Street. He seconded what Zdepski said about the WWII club. As many are aware, the club is up for sale. Signature Sounds, the prospective purchasers, intend to continue all the things the club is doing and keep it as an entertainment venue and community center. Without a purchaser, the club closes and his property and his neighborhood loses value. He can't personally speak to how loud it gets for direct neighbors but he's never been disturbed by noise carrying or departing patrons. He's honestly more inconvenienced by the Senior Center, which is not exactly a raucous venue. There have been no registered complaints for over a decade at the club and none at all for the purchasers. Any claims otherwise are uninformed at best and, possibly, slanderous. As someone whose property abuts the CB zone on Conz Street, he hasn't encountered any wanton building out or unreasonable noise. CB zones as evidenced are already part of the nature of the

neighborhood and, as mentioned, the property in question behaves in a similar way already. He would support protections for the existing sidewalks and clear ways of contacting the licensing commission should problems arise. But un-evidenced fear should not be the reason to deny this rezoning. He wants to see the legacy of the WWII club continue here in his neighborhood where it began.

Amy Cahillane of Northampton, the Executive Director of the Downtown Northampton Association (DNA), said she wanted to speak in favor of the zoning change in part because of the emotional pull and in part because, as executive director of DNA, she hears with incredible frequency about empty store fronts and the departure of Northampton businesses for Greenfield and Easthampton. She feels this zoning change presents them with the opportunity to fill a storefront that would otherwise be vacant in a zoning area that already has a significant business and commercial component. She would hate the city to make a decision that would chase away this prospective purchaser and leave another empty storefront downtown.

Megan Zinn said she is here to support the zoning change on Conz Street that would allow Signature Sounds to buy the WWII club and operate it as a music venue. They have a very long track record of providing diverse entertainment (the Green River Festival, the Parlor Room, etc.) that enrich communities while also being responsible to them. It will allow Northampton to preserve this great community center which might otherwise be vacant and continue to serve the veterans it was created for. The benefits to the city outweigh the inconveniences, she suggested.

The zoning change essentially acknowledges the existing use of the parcel as the WWII club, which has been a community space and entertainment venue for many, many years, Jennifer Dieringer commented. This is exactly the sort of business they should have downtown; it is what brings Northampton its vibrancy, she proposed. They have the benefit of knowing who the prospective buyers are. They operate the Parlor Room and there has not been a single noise complaint the entire time they have been there. The Parlor Room features local performances, comedy acts, etc. Safe Passage has had many events there, as well as Bridge Street School. The owners have donated their venue to them. The Maker's Market takes place there; local makers and crafters use that space to sell their goods. Jim [Olsen] and Peter [Hamelin] have run incredibly-responsible, large-scale events, including the Green River event and the Arcadia Folk Festival. At Arcadia, they have been behind many efforts to compost and recycle and showcase one of the valley's jewels, Arcadia Wildlife Sanctuary. They will continue this kind of community engagement at the WWII club. They will allow nonprofits who are already having events to continue to use the space. "Peter and Jim are exactly the kind of folks that we want to be running these establishments in our community," she enthused. She urged councilors to approve the zoning change.

Steven J. Connor, current President of the WWII Veterans Association of Hampshire County, said he wanted to let folks know that, unfortunately, they are not going to be able to keep control of the building as it stands. As they were getting more and more in debt, his biggest heartache was what was going to happen to all the community involvement that takes place in that building. They tried to keep that in mind when they put it up for sale. He unfortunately wasn't aware that it wasn't already zoned for what it is doing; they have gotten an entertainment license year after year. The reality is that the building was built because the veterans group had to expand from its former location above a barber shop. In the early 70's they moved down there and built that building. It is a community place – the club has done everything from having benefit dinners after the Fair Street fires to fundraisers for people with disabilities. All of that is supposed to continue in that space. Voice (Veterans Outreach in the Community Engagement) also have monthly meetings there. The group pulls in people from four communities. Mr. Hamelin has said he wants to continue to use the day space for veterans. They don't have the money anymore to run the business and

the bar but if they can have this zoning change it will allow them to continue their work. For him it's about the veterans and making sure they have a gathering place. By rezoning and allowing the sale to go through, that's going to happen. Otherwise, he worries about it being an empty space.

Christopher Carlisle of Leverett, director of Building Bridges, a veterans' initiative, said they have nine sites in Massachusetts and the first site was at the Deuce. With the help of Mr. Connor, they started what began as a not very popular initiative and had enormous interest all around the western part of the state. They now have 50 to 70 veterans every Wednesday for lunch. It's a venue for non-profit agencies to come and make services available to veterans. Beyond that, he asks himself whether he could have started Building Bridges in Amherst. It is no surprise it began in a town such as Northampton; Northampton is quite unique and he hopes they don't take that for granted. He would hope the zoning could accommodate the continued use of the Deuce, because it really is their sort of flagship community that continues to telegraph through the state and beyond.

With regard to the volume of music, Christopher Bigelow of Northampton noted that, as the person who has played the bulk of the music for the past 15 years, the noise impact directly outside has been negligible. The building soaks up more sound than it has any business soaking up. If there is concern about it being operated as a live music venue, he has operated with volumes as loud as he could without driving people out of the building. The last noise complaint he can remember is 2008 or 2009 when they made the mistake of opening the windows on nice days. He would not expect Signature Sounds to have a greater noise impact on Conz Street than he has been having for some time, he concluded.

Jim Olsen of Whately identified himself as one of the proposed buyers of the Deuce along with his partner, Peter Hamelin. The two produce live music events. They have been through this once before when they first moved to town in 2012 and opened the Parlor Room. There was a little pushback from neighbors about having a live music venue. Over the years they have not had any noise complaints. They can ask anyone on Masonic Street – they're good neighbors. They have outgrown the space on Masonic Street. When they saw the WWII Club, they thought it was ideal. They didn't anticipate any zoning issues since it has been used as a live music venue for years. When they do produce larger scale live music events now, they end up going somewhere else like the Shea Theater. They want to stay in downtown Northampton. They think the WWII club is a perfect place. They know they can operate in a responsible manner, be a good neighbor and continue the good work of the WWII club.

Mathieu Tebo of Southampton, identified himself as the treasurer for the WWII club. He is speaking today to ask for their support and wanted to talk specifically about zoning and the issue from the Planning Board.

At the Planning Board, the complaint was raised that they were trying to change zoning without design standards to go with it. As a sole reason not to approve this zoning change, he finds this to be an unnecessary delay. No construction is proposed, so any new architectural design standards would not impact any of the existing buildings. Also, his understanding is that any specific design standard for Conz Street would not apply to this property as 'anomaly' buildings follow a different set of standards.

With regard to value, he just sold a home on Wright Avenue. He bought it before NETA was there and sold it this summer, and it still appreciated in value. There was no adverse effect on property value.

The only thing he is really asking this board to do is to approve this zoning change to allow the transfer of the liquor license the City Council gave them 38 years ago. He understands Northampton has an overage

right now with ABCC with an inability to transfer this license through this sale. There is a possibility Northampton could otherwise lose this license because it is over quota.

Councilor Dwight asked if anyone wished to speak in opposition.

Tetty Gorfine of Northampton stated that, while she is adamantly opposed, she just wants to say that Signature Sounds and what they're proposing to do sounds great. Frankly speaking, she didn't even know until last week that the LGBTQ community relies on the WWII club for a safe space. (She is a member of the LGBTQ community, she volunteered.) What the WWII club offers and what Signature Sounds proposes is great but she is scared to death about it happening on a larger scale and what it's going to do to a mixed residential and commercial neighborhood where noise and behavior associated with alcohol use is already an issue.

The end of her house is 50 feet from the edge of the WWII parking lot. It is not so bad in the wintertime, but she definitely can hear music. In the warmer weather when the windows are open she definitely can hear the music and she can feel that bass.

Saturday evening was an event and the parking lot was so full cars were all the way down Smith Street and into Ralph's. In overcrowded conditions when people park outside the lines of the WWII parking lot, she has a very difficult time getting in and out of her own driveway. The main parking lot is on her side of the street so when people turn alarms on she hears regular beeping. People smoke outside and she smells the smoke and, as the evening goes on, she hears loud talking and sometimes fighting. 60 may be the new 40 but bedtime is still 9 o'clock. The WWII club closes at 2 a.m. She gets woken up regularly because she is feet away. She would just like to ask everyone to take a moment and ask themselves whether they would like to live 50 feet away from a highly active night club that has stated its intention to go on a larger scale than the WWII club.

She bought her house 11 and a half years ago and was naive enough to think the WWII club was a club. When she first bought a house she went before the Planning Board for a psychotherapist office and they put her through the ringer about the volume of patients, where people were going to park, etc.

She is also concerned with the fact that when she went to the Planning Board she was the only person who was an actual abutter on Conz Street or Smith Street. No one was notified on her street; it was by happenstance she found out. On all four sides of the WWII club are houses. It is a combined business and neighborhood area which is how it is zoned. When people ask her if she lives in Northampton she says she lives outside downtown. She said she wanted to suggest a radical idea. Could Signature Sounds find a location that's not in the middle of a residential area? Diva's Night Club and Pearl Street are closed, she noted. She thinks it's great but please, not in a residential area.

Ms. Gorfine read a letter from Mark Chen, the owner of Osaka restaurant. He wanted to make sure she stressed that he's very pro-restaurant in Northampton. He is the owner of the house at 62 Conz Street adjacent to the WWII club.

"Dear Board members, I am owner of the large apartment building at 62 Conz Street adjacent to the WWII club. Several people live in this building and I am concerned about the proposed changes in zoning in our neighborhood. I have asked my neighbor to read this letter to you since I am out of town this month and unable to attend. It is disturbing to me to learn that there is a proposed zoning change to the WWII club. I

also learned that currently and for the past three years this club has not conducted business within the bounds of the zoning laws. There is already a distinct noise level especially in the evening that goes along with this kind of business. Maintaining and protecting the residential atmosphere of this neighborhood is very important. I would not like to see any additional noise and activity in this area. I am also concerned about more drunken behavior that would go along with alcohol use and am also very concerned about the property values. I am therefore asking that the City of Northampton not make changes to the current zoning and require that any business in our residential neighborhood conduct their business in accordance with the actual zoning of this neighborhood. Feel free to contact me with any questions and/or to authenticate this letter. Thank you for your time and consideration, Mark Chen”

Shannon Letendre echoed Ms. Gorfine’s concerns and said her main concern is parking. She has many times had patrons of the WWII club parking on her lawn and in her driveway. If they have a bigger venue, where are they going to park? She asked. She has heard incidents of drunken behavior – police reports are public record - from her house. It’s a residential neighborhood, it’s where people live.

Dick Bart said he has owned the house right across the street at 51 Conz Street for at least 45 years. He is a Vietnam veteran and has been a member of the club many times. It seems that what they’re doing is just on the borderline of not being disruptive. He has a four-family and is certainly concerned about his tenants, his ability to rent and his property values if it becomes a nightclub. These gentlemen have very good references and resumes but could also sell it in a few years. He thinks this would definitely decrease his property values and may make it hard to obtain tenants. This venue is going to be significantly larger from everything he reads and understands. It isn’t about these new owners because he’s asked different people and they’re reputable gentleman, but, he has an investment there and he needs to protect it.

Farnsworth Lowenstein of Northampton commented that, as someone who appreciates Signature Sounds and attends their concerts, there is a fundamental misunderstanding in the phrasing that they want an even bigger venue than the WWII club. Signature Sounds now seats 80. It provides largely acoustic and folk music. The sale of this property to Signature Sounds he believes will greatly decrease the noise and greatly decrease the drunken behavior. They’re bringing a very different style and type of music to the venue. They want to go from 80 people to 120 people, not even bigger than the Deuce.

Councilor Dwight stressed that while they are hearing testimony about a specific project on a specific lot they are creating an ordinance for the properties specified and not a particular project. Those present may be disappointed by their deliberations but the fact remains they’re creating a general law and not making a decision on the use of an individual property.

Sharon Kubin identified herself as the owner of a house on Conz Street that’s been in her family for 74 years; her children will inherit it. It is not within the area proposed to be rezoned, but zoning in Northampton has a history of creeping. She voiced the expectation that it would creep up the street in the future. She expressed her understanding that CB zoning does not allow residential living on the first floor. She asked if the residential use would be grandfathered if her children inherited the property.

Councilor Dwight said she was touching on the ‘pre-existing nonconforming use’ discussion. She has no problem with the WWII club, she just has a problem with her piece of property eventually getting swallowed up by that bubble. She was here a few years ago when they talked about rezoning all of Conz Street. This house isn’t going anywhere, so she really wants to preserve it for her children.

She asked if a person would be able to live on the first floor in a CB district if he/she had a disability and was not able to live on the second floor.

A new building of a certain type would require an elevator, but ADA requirements do not supersede zoning regulations, Attorney Seewald responded.

Frank Patel of 59 Conz Street said his main concern is parking. A couple of times in the past few years he has seen cars on his property that don't belong to his tenants. He also does his landscaping himself and has seen a lot of beer cans, bottles and cigarettes on his property. It is residential, and he asks to keep it that way. He wants to protect his investment.

Former City Councilor David Murphy said he is the one who brought up the issue of architectural guidelines at the Planning Board. There are two distinct entities, CB zoning and the CB overlay district for design control, he clarified. When this was brought forward initially it was brought forward without design controls.

Planners have talked about going to form-based zoning with different design guidelines. Knowing CB design very well, it was designed to protect Main Street and keep downtown looking like downtown. The further one gets from Main Street, the less applicable it becomes. He thinks the reason it wasn't brought up to begin with is because it doesn't really fit on Conz Street.

He is not concerned with the zone change, he is just concerned about what he's going to end up with for design standards. His motive in raising the question before the Planning Board was to find out what kind of design controls are being considered for the area [not to advocate for imposing current CB design standards on Conz Street].

The Planning Board's solution was to decide to bring the architectural controls that don't actually fit down there down there. He doesn't object so much to the zoning, he stressed. If the venue gets more active he is certainly going to find more bottles in the parking lot and a little more noise at night but he can still do what he's doing.

It's the design controls that aren't appropriate there, and he encourages them to leave them off, Mr. Murphy continued. The initial decision of planners to not include them was probably more practical. Most of everything that is not already CB is residential, and they're the ones that are going to have a hard time. Their first floor uses will be grandfathered, but there are some sites that are buildable and they're not going to be able to put a two-family house there and have residential on the first floor. It's going to affect them more than him. If councilors proceed with rezoning, he encouraged them to leave the design controls off and wait until new ones are developed. If the urgency of a pending sale weren't present, they wouldn't be talking about this right now. They would be taking the time to do the form-based zoning and modify the design district.

"I really don't want to see CB architectural controls coming down Conz Street," he concluded. "Leave that off, I'd appreciate that."

Ms. Gorfine said she had in front of her the special permit application for the WWII club in 2010. It states it has seating at the bar for 65 people. In terms of her math, there's no question it's going to be a larger venue.

Councilor Dwight noted that the cited capacity is for the bar and not the entertainment space.

There being no further public comment, Councilor Sciarra moved to close the public hearing. Councilor Maiore seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote. The hearing was closed at 6:52 p.m.

A. 19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB

Councilor Sciarra moved to open the public hearing. Councilor Maiore seconded. The motion passed with 3 Yes, 0 No by voice vote (Councilor Thorpe stepped out). The public hearing was convened at 6:53 p.m.

Ed Etheredge of Northampton presented. The application is for a zone change under 350 Section 3.4 to change one lot on Wright Avenue from URC to General Business (GB), he explained. The property abuts the lot of NETA and is surrounded on three sides by the GB zone. Gretna Green Development Corp., NETA's landlord, is purchasing the lot to add parking. The Planning Board has already spoken in favor of the zone change, and the landlord has already obtained a special permit for the parking.

Councilor Dwight said he saw Leslie Laurie here earlier. He expressed the understanding that this is NETA's response to parking pressures; they see an opportunity to reduce some of the pressures on surrounding streets by expanding their parking lot.

Since the lots are under single ownership, the two lots will merge under zoning, Attorney Etheredge noted.

The lot in question is currently URC. All that part of Wright Avenue is URC but the lots on Fulton and South Street are GB and the NETA lot is GB, Ms. Misch confirmed. The reason planners didn't suggest at this time that it go to CB is because they are working on a form-based code for downtown and extending CB to the roundabout but treating gateway streets differently than the main street. Given that this already abuts and is merging into a GB parcel, it didn't seem to make sense for it to go to CB.

The first step is finalizing a form-based code for CB and then coming up with proposals for where that district should be expanded. Eventually, the goal is to merge all these into one [architectural design] district but with sub-districts that would be treated differently.

Councilor Dwight asked whether the proposal to rezone one specific property could be considered 'spot zoning.'

He doesn't think it would constitute spot zoning because it is not incongruent with the zoning around it, Attorney Seewald said. The SJC has been very reluctant to find spot zoning as time goes on.

As mentioned, on three sides it's already GB, Attorney Etheredge reiterated.

Councilor Sciarra moved to close the hearing. Councilor Thorpe seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote. The hearing closed at 7 p.m.

C. 20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue

Councilor Sciarra moved to open the public hearing. Councilor Thorpe seconded. The motion passed unanimously 4 Yes, 0 No by voice vote. The hearing was opened at 7 p.m.

The affected area is the rear portion of three parcels that are already split-zoned on the other side of the Roundhouse parking lot, Ms. Misch explained. The lots contain multi-family residential structures that front on Old South Street and Clark Avenue. The very rear of the parcels is CB, and the proposal is to pull that line back essentially to the rear of the houses to provide a viable opportunity for development that would front and have access from the Roundhouse parking lot. In this case, planners did not propose to bring along CB design standards because planning for the form-based code is expected to be coming along within six months. Interestingly, the Planning Board did not have a concern about making the CBAC map change here as they did on Conz Street because the front portions of the parcels that would be visible from the parking lot are already CB and so already subject to those design standards. Additionally, residential use is allowed on the first floor in CB as long as the building doesn't front on a public street. Residential is also allowed now in the back portion of buildings zoned CB. The Planning Board deliberated about making a recommendation about this and were not concerned at this time.

Councilor Dwight asked if anyone was present to speak about this issue.

Councilor Thorpe expressed his understanding that the change would keep the homes on Old South Street and Clark Avenue within the URC zoning district.

In response to a question from Councilor Dwight, Ms. Misch explained that planners are looking for opportunities to allow more commercial development downtown in places where it makes sense. There was a concept for a project to develop the back portions of the lots which never came to fruition but started them thinking more rigorously about untapped potential right at the parking lot there.

Councilor Jarrett asked if access to this would be through the Roundhouse parking lot, and Ms. Misch said yes. As part of the redesign and redevelopment of the Roundhouse parking lot the city worked with property owners to consolidate access from the parking lot to one point so there would be shared access for all three parcels. The whole point of redesigning the parking lot was to make it more efficient and create more public parking but, as part of the reconfiguration, they figured out a way there could be access.

Councilor Sciarra moved to close the public hearing. Councilor Thorpe seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote. The hearing was closed at 7:09 p.m.

D. 20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street

Councilor Sciarra moved to open the public hearing. Councilor Maiore seconded. The motion passed unanimously 4:0 by voice vote. The hearing was opened at 7:09 p.m.

Ms. Misch referred to a parcel at the former state hospital currently within the Planned Village (PV) district. The state deeded the property to the Northampton Housing Authority (NHA) for the purpose of affordable housing but took it back because the housing authority didn't build on it in time. The city is in the process of seeking legislation to get it back for affordable housing. It was never part of the overall master plan for the state hospital because it was always assumed NHA would build on it. Since that time, the state has created housing incentives to build affordable housing through what are called smart growth districts. In 2007, the city adopted its first smart growth overlay district at the state hospital, creating what is supposed to be a smoother path for approval. As part of the package, the state gives the city money for each affordable unit created. Planners expanded the smart growth overlay district two years ago by creating a subdistrict c, at the same time creating another overlay on Bridge Street where the Valley CDC is doing an SRO project.

What they are proposing now is to extend the 40R subdistrict down to include a 1.5-acre parcel. It really is not changing the density allowances but rather is to make sure to capture the available 40R resources.

The city uses those resources toward launching projects to address traffic, Ms. Misch noted. Some has gone into the project to redesign Main Street. The city has already had the benefit of using money from the state to balance the new units up at Village Hill.

Councilor Maiore said she is always excited to hear about affordable housing in the works.

For 30 years affordable housing was part of the vision for what's now called Village Hill, formerly Hospital Hill, Councilor Dwight related. Many other places in the state with decommissioned hospitals converted them into municipal golf courses and things like that. Northampton was really adamant about having mixed affordability, creating a concentrated neighborhood that conformed to a smart growth philosophy. By and large, with some gaps, that project was realized. The affordable dimension was never realized to the extent that he personally aspired to and anything they can do to contribute to the affordable housing makes a lot of sense.

The city will not be building the affordable housing, Ms. Misch clarified. The deed will come to the city and would immediately transfer to a non-profit agency to develop housing.

Planners wanted to get the zoning in place because the city has a certain amount of time to spend block grant money and they are running up against the clock. The state has to approve the 40R language and any modifications to it before it can be accepted. She has been trying to get in touch with the person at the state who does these approvals and hasn't heard anything back. The goal is to make sure they are still on track with the state by the time the ordinance gets to council floor.

An audience member asked about the time limit.

The project won't go away, it just means the city can't use block grant funds for the project. Ms. Misch said.

Councilor Sciarra moved to close the public hearing. Councilor Maiore seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote. The hearing was closed at 7:20 p.m.

5. Approval of Minutes of Previous Meeting

A. Minutes of February 10, 2020

Councilor Sciarra moved to approve the minutes of February 10, 2020. Councilor Maiore seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote.

Deliberation on 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding

Councilor Sciarra moved to forward the ordinance with a positive recommendation. Councilor Maiore seconded.

Councilor Sciarra asked the difference between a business district and a residential district.

A business district allows non-residential uses and, depending on the type of district, more or less intense commercial uses, Ms. Misch explained. Central Business (CB) is the most intense, allowing the widest

range of uses, the tallest structures and the least amount of setback and frontage. From that perspective, it is the most intensive commercial district. URC allows some very small number of non-residential uses with a residential component (mixed uses) with a special permit from the Planning Board. URA and URB allow no commercial uses other than home businesses.

With regard to the issue of addressing nonconforming uses, Councilor Dwight asked if councilors had any thoughts or comments. What are their objections or concerns and/or why do they think this would make sense? He prompted.

He knows there needs to be a change with zoning not just here in Northampton but across the state, Councilor Thorpe volunteered. He is in favor of the change but is also considering whether it would be beneficial to keep a finding as proposed with detailed review criteria for projects that do not otherwise trigger a separate review. It might be appropriate as a kind of happy medium, he suggested.

She is really struggling with this and is really glad they voted to continue the public hearing, Councilor Maiore reflected. She heard concerns from residents about feeling fast-tracked, and to her there is only gain from looking at this thoughtfully since it is a permanent change. What she sees is a zoning ordinance that is inconsistent and needs to be amended but she also can't deny the repercussions to doing so. She agrees with Ms. Misch that using inconsistency in a zoning ordinance as a kind of check and balance doesn't provide the transparency and clarity she would like to see around development. Providing that check and balance should be the task of the ZBA and the Planning Board who have that skill set and experience. She encourages them to really flex their muscles and use their critical thinking to address the concerns of residents. She recognizes there is a glitch in the zoning ordinance that needs to be amended but doesn't want to deny that there are possible repercussions, she concluded.

They heard some value judgment on lots; i.e. - that some lots are bad or terrible, Councilor Sciarra observed. It seemed an odd thing to say given that the lots were created in a time when there were no zoning regulations. She asked Ms. Misch to talk about her thoughts on that sort of characterization.

She thinks the issue is more about how lots can function whatever their characteristics, Ms. Misch responded. Today, they have very uniform rectangles but that wasn't always the case, so a lot of lots don't meet those standards yet still function. Since they do function now with people going to and from and using those lots, she wouldn't necessarily classify them as 'bad.'

When the Zoning Act was passed in the '70's, there was a lot of debate about what to do with non-conforming lots, and the decision was made to protect them, Attorney Seewald reminded. A process was developed for making changes to nonconforming lots and structures so that they wouldn't be fixed in stone forever. They use the finding mechanism, but the way cases have been decided over the years, the courts have decided to let cities and towns determine how stringent this mechanism is going to be. That's how they got to where they are today, and that's what they are debating – just how stringent do they want to be in Northampton?

Members continued to deliberate, with Councilor Dwight asking Ms. Misch and Attorney Seewald what protections Northampton offers neighbors in the development review process. They've heard from one neighborhood that felt it was not protected in the process, although it did not play out to the end.

In passing the Zoning Act, the legislature decided it was going to be citizens from the community making discretionary zoning decisions, not trained professionals, Attorney Seewald pointed out. The protections neighbors get are notice, the opportunity to be heard and a decision by an unbiased decision-maker. That is the essence of due process, he noted.

His take-away from the neighbor's testimony was concern about a lack of protection and oversight against something that could be construed as being deleterious to the character of the neighborhood, Councilor Dwight related. Zoning does not clearly define the tipping point of what negatively affects the character of a neighborhood, he observed.

Balancing competing interests is what zoning is all about; every zoning decision, somebody loses, Attorney Seewald suggested. Almost every special permit imposes on somebody.

Councilor Dwight agreed it was the nature of governance. The guiding principle is supposed to be the general good. The argument to that point by Attorney McLaughlin is that this renders everyone proximate to a nonconforming property similarly vulnerable and unprotected. As presented by Ms. Misch, the primary parcels this would affect are located in the downtown area, which evolved as opposed to being the product of planning. The subject of virtually every hearing tonight has been trying to make accommodations and adjustments for an antique system and trying to create zoning to facilitate what have been identified as their objectives: to increase density, improve walkability, lower impacts such as emission of greenhouse gases and expand affordability. They're limited in what they can do to encourage affordability in Massachusetts; they can create zoning, that's it. There is no rent control since it is not allowed by state constitution and they can't seize private property and compel owners to rent at what they would consider an affordable rate.

On this issue, he will own that he has no way of knowing what nonconforming properties will be impacted or not, Councilor Dwight acknowledged. The impacts they've heard described are not unique; i.e. - traffic, noise, character of the neighborhood, property values – come up in every proposed project. There has not been a single project in the city of Northampton that has adversely impacted property values. Usually the complaint is the value climbs up too high and affordability becomes the issue. The biggest problem is the desirability of Northampton and people wanting to move in and being willing to pay higher prices for rent. They are very limited in what they can do to control that and zoning is the available mechanism.

They vest an aspect of trust in people who have worked for the city, have a proven track record and have always performed in good faith, and that includes volunteer board members, Councilor Dwight continued. The decision before them is whether to forward the ordinance to the full council with a positive, negative or neutral recommendation. What they decide here does not become law, it is merely a recommendation to the council, he stressed.

"My inclination is to forward this with a positive recommendation," Councilor Dwight concluded.

Attorney McLaughlin asked to be recognized. Councilor Dwight informed him that the committee is in the deliberative phase, and Attorney McLaughlin countered that he heard him asking questions of city staff.

Attorney Seewald stressed that the chair has the right to ask clarifying questions of whoever he'd like.

Councilor Dwight recognized Attorney McLaughlin.

The chair referenced four things he found to be important, increasing walkability, increasing density, minimizing greenhouse gases and affordability. None of those are being improved, he asserted.

Councilor Dwight noted that Attorney McLaughlin was now debating him. The issue of reducing greenhouse gases and reducing the pressure of stormwater run-off on infrastructure is actually addressed by increasing density since superior infrastructure is located in the downtown area, he proposed. As they build up in out-lying areas, those pressures increase because they don't have that infrastructure. With regard to greenhouse gases, they heard from neighbors of the Deuce that they walk and bike where possible and prefer to do that. He acknowledged that not everyone will be so conscientious and that the public transportation system is woefully inadequate. Those competing influences are beyond their control.

If they are going to have increased development in Northampton of any sort, they want to control that density and keep it focused in the downtown area where it will have the least harm, Councilor Dwight asserted. That's the argument for density. He said he understands Attorney McLaughlin's case and does not disagree.

Councilor Sciarra said she understood the crux of his concern to be with the parking regulations, and Attorney McLaughlin confirmed that is the case.

It is great to be aspirational in the Sustainable Northampton Plan but she thinks it's a little disingenuous to say it won't be detrimental to neighborhoods, Councilor Maiore observed. What she sees are reasonable concerns from residents and those concerns not really being addressed in the [development review] process.

Members discussed the option of possibly amending the ordinance as suggested by Councilor Thorpe at the beginning of deliberations to retain the requirement for a finding with detailed review criteria for projects that do not otherwise trigger review. Councilor Dwight confirmed that Legislative Matters has the authority to propose amendments.

If the committee votes as a body to amend the ordinance, she could provide suitable language for the City Council meeting, Ms. Misch volunteered.

Ms. Misch explained the options for amendment as presented in her memo.

Every proposed project proximate to any neighborhood is met with resistance, Councilor Dwight pointed out. It is cold comfort to realize that concerns sometimes abate after development.

Councilor Maiore expressed interest in talking about an amendment. Members could make their recommendation conditional upon language being drafted by Ms. Misch and introduced on the floor of City Council, Councilor Dwight clarified.

Councilor Dwight asked the city solicitor which of the three options described is the most fair, just and efficacious.

The process is going to be fair whichever of the three is chosen because people are going to receive notice and have the opportunity to be heard, Attorney Seewald assured. In his opinion, any project that requires a special permit should not be subject to a Finding. They are only talking about projects that have some kind

of nonconformity and are changing to another permitted use that complies with all other requirements except the existing deficiency, he clarified. He has been practicing land-use law for 35 years and has never in his career filed an appeal on a Finding. This is a very rare occurrence.

Discussion continued, with Councilor Dwight referring to the fact that Attorney McLaughlin prefaced his testimony by telling councilors that if they amend the ordinance he loses his case. Prefacing it by that introduction redesigned the landscape. However, they cannot base their decision on the prospect of somebody winning a case, they have to craft a law that serves the entire community.

The fact remains that the ordinance holistically makes sense, he concluded. It has a holistic application that at least benefits the terms and conditions he subscribes to. He believes it has a holistic benefit as opposed to the description of it being potentially the ruination of every neighborhood.

Councilor Sciarra said she didn't want to create a process that is unnecessarily duplicitous. It doesn't make sense for two different bodies to review the same project, she suggested.

Councilors and the city solicitor continued to discuss. Councilor Dwight briefly recognized Amy Ben Ezra, who reiterated her concern about the property not having any frontage. Councilor Maiore proposed the idea of making a neutral recommendation so as to spark a fuller conversation among the full council. Because it is such an important issue, she would like to have a broader conversation.

The motion on the floor is to forward the ordinance with a positive recommendation as written, Councilor Dwight clarified.

Councilor Thorpe moved to amend the motion on the floor to add the stipulation that the Office of Planning and Sustainability be requested to submit language for an amendment to require a ZBA finding for projects that don't otherwise trigger Planning Board review. Councilor Sciarra seconded.

Councilor Dwight called the main motion as amended to a vote, and it passed 3:1 with Maiore opposed. She said she would prefer a neutral recommendation.

Deliberation on 20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB

Councilor Sciarra moved to forward the ordinance with a positive recommendation. Councilor Maiore seconded.

Councilor Dwight asked Ms. Misch about the concern of the nearby property owner that her property could be subsumed by the CB district.

There are only two residential houses on this block proposed for rezoning and those residential uses would be allowed to continue, Ms. Misch confirmed. CB currently allows residential uses on the second floor and in the rear, so it would only be the front portion of a unit that would be considered nonconforming. In discussions about the form-based code, planners have talked about allowing much more intense residential uses in CB zones along this corridor, even on the ground floor, as a mechanism to support commercial growth and expansion. Once they finalize the form-based code, the plan is to allow ground-floor residential uses in this area because it is a portion of CB where maintaining pedestrian vibrancy isn't as important.

Councilor Dwight asked Misch to address former Councilor Murphy's concern about CBAC design standards being applied to this section of Conz Street.

CBAC design standards only apply if owners are making a change to the exterior façade of the structure, Ms. Misch reminded. Different structures are classified by their architectural character. There are design criteria specific to transitional buildings, which is what his building is, and design criteria specific to anomaly building. Transitional and anomaly buildings are treated very differently from themed commercial, which is the standard street façade on Main Street. There are built-in mechanisms to address different styles of architecture. She doesn't share Mr. Murphy's concerns since different types of buildings are treated differently, she concluded.

With regard to the WWII club, everyone assumed this would be a simple transfer of a liquor license but, because the WWII club's license is a club license, it is not, Councilor Dwight presented.

The property's land-use/zoning classification is separate from the licensing classification, Ms. Misch clarified. That is a different complication. It is her understanding that it morphed a long time ago. The club got a special permit for a restaurant use back in 2011 although it hasn't really functioned as a restaurant. It has a muddled history as it relates to zoning, she acknowledged.

The two abutter concerns he heard expressed were that the change in zoning would adversely impact their quality of life, Councilor Dwight related. Abutters didn't argue that it would be a detriment to the neighborhood necessarily since the problems already exist, but they didn't want to see the use expanded. There is already intensive activity in this whole area. He asked if zoning affords them any special protections.

Ms. Misch referred to the noise ordinance. If someone had a complaint about noise, they could make a complaint to the building department.

In response to a question from Councilor Dwight, Mr. O'Connor confirmed that the liquor license is all alcohol and allows service until 2 o'clock.

As to nip bottles and scratch tickets, he would tend to blame the liquor store since customers are not allowed to take bottles out of the venue, Councilor Dwight said.

Councilor Thorpe asked if the capacity of the venue would change.

It is possible that interior renovations could allow a change in the total number of patrons, Ms. Misch confirmed. Capacity is a building code issue. There are no plans to expand the footprint, but anything interior to the structure would be dealt with by the building department and fire department.

Councilor Maiore said she finds Ms. Misch's description of protections for existing residences heartening.

Councilor Dwight called the motion to a vote, and it passed unanimously 4:0 by voice vote.

Deliberation on 19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB

Councilor Thorpe moved to put the ordinance on the floor for discussion. Councilor Sciarra seconded.

The petition essentially allows NETA to expand its parking to handle the parking pressures on the facility, Councilor Dwight related.

He called a motion in favor of a positive recommendation to a vote, and it passed unanimously with 4 Yes, 0 No by voice vote.

Deliberation on 20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue

Councilor Sciarra moved to forward the ordinance with a positive recommendation. Councilor Thorpe seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote.

Deliberation on 20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street

Councilor Thorpe moved to forward the ordinance with a positive recommendation. Councilor Maiore seconded. The motion passed unanimously with 4 Yes, 0 No by voice vote.

6. Items Referred to Committee

A. 20.014 An Ordinance Relative to Parking on Bridge Street

Mrs. Krutzler expressed her understanding that Councilor Nash didn't mind if this item were deferred until the Transportation and Parking Commission could make a recommendation on the companion ordinance to create additional long-term parking on Pleasant Street. Members agreed to defer the item to the next regular meeting.

B. 20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB - referred by City Council 2/20/2020

Councilor Thorpe moved to put the ordinance on the floor for discussion. Councilor Sciarra seconded.

Councilor Dwight expressed his understanding that Ms. Misch assured them that Mr. Murphy had some means of protection from having to comply with CBAC design standards. He agrees with him that CBAC design guidelines don't belong down on Conz Street.

There are a lot of things owners can do to transitional residential structures that just require staff review, Ms. Misch confirmed. Things that would require CBAC review are boarding up a window, taking off a porch or adding a handicapped ramp. The CBAC makes sure the ramp fits the architectural style of the building.

Councilor Dwight asked if design standards would apply to new windows or vinyl siding.

If the new windows look like the windows being replaced, the change only requires staff review, Ms. Misch said. As for siding, it depends on the existing material. In new construction, the CBAC committee has definitely discouraged vinyl siding. It has to do with whether they are changing the look of the building, she elaborated. If the vinyl siding looks exactly like the clapboards do, it's just staff review.

Councilor Dwight expressed his understanding that the properties would not otherwise be subject to review. For anomaly buildings, the standard is even lower, Ms. Misch added. If owners are closing windows that face on the street, that would trigger a review. But if they are adding more windows, it would not. There are fewer triggers for review for anomaly buildings which are the other types of buildings along the corridor.

Councilor Dwight called the motion in favor of a positive recommendation to a vote, and it passed 3:1 by voice vote with Councilor Sciarra opposed.

New Business

None.

Adjourn

Councilor Sciarra moved to adjourn. Councilor Maiore seconded. The motion passed unanimously 4:0. The meeting was adjourned at 8:53 p.m.

Prepared By:

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EXHIBIT A

List of Documents Reviewed at March 9, 2020 Legislative Matters Committee Meeting:

1. March 9, 2020 Legislative Matters Committee Agenda
2. Public Comment Sign-up Sheet for March 9, 2020
3. Legislative Matters Committee Meeting Minutes of February 10, 2020
4. Packet of Document submitted by John McLaughlin, Esq., including Section 350-8. Off-Street Parking and Loading Regulations, Section 350-8.1 Off-Street Parking Requirements, Table of Off-Street Parking Regulations, 350 Attachment 8, Table of Use and Dimensional Regulations, URC Uses Allowed, Definition of "Co-Living," Definition of Dwelling Unit from Section 350-2 **Definitions**.
5. Email from Steven Goode dated February 11, 2020 re: Support for zoning change for non-conforming lots
6. Email from Claudia Chierichini dated March 5, 2020 to Mayor's office, Assistant Planning Director Carolyn Misch and City Council in opposition to amendment of 350-9.3 B (1) & (2)
7. Memo from Carolyn Misch, Assistant Director Office of Planning & Sustainability to City Council Committee on Legislative Matters dated March 2, 2020 re: Ordinance 19.173 (Zoning Amendment to Non-Conformities) & Review of Public Comments February 10, 2020
8. Letter from Mark Chen, Owner of Osaka Restaurant, 62 Conz Street
9. Text of Section 350-9.3 B (1) and (2)
10. Text of Section 350-12.3 Significant Trees
11. Special Permit Criteria for 7 or More Units
12. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding – wPB amendments
13. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding

§ 350-8. Off-Street Parking and Loading Regulations

§ 350-8.1. Off-Street parking requirements.

For all zoning districts, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, and new or expanded uses, except as noted below, in accordance with the Table of Off-Street Parking Regulations and other requirements contained herein.

- A. For all zoning districts, except General Business (GB) Districts, in cases of a change in use where the existing use (or in cases of vacancy, the next previous use) did not provide for the number of off-street parking spaces required under this chapter, then the proposed use shall only have to provide an additional number of off-street parking spaces equal to the increase, if any, between the number required under this chapter for the existing use and the number required for the proposed use.
- B. For Entranceway Business (EB) and General Business (GB) Districts only, no additional off-street parking is required for the following:
 - (1) Continued use or reuse of existing buildings, as long as that use or reuse does not increase the total floor area within the building nor include outside storage of cars for sale or rent.
 - (2) The replacement of existing finished floor space and unfinished basements on the same parcel with site plan approval (but no increase in net floor space).
 - (3) The addition of a second floor to one-story (for the purpose of this section, basements shall not count as a story) buildings existing in the CB District only on January 1, 1996. (This is to encourage the restoration of building heights in the CB District which are more uniform and consistent with the scale of development which has historically existed.) However, the addition of additional floors or an expanded building footprint shall be subject to the parking requirements.
 - (4) Municipal facilities and municipal properties.
- 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. 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.

Table of Off-Street Parking Regulations

| Use | In Central Business (one space per) | All Districts other than CB (one space per) |
|--|--|---|
| Any dwelling unit (including residential component of mixed residential/work space), except as noted below | | 500 square feet of gross floor area, up to a maximum of two per dwelling unit |
| Multifamily dwelling for elderly and people with disabilities, lodging house, dormitory, SRO, and halfway house | | 1,000 square feet of gross floor area, up to a maximum of one per dwelling unit for multifamily dwellings |
| Theater, gymnasium, auditorium, church or similar place of public assembly, with seating facilities | Six seats of total seating capacity | Three seats of total seating capacity |
| Automobile retail, sales, rental, service, and wash, and nonauto retail and service establishment utilizing extensive indoor and outdoor display areas | | 800 square feet of gross floor space, including outdoor display areas. |

Table of Off-Street Parking Regulations

| Use | In Central Business (one space per) | All Districts other than CB (one space per) |
|--|--|--|
| Hotel, motel, bed-and-breakfast (See restaurant entry for associated restaurants which are open to nonguests.) | Establishment, plus one per sleeping room, plus one per 400 square feet of meeting rooms | Establishment, plus one per sleeping room, plus one per 400 square feet of meeting rooms |
| Takeout restaurants (establishments selling foods prepared on premises, where consumption is primarily off the premises) | | 1.3 seats of seating capacity, plus one per 100 square feet of kitchen and waiting areas |
| Sit-down restaurants | | Two seats of total seating capacity |
| Bars and nightclubs | Four seats of total seating capacity | Two seats of total seating capacity |
| Commercial, retail, personal service, professional and business offices, including banks, insurance and real estate establishments, but not medical uses | | 300 square feet of gross floor area |
| Medical/Dentist offices medical marijuana dispensaries | | 200 square feet of gross floor area |

Table of Off-Street Parking Regulations

| Use | In Central Business (one space per) | All Districts other than CB (one space per) |
|---|--|---|
| Manufacturing, industrial, utility, power plant, warehouse, storage, or wholesale establishment (calculate associated office with office use) | | 1,000 square feet gross floor space |
| Hospital (excluding medical offices and uses which are not part of the hospital definition) | | 500 square feet gross floor area |
| Kindergarten to 12th grade schools, YMCA, community facility (City building, recreation), library, museum, funeral parlor, and country club | | 400 square feet of gross floor area |
| College, business, trade, or industrial school classroom, laboratory, and other teaching areas | | 200 square feet of gross floor area (no parking required for on-campus auditoriums of 300+ seats) |
| Mixed use | | Sum of various uses computed separately |

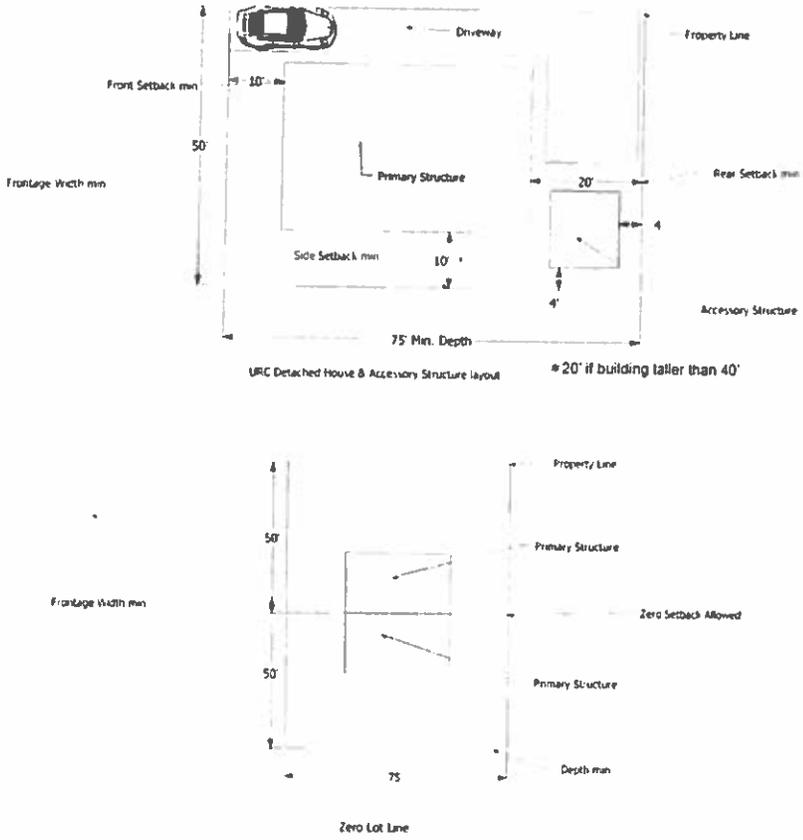
Table of Off-Street Parking Regulations

| Use | In Central Business (one space per) | All Districts other than CB (one space per) |
|--|--|--|
| Temporary and seasonal uses in unheated outdoor space in any business or industrial district | | None required |
| Any permitted use not covered by this schedule | | Closest use determined by Building Commissioner |

ZONING

350 Attachment 8

City of Northampton
Table of Use and Dimensional Regulations

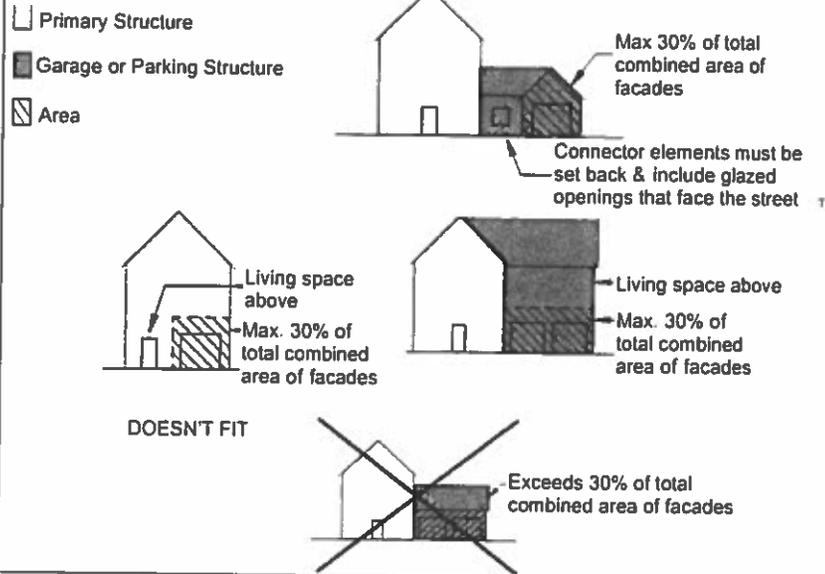
| URC District | |
|--|--|
| <p>Description:</p> <p>Primarily residential with range of building and unit configurations allowed: single, multi-family, townhouse, home businesses allowed. Some mixed uses and institutional uses allowed, see list.</p> | <p>Example Structures</p>  |
| <p>Lot Dimension Requirements</p> <p>Lot Size 2,500 ft² minimum (min.) per unit Frontage/Width = 50 feet min. Depth = 75 feet min.</p> <p>Setbacks Front = 10 feet min. Side = 10 feet* min. Side = 20 feet min. if building taller than 40 feet Side = 0 feet on one side for zero lot line Rear = 20 feet min.</p> <p>Max. Height = 50 feet</p> <p>See Educational Use Overlay District for other height requirements within the overlay.</p> <p>Open Space = 30% min.</p> | <p>Layout/Setbacks For All Uses</p>  <p>URC Detached House & Accessory Structure layout *20' if building taller than 40'</p> <p>Zero Lot Line</p> |

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Design Standards Illustrated

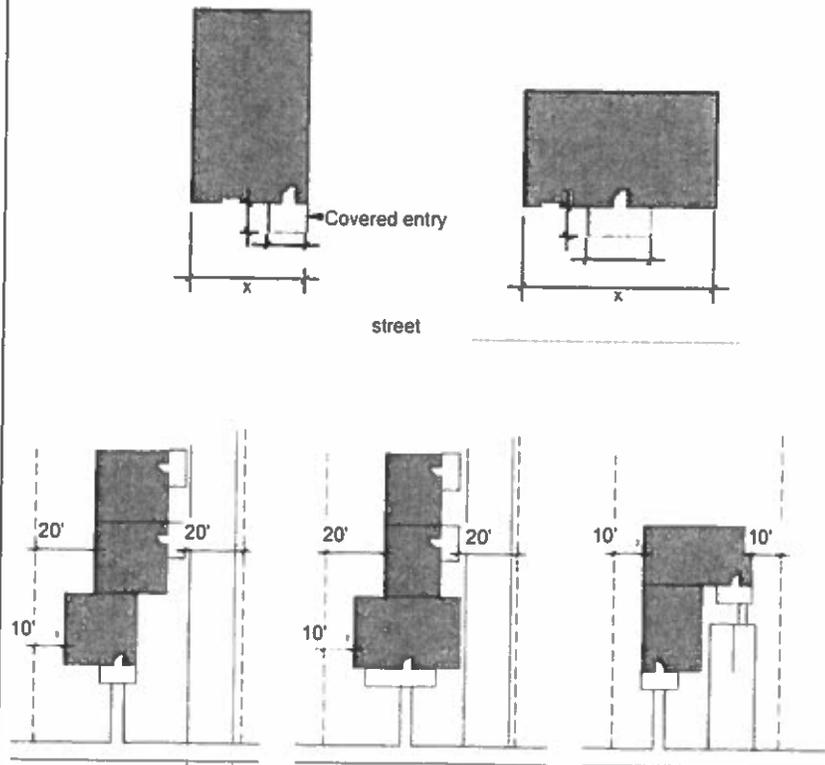
Planning Board may waive, by site plan approval, elements 2, 3, 4 if it can be shown that a different design meets a pedestrian-scale design that encourages public/private transition and interface (e.g., similar elements facing internal courtyards or private streets)

1. If a garage or other parking structure is attached, it must be set back 20 feet and the garage/structure shall comprise no more than 30% of the front facade of the primary structure.

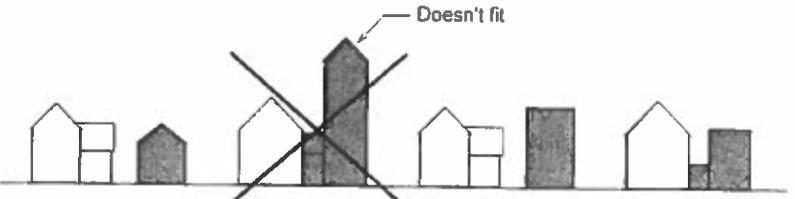


2. Front doors must face the street. For units extending behind front units, where entries orient to the side lot, 20-foot side setback shall apply unless other means to create a buffer/private outdoor space to adjoining property are approved by the Planning Board.

Buildings must have a covered entry.



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| | |
|--|---|
| <p>3. For new buildings, setback, scale, massing should fit within the block face.</p> | <div style="text-align: center;"> <p> <input type="checkbox"/> EXISTING <input checked="" type="checkbox"/> NEW </p>  </div> |
| <p>4. Parking for more than 5 cars shall be distributed on the site to minimize impact to the neighborhood character, which shall be accomplished by small groupings of spaces surrounded by spaces surrounded by landscaping or parallel parking along a narrow driveway to mimic an alley. Driveways wider than 15 feet shall be visually buffered from side lot lines through setbacks or screening to adequately block car headlights.</p> |  |
| <p>Minimum parking for residential uses</p> <p>For other uses see table in § 350-8.2.</p> | <p>1 space per 1,000 ft² gross living area (round up). No more than 2 spaces required per unit.</p> |

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URC USES ALLOWED

Uses Allowed By Right:

- Single-, two-, three-family multifamily, townhouses with six or fewer units
- Attached (to a single-family) accessory dwelling unit not to exceed 900 square feet gross living area. See § 350-10.10. Same setback as for principal structures.
- Home business up to 25 visits per week as defined in § 350-2.1
- Zero lot line single-family; see § 350-10.14
- Accessory uses to residential:
 - Tag sales: temporary sales of personal and household articles
 - Pets/Animals (§ 350-5.3)
- Accessory structures, detached (but no larger than 1,000 ft² of lot coverage or 3% of lot area, whichever is greater, unless it is used for agricultural purposes). See also § 350-6.7. Setbacks:
 - Front: 20 feet
 - Side: 4 feet
 - Rear: 4 feet
- Family day care (registration w/Building Commissioner required)
- Preexisting nonconforming uses (may trigger ZBA permit)
- Cemetery
- Temporary event as defined in § 350-2.1
- Agriculture, horticulture, floriculture, noncommercial forestry, the growing of all vegetables and a temporary (not to exceed erection or use for a period of four months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises
- Solar photovoltaic of any size, ground-mounted over any legal parking lot or driveway
- Municipal facility; facilities for essential services
- Bed-and-breakfast
- Short-term rental: allowed only upon annual registration with the City. Use as a registered rental is only valid for the year in which registration is completed and expires December 31 each year.

Site Plan Approval Required for the Following:

- Any construction (other than for a single-family home) greater than 2,000 square feet
- The addition of a principal structure to a parcel where one already exists.
- Educational use: nonprofit, dormitories, any religious use, day care, school-aged child-care program (MGL c. 28A, § 9) and historical association or society and nonprofit museum (may include the residence of a caretaker). See also educational use overlay standards.
- Parking off-site and combined parking. See §§ 350-8.5 and 350-8.7.
- Creation or expansion of six or more parking spaces
- Parking lot access for nonresidential uses across a residential lot. See § 350-8.9.
- Parking requirement reduction. See § 350-8.10F.
- Residential shared driveways. See § 350-8.8, Expansion of parking by more than six spaces.
- Telecommunications antennas located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- Reuse of historic educational or religious building(s) for any residential use, live/work space, or office; provided, however, that no more than 20% of the floor space of the building(s) shall be used for medical, banking or any offices where a primary function is to provide services to retail customers or individuals. All such uses approved under this provision shall be within the footprint of existing building(s) and may only be approved contingent upon protection of all historically contributing portions of the building with an historic preservation restriction granted to the City of Northampton in a form acceptable to the Planning Board, with input from the Historical Commission, as preserving the key character-defining features visible from the road (and not necessarily meeting federal or state preservation standards for the entire building). The existing

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building may be expanded to accommodate elevators and stairwells. Portions of the building that are not part of the original architecture of the building and which do not contribute to the historical or architectural significance of the building as determined by the Planning Board, with input from the Historical Commission, may be demolished.

Special Permit Approval Required for the Following Uses by Planning Board Unless Otherwise Noted:

- Detached accessory dwelling unit (see § 350-10.10—Zoning Board of Appeals special permit)
- Home business for personal service business by appointment only or home business more than 25 visits, etc. (see § 350-10.12 for other criteria—Zoning Board of Appeals special permit)
- Any multifamily or townhouse project creating seven or more units in one or more phases within a five-year period. Any such project shall comply with the following:
 - A. Buildings and parking.
 - 1) The first row of buildings along a street shall face the street and add to the streetscape. There shall not be any parking, except incidental to a driveway or roadway, between the first row of buildings and the street. Parking shall be located behind buildings or designed otherwise to minimize view from the public street.
 - 2) The area between the property and the road pavement shall be made to be pedestrian friendly, with sidewalks, street furniture, trees and other vegetation, all of which shall be in conformance with City standards. All landscaping incorporated as part of the applicant's design between the street and the building(s) shall facilitate and enhance the pedestrian use of sidewalks and other areas adjacent to the building. Such streetscape may include rebuilding by the applicant, as necessary, of granite curbs, ADA-compliant concrete sidewalks, tree belts, and drainage improvements incorporating low-impact development standards for any necessary drainage improvements triggered by these changes.
 - 3) Buildings that abut existing residential properties shall incorporate building articulation alongside facades. Building projections shall be incorporated for any side façade that is longer than 30 feet.
 - 4) Front facades shall have setbacks consistent with other buildings within the block or provide a different setback that is necessary to address any natural resources constraints.
 - B. Streets and roadways.
 - 1) Projects shall connect to all surrounding neighborhoods with bicycle and pedestrian access to the extent possible.
 - a) For projects that have more than one vehicular access, driveways and roadways shall internally and externally connect to each other and dead-end streets shall be avoided whenever possible. Dead-end roadways and driveways shall never exceed 500 feet and, to the extent possible, must include a bicycle and pedestrian connection from the dead-end street to a street, common area, park or civic space.
 - b) For projects that have a single vehicular access, such access shall not exceed 500 feet and pedestrian access shall also be provided directly from any street to residential units.
 - 2) The design standards for the length of dead-end streets, protection of natural features, sidewalks, wheelchair ramps, landscaping, utilities, and the construction method and materials for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads and other infrastructure shall be those set forth in Chapter 290, Subdivision of Land. These standards shall apply even for private roadways and driveways that are not part of a subdivision, unless waived by the Planning Board.
 - 3) Driveways and private roadways shall be designed to function as private alleys, or shared streets with pedestrians and cyclists, and engineered to keep speeds below 15

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miles per hour, or yield streets with separate sidewalks as shown in the subdivision regulations. Such sidewalks shall connect to sidewalks along adjacent streets.

- 4) Vehicular access shall connect to surrounding streets as appropriate to ensure safe and efficient flow of traffic within the surrounding neighborhood and to mitigate increases in traffic on nearby streets.
 - 5) Preexisting paths historically used as bicycle and pedestrian trails shall be preserved to the extent possible and marked with appropriate signage.
- C. Park space.
- 1) All projects shall include a park/common area fully designed and constructed to be integrated into the project, which area shall be easily accessible and available for residents of the project. At a minimum, this space shall be 300 square feet or 30 square feet per dwelling unit of buildable land area, whichever is greater.
 - 2) All such space shall be contiguous unless waived by the Planning Board upon finding that it is in the public interest and consistent with the intent and purpose of this section.
- D. Environment and energy. Buildings shall meet one of the following environmental standards:
- 1) Home Energy Rating System (HERS) rating for the building envelope at least 25% lower than the current municipal standard at the time the special permit is requested, but in no event shall the HERS rating be greater than 47 for units of 1,200 square feet or less, and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the Planning Board may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.
 - 2) U.S. Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.
- E. Size, access and affordability.
- 1) Buildings shall meet one of the following standards:
 - a) 11% of the units shall be "affordable units" as that term is defined in § 350-2.1 of the Code of the City of Northampton; or
 - b) Contain 25% or more of the units no larger than 1,200 square feet gross floor area.
 - 2) Equal access. All projects shall provide equal access to all building amenities, park and civic space and public entrances to buildings to residents of both affordable and non-affordable units.
- F. Internet connectivity. All projects that include infrastructure making internet connectivity available shall do so without differences in quality, capacity or speed to residents of both affordable and non-affordable units.

- Educational use: private for-profit colleges, schools, etc.
- Mixed-use buildings/lots, live/work (mixed residential/work)—All uses may be on any floor; business uses are limited to miscellaneous professional and business offices and shall not include banking, real estate and insurance offices or retail, personal and consumer service establishments, medical doctors, dentists or chiropractors.
- Community center
- Nursing homes, assisted living
- Lodging house
- Halfway house
- Membership club operated as a not-for-profit corporation, as defined by MGL c. 180, excluding any adult establishments which display live nudity
- Filling of any land. See § 350-10.4.
- Filling of water or wet area. See § 350-10.3.

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- Funeral establishment
- Crematory meeting accessory structure setbacks
- Year-round greenhouse/stand for wholesale and retail sale of agricultural farm products raised on-site
- New telecommunications facilities (in accordance with §§ 350-2.1 and 350-10.9)
- Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between 8 KW or over 100% but no more than 200% of the annual projected electric use of the non-PV building or use; same setbacks as for detached accessory structures
- Private utility, substation or district utility
- Heavy public use—City Council special permit

'Co-living' is an umbrella term for different types of 'co-housing' setups, and can loosely be defined as a home, where two or more unrelated people live together, whereby each person signs their own lease for a private bedroom, and often bathroom, within a residence. However, in addition to the private accommodations, residents, or members as they are often called, share common living spaces, such as a family room, dining area, kitchen, and recreation facilities. Typically, co-living includes fully furnished apartments, down to bedding and kitchen utensils, and may include such amenities as housekeeping, laundry, Wi-Fi, and planned social activities. Critical to its definition is that co-living encompasses shared accommodations initiated by an external agent, such as a developer or entrepreneur.

§ 350-2 **Definitions.** ¹¹

DWELLING UNIT

Rooms providing complete living facilities for the use of one or more individuals, with permanent provisions for living, sleeping, eating, cooking, and sanitation, whether owned, rented, leased, or in a condominium or cooperative.



**City of
Northampton**

Laura Krutzler <lkrutzler@northamptonma.gov>

Fwd: Support for zoning change for non-conforming lots

Carolyn Misch <cmisch@northamptonma.gov>
To: laura Krutzler <lkrutzler@northamptonma.gov>

Wed, Feb 12, 2020 at 9:53 AM

For Leg Matters

Carolyn Misch, AICP

Assistant Director
City of Northampton Office of Planning & Sustainability
210 Main St, Room 11
Northampton, MA 01060
413-587-1287
cmisch@northamptonma.gov
www.northamptonma.gov/plan



----- Forwarded message -----

From: **Mayor of Northampton Mass.** <mayor@northamptonma.gov>
Date: Wed, Feb 12, 2020 at 9:51 AM
Subject: Fwd: Support for zoning change for non-conforming lots
To: Carolyn Misch <cmisch@northamptonma.gov>

Hey Carolyn-

The Mayor received this feedback from Steven Goode yesterday about these proposed changes.

~Court

Office of Mayor David J. Narkewicz
City of Northampton
210 Main Street, Room 12
Northampton MA 01060
[413-587-1249 phone](tel:413-587-1249)
[413-587-1275 fax](tel:413-587-1275)
www.northamptonma.gov

----- Forwarded message -----

From: **Steven Goode** <doubleplusgoode@gmail.com>
Date: Tue, Feb 11, 2020 at 6:47 PM

Subject: Support for zoning change for non-conforming lots

To: <mayor@northamptonma.gov>

A neighbor made me aware of the proposed changes recorded here:

<http://archive.northamptonma.gov/WebLink/DocView.aspx?id=683566&dbid=0&repo=CityOfNorthampton>

I wanted to express my support for the changes. Allowing owners to take steps to incrementally increase the density of Northampton is sensible.

Thank you,

Steven Goode
[20 Aldrich St.](#)



City of
Northampton

Laura Krutzler <lkrutzler@northamptonma.gov>

Fwd: Zoning changes for the development of non-conforming lots

Carolyn Misch <cmisch@northamptonma.gov>
To: laura Krutzler <lkrutzler@northamptonma.gov>

Fri, Mar 6, 2020 at 9:32 AM

FYI

I didn't see you on the list of recipients.

Carolyn Misch, AICP

Assistant Director
City of Northampton Office of Planning & Sustainability
210 Main St, Room 11
Northampton, MA 01060
413-587-1287
cmisch@northamptonma.gov
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----- Forwarded message -----

From: **Claudia Chierichini** <claudia.chierichini@gmail.com>
Date: Thu, Mar 5, 2020 at 7:07 PM
Subject: Zoning changes for the development of non-conforming lots
To: <mayor@northamptonma.gov>, <wfeiden@northamptonma.gov>, Carolyn Misch <cmisch@northamptonma.gov>, <bdwight@comcast.net>, Gina-Louise Sciarra <glsciarra@northamptonma.gov>, <jimnashcitycouncil@gmail.com>, <jthorpe@northamptonma.gov>, <ajarrett@northamptonma.gov>, <mlabargeward6@aol.com>, <mquinlanjr@northamptonma.gov>, <kfoster@northamptonma.gov>, <rmaiore@northamptonma.gov>

Dear Mayor Narkewicz, Directors Feiden and Misch, and City Councilors,

I am writing in relation to the proposed zoning amendment under consideration with the Legislative Matters Committee.

Let me start with a premise: I understand and support the need to revise regulation in order to accomodate change, allow development of some projects, provide housing for home owners and renters alike, and protect the environment. I also understand and support a city's need to expand its tax base in order to carry out a vision that benefits the whole community.

In this spirit, I respectfully ask you to consider very carefully the unintended negative consequence that might result from an excessive reduction of regulatory oversight on pre-existing non-conforming lots.

Why is a pre-existing non-conforming lot just that, on a case by case basis? What kinds of specific issues does each case of pre-existing non-conformity pose?

In my understanding, in Northampton these lots often include wetlands, slopes and water buffer zones. Particularly at a time of climate change, such lots are especially sensitive portions of land.

So why would the pre-existence of a non-conforming lot always be a good enough reason in itself to forego the evaluation and scrutiny of the Zoning Board?

On the contrary, I argue that often the site-specific characteristics of non-conforming lots should make projects to develop them a closer object of scrutiny.

Retaining reasonable and responsible Zoning Board regulations means retaining a layer of protection for a neighborhood, its residents, the community at large, and the environment, against the detrimental effects of potentially excessive development.

Without responsible regulation and oversight, how do we establish a difference between 'infill' and 'overload' of pre-existing non-conforming lots?

How do we make sure that new developments of such lots do not degrade the quality of existing neighborhoods (as per the last Northampton Sustainability Plan), and actually respect the environment?

How do we draw the line between a developer's pursuit of profit, and the reasonable interests of established as well as perspective residents?

How well served would perspective new residents be, by insufficiently scrutinized developments on especially sensitive sites?

How do we ensure that basic safety requirements, such as ambulance and fire truck access, are met, and regular maintenance operations, such as snow removal, can really take place with an overflow of cars parked on narrow, dead end streets?

You are the officials entrusted to represent the best interests of this community. The responsibility of establishing and upholding fair and clear regulations lies with you. So does the power of regulatory oversight. Please evaluate very carefully any and all unintended negative consequence that might result from an excessive reduction of regulatory oversight on pre-existing non-conforming lots.

Sincerely,

Claudia Chierichini

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Claudia Chierichini, Ph.D.