



**Roll Call**

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

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra. At 8:43 p.m. on a roll call the following City Councilors were present:

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| At-Large Councilor Gina-Louise Sciarra   | At-Large Councilor William H. Dwight |
| Ward 1 Councilor Michael J. Quinlan, Jr. | Ward 5 Councilor Alex Jarrett        |
| Ward 2 Councilor Karen Foster            | Ward 6 Councilor Marianne LaBarge    |
| Ward 3 Councilor James B. Nash           | Ward 7 Councilor Rachel Maiore       |
| Ward 4 Councilor John Thorpe             |                                      |

**Announcement of Audio/Video Recording**

Councilor Sciarra announced that the meeting was being held by remote participation and audio and video recorded.

**Public Hearings  
Public hearing concerning the Northampton Capital Improvement Program for FY2022-FY2026 –**

**Public Hearings**

**Public hearing concerning the Northampton Capital Improvement Program for FY2022-FY2026**

Councilor Sciarra introduced the hearing by reading the legal notice.

Councilor Dwight moved to open the public hearing. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote. The hearing was opened at 8:46 p.m.

Mayor Narkewicz said he is proud this evening to present the Capital Improvement Program (CIP) for FY2022-2026. This is the 10<sup>th</sup> and final CIP that he'll be presenting. The City Charter requires the mayor every year to create essentially a five-year road map of all potential capital needs of the city across all departments and schools. The program includes buildings, vehicles, repairs to infrastructure, technology and equipment. The goal of the CIP is to map out and be able to show a blueprint for how the city could fund those capital needs over a five-year period.

The capital program this year consists of 101 projects totaling \$76,628,290 spread out over five years with projects across all city departments plus the two school districts.

Mayor Narkewicz screen-shared pg. 9 of the CIP, showing an overview of projects from different areas and funding sources, including cash capital, Free Cash, stabilization funds, borrowing and enterprise funds.

Appendix A contains a color-coded summary of each project broken down by fiscal year. It is important to note that Central Services seems to have a lot of projects in this particular capital program. As the facilities department, they are often the leader in the city's capital projects. A chart presents a summary of spending across different departments, including the Office of Planning and Sustainability, Information Technology, Parks and Recreation, Fire/Rescue, etc. and on enterprise fund projects. In some cases, enterprise projects are some of the largest projects spanning the whole five years of the program.

Appendix B includes a more detailed breakdown. The chart breaks out each individual project and tells where the funding is coming from. As an example, the 2011 flatbed truck replacement is coming out of the Parking Receipts Reserved Fund. Each fiscal year has a breakdown showing where funding comes from.

Appendix C shows the CIP2 form for each project with a description of the project and the reason for the project.

Some are continuations of projects they have been working on for several years, such as the upgrade to the sewage treatment plant and a review of city and school buildings as part of a project around climate resiliency, namely, a facilities assessment for greenhouse gas emissions.

As part of the city's efforts to become carbon neutral, he issued an executive order several years

ago calling for assessing all city's buildings for greenhouse gas emissions. Over 2022 and 2023, assessments of the JFK Middle School, Ryan Road Elementary School, Leeds Elementary School, etc., will take place. Associated projects range from replacing critical HVAC components to securing the building envelope by roof replacement, repairs to windows and chimney repairs.

While city officials focus on the operating budget, it is important they also focus on maintaining the city's capital infrastructure which is critical for carrying out the operating mission of the city, Mayor Narkewicz asserted. The capital plan is an important tool for making sure they are constantly assessing their infrastructure and planning for future investments.

He thanked department heads and staff for submitting narratives and helping to formulate the program and Finance Director Susan Wright for her work on her 10<sup>th</sup> and final CIP.

Significant projects across a lot of different departments are intended, among other things, to preserve open space, work on rail-trail networks, fulfill the city's commitment to sustainability, fulfill its commitment to the schools and making sure children are learning in sound buildings with good facilities, and provide modern, functional equipment to city employees so the city ultimately is not spending thousands of dollars trying to keep vehicles and equipment repaired.

He would ask the City Council to adopt the program, he concluded.

Councilor Sciarra opened the floor to public comment, offering to entertain comments in favor of the CIP.

Mayor Narkewicz clarified this is not an actual spending or borrowing order, it is a planning document. Actual spending or borrowing to fund projects will come later. What the council is voting on tonight is really a planning document and does not authorize borrowing or spending.

Councilor Sciarra asked if anyone wished to speak in opposition. Hearing none, she opened the floor to questions from councilors.

Councilors asked questions and offered comments. Councilor Jarrett said he really appreciates seeing the energy efficiency improvements. He noted the program proposes replacement of a boiler in one of the school buildings and specifies they are looking at heat pumps. The narrative for the Smith Vocational boiler does not mention energy-efficient options. He asked if they are thinking about alternatives there as well.

Mayor Narkewicz said he believes they will be looking at alternatives. He acknowledged the narratives are slightly different. They don't have a shared facilities department for Smith Voke but certainly they will be working with them and talking about energy-efficient and all electric alternatives. They have more of an immediate problem with one of their boilers that they're trying to address. They did do an energy analysis for Smith Voke as part of the ConEdison evaluation so that will be part of their analysis as well.

Regarding lighting, Councilor Jarrett noted that they have guidelines for outdoor lighting. When upgrading indoor lighting, he asked if thought is given to public health recommendations around the color temperature of the lighting.

They definitely focus on that for indoor lighting as well, Mayor Narkewicz confirmed. Outdoor lighting was dark-sky rated and they tried to follow AMA guidance. As part of LED replacement they will make sure they are using the most up to date standards, including the right temperature and tone of lighting.

Moving on to planning and sustainability, Councilor Jarrett asked about money earmarked for multi-use trails. He said he knows many of these need to be resurfaced. He doesn't think enough is allocated for that. He asked if grants can be leveraged for repairs. He expressed his understanding that grants could often only be used for establishing new trails rather than ongoing maintenance.

They do look at the condition of the trails and have gone back and done some repairs to some of their oldest trails. These are also now CPA eligible projects. They definitely are monitoring the age and condition of the rail trails and making investments, he assured. They did some sections

of the trail near Earl Street where they had some heaving and damage.

Councilor Jarrett referred to the big ticket item, namely, \$6 million for radio communications upgrade, and asked about \$3 million listed as 'other.' He asked the mayor to describe the project.

This has been a long, slow-developing project funded in the capital plan two or three years ago, Mayor Narkewicz related. They have a lot of aging radio equipment as well as aging networks and systems. The system includes Police, Dispatch, Central Services, Fire/Rescue, schools, etc. As they are looking at investing and changing radios, they are finding dead spots in many areas, including the school buildings.

The earlier capital plan basically commissioned a study. The study recommended a series of investments in equipment and communication towers. The project estimate is \$6 million but it is actually going to be broken up into \$3 million over two years and will probably be borrowed. The bids for the project have been received but not opened yet. He thinks they will have a clearer understanding of the costs when they are bringing forth orders. The other \$3 million reflects that the investments are being broken up.

Councilor Jarrett said he noticed the parking department is using electric vehicles and the building department is using hybrid vehicles. He wondered if electric vehicles would be appropriate for the building department as well.

The building department puts a lot of miles on their vehicles, Mayor Narkewicz said. They used to have big SUV-type vehicles. The Building Commission and building inspectors often have to respond 24/7.

They have moved towards Subaru's because they are more fuel efficient and have all wheel drive capability. Also, inspectors carry equipment. They have transitioned from SUV's. They like the Subaru's at this point but he could certainly see them moving toward all electric at some point in the future.

About sidewalks and traffic calming, last year, they didn't allocate anything directly in the capital plan, although he knows it was part of some projects, Councilor Jarrett said. He was wondering if that means there is more deferred maintenance and more might be needed there.

They took a break last year because they felt they could, Mayor Narkewicz confirmed. They did do traffic calming projects this year. North Farms Road was an example where they did some installations using traffic-calming money. He doesn't think they've fallen behind. They are restoring the commitment to it this year and going forward. He doesn't think they need to double it this year because they fell behind. It's true projects were a little bit less this year because of the pandemic. He thinks they have sufficient funding in there to handle all the different projects that will be happening.

Councilor LaBarge mentioned the situation at the Ryan Road School where teachers brought to her attention that a small bathroom in the nurse's office was being used for a couple of children in wheelchairs who needed a Hoyer lift. Two staff are needed for the safety of the child and staff. She asked Superintendent Provost and he said they had applied for \$40,000 for capital improvements. She asked if he had an update on that project.

Mayor Narkewicz said he knows they talked about this last year. School administrators have been looking at this along with other projects. Initial engineering and design work estimated the cost as over \$200,000 because of substantial renovations needed to plumbing and removal of masonry walls. It didn't make the program that year and the schools have not resubmitted it. The schools have been in a different posture this year, being closed. They did not resubmit it, so he doesn't know the status of the project.


There being no further comments, Councilor Dwight moved to close the public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote. The hearing closed at 9:20 p.m.

<p><u>consider FY 2022 Water and Sewer Rates</u></p>	<p>Councilor Jarrett moved to open the public hearing. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote. The hearing opened at 9:21 p.m.</p> <p>The order before them would essentially maintain water and sewer rates at the FY2021 level, Mayor Narkewicz presented. He deferred to Director LaScaleia for background.</p> <p>The DPW has forecast and analyzed personnel and operating expenses, capital expenses and proposed capital projects, inclusive of existing anticipated debt service in the water and sewer enterprises, as part of the FY22 budgeting process, Director LaScaleia reported. Their analyses and recommendations are predicated on maintaining a commitment to consistent and adequate investment in infrastructure, maintaining adequate stabilization balances and insuring long-term rate stability.</p> <p>For the water enterprise, the DPW is responsible for operating, maintaining and improving 160 miles of water mains, including two transmission mains, Director LaScaleia presented. They operate, maintain and improve a 6.5 million gallon per day water treatment plant, three active surface water reservoirs and dams, two active wells, two pump stations, the 200,000-gallon Audubon Road storage tank, a corrosion control facility and over 3,000 acres of watershed land. All operations are closely monitored and regulated by the Environmental Protection Agency (EPA) at the federal level and the Massachusetts Department of Environmental Protection (MassDEP) at the state level.</p> <p>The DPW has requested \$4.5 million to continue water line replacement in locations that were identified in the 2013 Water Asset Management plan, including Atwood Drive, Winter Street - where they have had two catastrophic water main breaks in five years - the Masonic Street parking lot, Damon Road and North King Street. Damon Road and North King both include non-participating Transportation Infrastructure Program (TIP) work, meaning it is city funded. The proposed Main Street reconstruction, which is currently slated for FY2025, requires extensive non-TIP work totaling \$2.5 million. The city has two water mains running down Main Street from 1871 and 1914 so they can't engage in any reconstruction of Main Street without dealing with some very aged water infrastructure there. They have also requested \$14.1 million to fund drinking water reservoir and dam spillway repairs and relocation of a water transmission main from 1901 which runs cross country through a swamp into the city.</p> <p>In FY2022, debt service in the water enterprise fund will be nearly \$2 million, representing more than 30% of total revenue, as a result of a \$25.8 million bond issuance for construction of the water treatment plant in 2006 that doesn't clear the debt schedule until FY 2028. The level of existing debt service does not allow for the assumption of additional debt to support remedying the currently known infrastructure deficiencies, many of which were just mentioned.</p> <p>The pandemic has disrupted water consumption levels with revenue down roughly 6%. Given the difficult economic environment in which they are operating, they are recommending water rates be unchanged for FY2022 with the caveat that they will need to continue to carefully manage the enterprise and carefully manage capital projects given continuing capital demands.</p> <p>For the sewer enterprise, the city operates, maintains and improves more than 110 miles of sewer lines, seven pump stations and a 15-million gallon per day waste water treatment plant (WWTP). As with water, all of their operations are closely monitored and regulated by the EPA and MassDEP. They have requested \$4.3 million through FY2026 for sewer line replacement. This funding will most immediately support the reconstruction of the Masonic Street parking lot cross-country sewer main which serves many Main Street residents and businesses and is in very poor condition. At the WWTP, in 2017 and 2018 projects were completed there to replace sludge pumps and to convert the plant's effluent disinfection process from chlorine gas to sodium hypochlorite. These projects together represent an investment of more than a million dollars. As required by Mass. general law, the city obtained an owner's project manager (OPM) and designer for the next phase of upgrades, which focus on upgrading the plant's electrical power, emergency power and treatment processes. The contract for these services totals about \$2.5 million. In June of 2020, they signed a construction contract for more than \$10 million, and work on these upgrades is ongoing now. Funds for this project were borrowed through the Massachusetts Clean Water Trust and in FY2023, they will see debt service in this enterprise swell to a million dollars. They have requested \$12.2 million over the next five years for design of the next phase of WWTP upgrades and upgrades of remote pumping stations. Based on</p>
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	<p>planning, they anticipate more than \$50 million in needed funds to support future capital projects beyond FY2026 for both treatment and collection. As in water, COVID-19 has disrupted consumption levels, and revenue is down 8% over the last eight months. Given the difficult environment in which they are operating, they are recommending that rates be unchanged for FY2022. Again, this will require them to continue to carefully manage this enterprise and carefully execute and plan capital projects.</p> <p>Councilor Sciarra opened the floor to public comment.</p> <p>Members asked questions and offered comments.</p> <p>Councilors Maire, LaBarge and Jarrett all expressed appreciation for hearing that water and sewer rates would not be increasing. Councilor Jarrett took the opportunity to ask the director if the city's water and sewer infrastructure is prepared to handle additional homes that may result from proposed zoning changes.</p> <p>Director LaScaleia said the DPW reviews plans received on a case-by-case basis. If the question is about capacity in a certain neighborhood in a certain area on a certain street, the DPW would have to review the project to see if it is possible to maintain fire flows and for existing infrastructure to accommodate the addition. Any time development is proposed anywhere, they have a review process they go through.</p> <p>Councilor Jarrett noted that a lot of development is a house here and a house there.</p> <p>Generally, what he describes is not problematic for their infrastructure but, again, it's something they review on a case by case basis, the director reiterated. The addition of multiple units is something they have to look at more closely than a single house, but a lot depends on where it is in the system. There are a lot of factors that go into whether it could potentially be a problem for them but generally it's not.</p> <p>There being no further comments, Councilor Dwight moved to close the hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote. The hearing was closed at 9:38 p.m.</p>
<p><u>I</u> <b><u>Updates from Council President/ Committee Chairs</u></b></p>	<p><b><u>Updates from Council President and Committee Chairs</u></b></p> <p>The City Council received the Northampton Policing Review Commission's (NPRC's) final report this afternoon, Councilor Sciarra announced. A special joint meeting with the mayor and full commission for presentation of the report has been scheduled for Tuesday, March 30th at 6 p.m. She is deeply grateful for the time that has gone into writing this report and is looking forward to taking the time to carefully read it. The report will be posted to the city website on the NPRC page under boards and committees.</p> <p>The City Services Committee will hold its next regular meeting on Monday, April 5th at 4 p.m., Councilor LaBarge reminded. In addition to taking up two reappointments to the Planning Board, members will be having a general conversation with Mayor Narkewicz about his selection and appointment process for volunteer boards and committees.</p>
<p><b><u>Recognitions and One-Minute Announcements by Councilors</u></b></p>	<p><b><u>Recognitions and One-Minute Announcements by Councilors</u></b></p> <p>Councilor Foster said she wanted to take a moment to acknowledge the Asian American community living in Northampton following the hate crimes yesterday in Georgia. It has been a year of increasing xenophobic activities targeted at Asian Americans living in the United States. "We like to think it's an outside problem but it's in Northampton as well." There will be a vigil sponsored by the women's march tomorrow at Pulaski Park at 6 p.m. Thursday, March 25th will be a statewide Town Hall from 6 to 7:30 p.m. at which the Asian American caucus will share its efforts to combat anti-Asian racism. It is an opportunity for all people to hear what is being Asian led and to sign on as allies. She said she would share a link on her Facebook page.</p> <p>Councilor Maire said she appreciated Councilor Foster's comment and the public comment received tonight and wanted to take a moment as well to be faithful to the resolution passed last year denouncing anti-Asian, anti-Asian American and Xenophobic discrimination. The resolution</p>

calls on the community to condemn and denounce all manifestations of anti-Asian sentiment and xenophobia and to show solidarity with Asian American family, friends and community members. The horrific murders of eight people in Atlanta, the majority of whom were Asian American and women, were no doubt outrageous acts of misogyny and hate. Sadly, all of this is part of a significant rise in anti-Asian American hate crimes. To their Asian and Pacific Island community members, she is confident she speaks for the entire council in saying their hearts are with them and they unequivocally stand with them.

<p><u>Communications and Proclamations from the Mayor</u></p>	<p><u>Communications and Proclamations from the Mayor</u> None.</p>
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<p><u>Resolutions</u> <u>21.201 Resolution in Opposition to State Incentives for Biomass Plants-2nd reading</u></p>	<p><u>Resolutions</u> <u>21.201 A Resolution in Opposition to State Incentives for Biomass Plants – 2nd reading</u> Councilor Dwight moved to approve the resolution in second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>The following resolution passed two readings:</u></p> <div style="text-align: center;">  <p><b>City of Northampton</b> MASSACHUSETTS</p> <p><i>In the City Council, March 4, 2021</i></p> <p>Upon the Recommendation of:     Councilor Alex Jarrett   Councilor Rachel Maiore   Northampton Energy and Sustainability Commission</p> <p><b>R-21.201</b> <b>A RESOLUTION IN OPPOSITION TO STATE INCENTIVES FOR BIOMASS PLANTS</b></p> <p>WHEREAS,     the City of Northampton is committed to ensuring and safeguarding the health, safety, and environment of the residents of our community; and</p> <p>WHEREAS,     wood-burning biomass plants are a highly polluting form of energy generation, known to release pollutants including fine particulate matter, volatile organic compounds, nitrogen oxides, carbon monoxide, and carbon dioxide; and</p> <p>WHEREAS,     the Commonwealth adopted science-driven Renewable Portfolio Standard (RPS) regulations in 2012 recognizing that wood-burning power plants emit more carbon dioxide than fossil fuel power plants per unit of energy generated; and</p> <p>WHEREAS,     due to the 2012 RPS regulations, the only wood-burning biomass plants eligible for Massachusetts renewable energy incentives have been small, efficient combined-heat-and-power biomass plants; and</p> <p>WHEREAS,     if the weakened RPS regulations proposed in December 2020 by the Massachusetts Department of Energy Resources (DOER) go into effect, Massachusetts incentives would be available for inefficient large-scale biomass power plants; and</p> <p>WHEREAS,     the proposed RPS regulations would wrongly incentivize the construction of a large-scale wood-burning biomass plant proposed by Palmer Renewable Energy in Springfield, an Environmental Justice community already heavily burdened by industrial air pollution and by record-setting rates of asthma and other respiratory illnesses; and</p> </div>
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WHEREAS, particulate and gaseous pollution from the planned Palmer Renewable Energy plant would increase hazardous pollution throughout the Pioneer Valley; and

WHEREAS, our City stands in solidarity with the residents of the City of Springfield, and the Springfield City Council, which passed a resolution on December 21, 2020, opposing Massachusetts state incentives for wood-burning biomass plants,

NOW, THEREFORE BE IT RESOLVED, that the City Council of Northampton opposes any state incentives for inefficient commercial wood-burning biomass plants in the Commonwealth of Massachusetts; and

BE IT FURTHER RESOLVED that the Council calls upon the Massachusetts DOER to revise the proposed RPS regulations by returning the woody biomass provisions to their previous, science-based language; and

BE IT FURTHER RESOLVED that the Council calls upon the Joint Committee on Telecommunications, Utilities, and Energy of the Massachusetts Legislature to hold an accessible public hearing on said proposed RPS regulations; and

BE IT FURTHER RESOLVED that the Council urges its State Legislative Delegation to support state legislation to remove and bar taxpayer and ratepayer incentives for inefficient commercial biomass power plants in the Commonwealth of Massachusetts by making them ineligible to meet the requirements of the Renewable Portfolio Standard; and

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall send a copy of this Resolution to the Springfield City Council, Representative Lindsay Sabadosa and Senator Jo Comerford, as well as Governor Charles Baker, DOER Commissioner Patrick Woodcock, and the Co-Chairs and Vice Co-Chairs of the Joint Committee on Telecommunications, Utilities, and Energy, Senators Mike Barrett and Mark Pacheco and Representatives Jeffrey Roy and Paul Mark.

Passed two readings and enrolled.

21.207 Resolution Decriminalizing Controlled Substance Possession as well as Cultivation and Distribution of Psychedelic Plants - 1st reading

21.207 A Resolution Decriminalizing Controlled Substance Possession as well as Cultivation and Distribution of Psychedelic Plants - 1st reading

Councilor Dwight read the resolution.

Councilor Dwight deferred to the resolution’s principal author, Councilor Maire.

Councilor Maire thanked the residents who brought this to their attention, Dan Bensonoff and James Davis of Bay State for Natural Medicine. Northampton, like cities across the country, is in the process of examining and reimagining its public safety system, so she thinks it’s the ideal time to finally cast off the burden of the drug policy of the war on drugs that offers nothing toward their health, safety or community wellbeing but by design disproportionately harms people of color, people of limited financial means and other marginalized and targeted communities. To her, this is a racial justice issue. Black Americans make up only 15% of drug users in the U.S. but account for 37% of those arrested for drug offenses. Black defendants will serve on average the same amount of time for federal drug offenses that white defendants do for violent crimes. Of those in federal prison for drug-related offenses, nearly 80% are black or Latinx. It’s time to discard what’s not working and lead with what is, therapeutic and harm reduction programs that treat drug use as the public health problem that it is. Decriminalization actually eases the load of law enforcement. Portugal, which decriminalized in 2000, has seen no surge of drug use while the number of people being treated for drug addiction rose 20%.

What if here they used their resources for drug treatment instead of providing for jail cells? She asked rhetorically. It’s time to get out of the way of breakthrough drug treatments currently made inaccessible through the criminalization of psychedelic plant therapies. Many veteran’s organizations support their study and legalization. A 2017 study of 44,000 Americans found that psychedelic use was associated with a 40% reduction in opioid use. A November 2020 study in the Journal of the AMA study found 1 in 3 patients put their major depression in remission after only two psilocybin therapeutic sessions. Drugs like psilocybin are in a Catch 22 because they are classified as Schedule 1 drugs because they allegedly have no acceptable medical use but Schedule 1 status means researchers are prevented from fully investigating psilocybin for its

medical therapeutic value. She shared a quote from Vermont representative Brian Cina, including, "It's long past time we allow science and lived experience experts to lead on substance abuse disorder."

Councilor Dwight said he is grateful to Councilor Maire for approaching him on this so he could include this in his swan song package. This is an issue close to his heart. For years, he has been studying the development and creation of drug laws and this culture's understanding and approach to drugs. He has a sense of context that's frequently missing. The fact is that all of them seek out mind-altering behavior. As kids, spinning around in a circle multiple times just to get dizzy is something they do and, for the most part, historically this isn't something [society] tries to manage and control. The management and control of drugs and, in fact, all drug laws in the United States, including originally the alcohol prohibition, were predicated on racism; they were based and built and argued and debated and moved forward on racism. Subsequently, the nation's involvement in drugs was dependent on which area of the world troops were embedded. The 'golden triangle' gave them the heroin epidemic during the Vietnam War because troops were in the golden triangle. Cocaine was connected directly to their adventures in South America overthrowing democratically-elected governments. It's always been politic. Marijuana prohibition was literally argued on the Senate floor with overt, unabashed racist testimony. Alcohol and tobacco are drugs. They are allowed, yet they are also the two most lethal drugs that can be consumed. Psychoactive drugs by and large do not kill you; in fact, they have benefits. He recommended reading Michael Pollan's book 'Changing your Mind.'

Psilocybin and peyote are all directly linked with indigenous peoples who use it for their religion. They need to understand that punitive measures to deal with these mind-altering substances clearly do not work. It creates a criminal industry that is the best free market around. It is a profound perverse distortion that results in the destruction - the systematic and systemic destruction - of hundreds and thousands and millions of people that is allowed to flourish because they've created this functional and oppressive structure and response.

This is a resolution. The City Council doesn't have the authority to direct the police department to adhere to these policies. They cannot create a law in this respect, they are trumped by state and federal laws. But as they all noted, the legalization of marijuana, which was trumpeted as being the signalization of the end times, was not realized.

Behaviors committed while under the influence, i.e. - driving, violence and abuse, etc., are actionable. The mere possession and consumption of alcohol is not. Psychoactive drugs in particular were in the process of being studied and analyzed for their efficacy of any number of identified psychological disorders. That was all arrested; that was all stopped. In fact, the federal government made it against the law to study the impacts and effects of any of these drugs.

The hope is that there will be a cultural shift. This resolution is an appeal for a cultural shift, an understanding of how they can best treat and respect each other and diminish the pressures this 1) puts on law enforcement, and 2) puts on communities that have experienced a great imbalance in enforcement. "If we're going to continue to lobby for the things we say we care about. . . we have to understand that we need some serious work and some serious movement to. . . become more enlightened about how we treat the use and consumption and distribution of these very varied items." The fact that marijuana was scheduled along with methamphetamine was patently absurd, he asserted.

He's really grateful this is being advanced and really grateful to actually send this off. He hopes the house bills start to come out of committee and be engaged, discussed and voted on and that, barring that, a referendum is put on. He really hopes they can get people to back them up on this.

Councilor Nash thanked the sponsors for taking the lead. Clearly, they are the folks better equipped to sponsor this with their knowledge and expertise. It's been an education for him. He is completely on board with supporting this tonight. He thanked the sponsors and two constituents.

Councilor Jarrett thanked the sponsors for taking it up. The constituents also asked him to work on it but he didn't have the time. The war on drugs is definitely a failed approach and very much a failed public health approach.

Councilor Quinlan echoed his colleagues' thoughts. When he read the resolution there was so much there he agreed with. There was a little bit of a queasy feeling about leaving this to the discretion of the police to enforce. He's not sure it's fair to the police to charge them with enforcing laws but then to say not all of them. That said, he is in support and thinks legalization is a great idea, particularly for medical use. He believes that three to five years down the road doctors will be prescribing these non-addictive medicines for people's relief.

Councilor LaBarge thanked sponsors and said she agrees with everything heard. She fully supports this resolution 100%. Using what's described here, plants have helped many people with different kinds of medical problems. She is happy to see this as a resolution and would love to see it go to the state house. "Let's make it happen."

Councilor Thorpe thanked the sponsors and Dan Bensonoff. He had a nice conversation with him and he provided a lot of information. He explained to Dan that, with his employment and his employer, he probably would abstain from this and he will be abstaining, he confirmed.

Councilor Quinlan suggested two small technical amendments. The act to establish a task force is H3829, not HD3439 and the resolution should reference the Hampshire County district attorney (DA) instead of Hampden.

Councilor Dwight accepted both as friendly amendments. Councilor Maiore said she had a friendly amendment herself. Sponsors are not proposing to send a copy to DA Sullivan or the Northampton police and she believes they should. Councilor Dwight asked the administrative assistant to add Northwestern District Attorney David Sullivan and Police Chief Jody Kasper to the list of recipients.

Northampton has been in the forefront of harm reduction for the Commonwealth for over two and a half decades, Councilor Dwight noted. He cited the needle exchange program as an example.

Councilor Sciarra thanked sponsors and said she supports harm reduction strategies in general and strongly agrees it is a racial and social justice issue. She appreciates Councilor Dwight's call for a cultural shift. The statistics Councilor Maiore cited about the positive therapeutic impacts substances can have on depression, opioid addiction, etc. are really quite remarkable and quite hopeful. She appreciated one speaker noting that these are substances indigenous people have used forever and that should be remembered and recognized.

The other friendly amendment is to change 'adults' to 'individuals' in every occurrence. That was the language in the state bill but if they are asking police to make it a low priority for enforcement they can't ask them to determine someone's age.

Members agreed to bundle the amendments for voting purposes.

Councilor Maiore moved to approve the amendments as proposed. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Sciarra wondered if the resolution was checked by Northampton's city solicitor since the resolution says Cambridge and Somerville passed resolutions following approval of their legal departments.

Cambridge and Somerville have different structures of government so they can actually create policy for the police department, so it required being vetted because it was enacting law or policy, Councilor Dwight pointed out. That's not the case here. However, he said he has no problem referring it to the city solicitor in the intervening two weeks.

The resolution as amended passed unanimously 8:0 by roll call vote with one abstention (Councilor Thorpe).

See minutes of April 1, 2021 for second reading.

<p><u>Capital Improvement Program for FY2022-FY2026 Submitted to City Council on February 24, 2021 - 1st reading</u></p>	<p><u>Submitted to City Council on February 24, 2021 - 1st reading</u>                  Councilor Sciarra read the resolution.</p> <p>Councilor Dwight reminded folks it is a plan, not a budget. It is a long-term plan that evolves over the years. It provides a road marker, if you will, and lays out issues needing to be addressed down the line.</p> <p>Councilor Quinlan moved to approve the resolution in first reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of April 1, 2021 for second reading.</u></p>
<p><u>21.209 Resolution Expressing Gratitude to Northampton Health Department, First Responders, Ancillary Staff and Volunteers for Efforts to Vaccinate Our Community - 1st reading</u></p>	<p><u>21.209 A Resolution Expressing Gratitude to Northampton Health Department, First Responders, Ancillary Staff and Volunteers for Efforts to Vaccinate Our Community - 1st reading</u>                  Councilor Sciarra read.</p> <p>Councilor Dwight moved to approve the resolution in first reading. Councilor Quinlan seconded.</p> <p>When she and her husband got their first shot, they were talking to fire department members and they were telling them how they work four on and three off and not on city time, Councilor LaBarge related. It is just amazing how well the Mayor, Board of Health Director Merridith O'Leary and her entire team have the entire senior center running so smoothly. Many people she knows who went to have their vaccines there were very, very happy. The health director has done an incredible job. On Facebook, many people were upset when the website came down. It wasn't her fault at all but she still continued making it a safe, smooth road for everyone. Many, many volunteers were there to save many, many lives. Yes, they did lose some in their city and also some veterans. She thanked co-sponsors Councilors Sciarra and Quinlan. To her, it is a huge shout out to those who have worked together saving lives.</p> <p>The two other sponsors (Councilor Quinlan and Councilor Sciarra) and Councilors Foster, Dwight, Jarrett and Maire spoke in support of the resolution and in praise of the health department's operation of the vaccination and testing programs.</p> <p>The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of April 1, 2021 for second reading.</u></p>
<p><u>Brief Recess</u></p>	<p>The City Council recessed briefly at 10:43 p.m. The City Council reconvened at 10:50 p.m.</p>
<p><u>FY2020 Independent Audit</u></p>	<p><u>FY2020 Independent Audit</u>                  Presentation by Scanlon and Associates, LLC (Thomas J. Scanlon, CPA)</p> <p>The audit went very well, Mr. Scanlon reported. Needless to say, it was kind of a difficult year; trying times. Auditors tried to remain focused with the same consistency as in all of the prior years. He thanked the staff in the city. It put a lot of pressure on them because they did a hybrid of half-remote, half-onsite where they are usually on site pulling their own invoices.</p> <p>He referred to three separate reports: the FY2020 Management Letter, the Single Audit Report and the Report on the Examination of Basic Financial Statements.</p> <p>Since it is a financial audit, people expect its sole purpose to be to find fraud, but that's not the sole purpose. One of the main objectives is to opine on the city's financial statements, Mr. Scanlon explained. They use a risk-based assessment of the city's financial statements to design their audit procedures.</p> <p>The city has significant internal controls over its major financial areas such as cash receivables, he confirmed. One of the controls is that they balance out the real estate and personal property accounts receivable to the general ledger on a monthly basis. From a firm approach, his company puts a lot of emphasis on bank reconciliations and accounts receivable reconciliations.</p>

They deem those areas substantial and do a lot more detailed procedures in those areas.

The city received a clean audit opinion (pg. 3 and 4), which is what bond companies will look at, so it will result in a good bond rating. The city should be commended for that.

The city's financial policies are working, he continued. He drew attention to pages 18 and 19, the city's fund financial statements. This is what councilors can relate to as management. It shows where Free Cash is coming from.

The Unassigned Fund Balance of \$23 million represents the balance of Free Cash and the stabilization funds. It's a key number bond rating agencies look at as representing the financial health of the city from a current perspective approach.

Free Cash was certified at \$5.7 million in 2020 and the city has approximately \$15 million in its four stabilization funds. So, "your financial policies are working; you're building up reserves," he opined.

Also, on page 19, they'll see that the city's general fund increased \$2.7 million. That's another component bond rating agencies will look at to show that the city's financial policies are working. The city has \$52 million in the general fund.

From there, looking at bank reconciliations and the accounts receivable, auditors can see that the city has \$1.5 million outstanding in real estate property taxes as of June 30, 2020. Auditors will make sure that the collector is keeping detailed records and that they match the general ledger. "The controls over your significant areas are definitely working," he pronounced.

Page 22 shows where the Free Cash of \$5.7 million came from. \$464,000 is from receipts and \$2.7 million are turnbacks of appropriations. The budget generated about \$3.7 million of the \$5.7 million Free Cash. It was kind of an unusual year. He's seeing that communities are taking a hit on the revenue side and that Free Cash is coming back from returns of appropriations. He expressed the opinion that FY2021 will be the big year for downturns due to COVID. "That's where you want your sound financial policies really working for you," he suggested.

Councilor Jarrett asked about Other Post-Employment Benefits (OPEB), something the Massachusetts Municipal Association (MMA) flags as something that can be a very significant liability for them in the future. He expressed his understanding that municipalities haven't funded these fully yet. He asked how Northampton is doing in terms of getting to where it needs to be.

Page 16 is considered the entity-wide statements. Government is very unique; it actually has two sets of financial statements: full accrual which is entity-wide and fund financials. On the entity-wide statements, OPEB liabilities are shown under Net Position. The unrestricted line item is \$180 million in deficit. "You really don't want to see deficits in your net position." The main drivers of that is shown under 'Liabilities' as \$125 million in Net OPEB Liability.

The city did adopt an OPEB trust and, as of June 30<sup>th</sup>, it had \$2.5 million. The two are quite wide apart compared to the liability. He always tells people that OPEB should be long-term thinking in that it should be in their thought process in developing future budgets.

Every time the city hires someone there is a hard cost in money going out but there is also a promise made to the employee that the city is going to pay their health insurance when they retire. That's what this is tracking. The only way for the OPEB liability to go down is through the expiration of people. It's really the long-term thinking of putting money away now to factor into the future. He referred to a town out east that actually has one position with eight health insurance costs associated with it because it has seven retirees and one active. One position is causing eight costs of health insurance. He wouldn't get too focused on the \$125 million but more on the long-term thinking, he advised.

Councilor LaBarge quoted from "Basis for Qualified Opinion on Coronavirus Relief Fund (CFDA No. 21.109)" on pg. 5 of the "Independent Auditors' Reports Pursuant to Governmental Auditing Standards and Uniform Guidance," as follows:

*"As described in the accompanying schedule of findings and questioned costs, the City of*

*Northampton, Massachusetts, did not comply with requirements regarding CFDA No. 21.109, Coronavirus Relief Fund, as described in finding number 2020-001 for allowable costs/cost principles. Compliance with such requirement is necessary, in our opinion, for the City of Northampton, Massachusetts, to comply with the requirements applicable to that program."*

She asked Mr. Scanlon to explain.

This is the single audit report required if a community expends over a certain amount in federal funds, Mr. Scanlon advised. The city received some CARES Act funding. It is a high risk program which is new. When auditors tested it, the city had some hazard pay in there and the hazard pay is disallowed under the CARES Act.

Since the program first came out, the rules have changed, he noted. It is a constantly changing environment which from an audit perspective and finance director perspective is very frustrating. The city had hazard pay but when they tested it, they felt it did not meet the definition of hazard pay. The City Council took a vote a couple of weeks ago to fund some expenses from Free Cash. The wording sounds scarier than it actually is but they did have a finding under the Single Audit Act for charging disallowed spending to the CARES Act funding.

The city has a letter with the decision from CARES Act administrators disallowing the hazard pay but they do admit in the letter that they gave them advice that it was allowed in the beginning, Director Wright said. When COVID is done, there will be expenses that are disallowed. The city will need to true up accounts because there will be things that FEMA and the CARES Act will reject. They're going on the best guidance they have at the time. What they're using as a guiding principle is whether they would incur the expense whether they were getting grant funds or not.

Mr. Scanlon confirmed it is a tough environment to operate in. Administrators have to make decisions based on the advice they have at the time. They have a generic finding in the management letter. The city does have controls in place to properly account for grants. It's really important to stick to the controls they have in place to get them through times like this. It's easy to override a control and say, hey, we're in a COVID environment. A lot of equipment is being purchased to do remote work and it is going to have to be inventoried.

What happens is the fraudsters come out. Cities and towns are receiving a lot of fraudulent claims for unemployment. They are getting invoices with fraud on there and they have to make sure they are getting credits back.

Councilor Nash expressed his understanding that what he is describing is that the city has been dealing with crisis and pressures but that it has really stuck to its guns and followed its procedures. Under circumstances like this, it is tempting to break the rules but the city has done a terrific job through all of this.

Mr. Scanlon agreed.

With audit reports, you don't give 'A's,' you give reports like, "there's nothing bad," Councilor Nash noted facetiously.

The management letter emphasized reviewing special revenue funds. Especially now, there are a lot of funds not being used, especially revolving funds. Programs may be suspended because of COVID. It may be a good time to review special revenue funds. He expressed his understanding that financial officers are going to start that this summer.

Councilor Nash congratulated Finance Director Wright on her 'A.'

21.212 An Order to Set Preliminary Municipal Election Date - 1st reading

21.212 An Order to Set Preliminary Municipal Election Date - 1st reading

With the consent of the council, Councilor Sciarra took agenda item #14B out of order.

She read the order.

Councilor LaBarge moved to approve the order in first reading. Councilor Foster seconded. The

motion passed unanimously 9:0 by roll call vote.

See minutes of April 1, 2021 for second reading.

Package of Zoning Amendments to Allow Two-Families by Right in All Residential Zoning Districts – 2nd reading

Package of Zoning Amendments to Allow Two-Families by Right in All Residential Zoning Districts – 2nd reading

Councilor Sciarra stated her intention to take this package of zoning ordinances out of order.

There being no objection, Councilor Dwight moved to approve the ordinances as a group in second reading. Councilor Jarrett seconded.

Councilor Dwight noted that the raft of public comment at the beginning of the meeting focused on points brought up by Bill Ryan. The comments covered the breadth of all zoning issues but he asked if she could frame the discussion in that light.

Taking a step back, Ms. Misch referred to the package of changes above and beyond the two-family package. The multi-pronged approach is all about different strategies to encourage housing to meet the needs at different levels. In total, they are talking about strategies to meet attainable housing. One is about two-family housing, another deals specifically with affordable housing and with incentives for smaller units.

At the last meeting, she presented data on median home size and councilors asked about the mean house size and whether that had changed over time. Overall, the median single-family home is about 1,600 square feet (s.f.) while the mean house size is about 1,800 s.f. (1,779 s.f.)

For two-families, it is much smaller. Median unit size is estimated at 1,175 s.f. and mean slightly higher at 1,240 s.f.

They looked at the numbers for units built in the last 10 years, and they have gone up for single-family homes but not gone up much for two-families. The median is 2,160 s.f. and the mean is 2,300 s.f. for single-family homes. It does show an increase of a couple of hundred square feet. That relates to the conversation and concern about large units being built as part of the two-family proposal. "We're not really seeing that as a trend," she concluded.

Regarding other questions related to size, affordability and where units can be built, particularly relating to large-scale units being built in the backyards of properties, this concern is originating in the URB and URC districts where detached units are already allowed by site plan review, she pointed out. There was a comment that this is only allowed on properties which already have a single-family home. In reality, there are multiple ways to develop a property. Zoning allows two principal structures on a property and allows townhouses, which can be multiple structures on a property. There are still minimum open space and setback requirements in the context of all the districts. Where there is flexibility to have multiple structures on a property, those open space and setback requirements would be the constraining factor for where buildings could go and the scale of those buildings.

Since two detached structures are already allowed in URB and URC districts, what they are talking about is expanding this to URA, RR, SR and WSP districts. For the most part these will be opportunities for people who currently own homes to add a second unit. Right now, they have an accessory dwelling provision, but this adds more flexibility because instead of having the constraint of a 900 s.f. unit, it could be larger. It doesn't necessarily mean it will be larger.

Ms. Misch showed pictures of a detached structure and accessory dwelling unit that have already been built under the existing ordinance. She cited these as examples of how the zoning change would help property owners who already own homes in these districts.

She clarified that the ordinance is not intended to provide houses meeting the technical definition of 'affordable housing,' which is housing affordable to people earning 80% or less of the Area Median Income (AMI), but is part of an attainable housing strategy throughout the city. It is one way of providing an opportunity for lower cost housing for people.

Councilor Jarrett said he is getting a lot of questions from constituents specifically around an

element of URB zoning and the change which will occur in going from allowing “the addition of a principal structure to a parcel where one already exists” by site plan approval to allowing “two single-family dwellings per lot.”

He expressed his understanding that, if this is literally interpreted, it could mean there now has to be a principal structure there already before someone can build a second one while, under new zoning, someone will be allowed to build two single-family dwellings from scratch on an empty lot.

There isn't a change to the existing provisions in the zoning where someone could currently come in for site plan review and build two principal structures on a lot, Ms. Misch responded. That is allowed now. There is no change to the current condition. That is a misreading of how all the components fit together in the zoning to allow different variables, primarily in the URB and URC districts. Really, this is about adding the ability to create a second unit in the rest of the city where it's now only allowed in the URB and URC district unfettered as to size.

Councilor Jarrett asked her to walk him through how a developer would currently be allowed to build two principal structures on an empty lot. “Starting with a lot with nothing on it, how do you build two principal structures on a lot at once?” He asked. Where is that enabled?

They haven't really had too many of those proposals, Ms. Misch said. Usually, it is three or more units that come in at once. Further down, it says a developer can do townhouses or other multi-family dwellings of up to six units by site plan review. If someone were proposing that scenario, planners would say this is your path.

Townhouses do not have to all be attached, she confirmed.

Councilor Jarrett said he wants to be clear that they are not changing that for URB or URC; that is remaining the same. It is rightly very important to his constituents. He thanked her for the clarification,

Because these conditions exist already, Councilor Dwight asked if there has been a demonstrated land rush that has been projected or described or prophesied with developers buying up properties and madly developing.

No, Ms. Misch said. They've seen a few projects come forward over time. She referred to one on Hawley Street, the redevelopment of Shaw's Motel and a couple of others. Periodically, single-family home lots are also created.

Councilor Dwight noted that they are currently in a very super white hot market. One would presume this is the peak of the type of speculative development that people are very concerned about. Since there already is existing zoning for developers to come in and take advantage of, it doesn't sound like it is Filene's basement. These conversations are always driven with passions. Things that are beyond your control and are in your backyard would in anybody inspire concern and distress. He did want to know as of now, during this very active period of development if they are seeing any evidence of this

Councilor Foster said she wanted to lift up some of the concerns that she's heard about demolition of existing structures to allow larger structures in their place. She is sympathetic to the concerns around seeing some of those torn down and new larger structures put in. Most of the concerns heard today is around smaller houses coming down and bigger houses going up. She is wondering if there is anything in zoning to address that situation.

She sees how a package of zoning works together to create different opportunities. Is there any answer in zoning around the concern around tearing down existing structures? She asked.

She doesn't think they are in a position as a community that there is so much demand that it is more cost efficient to demolish a structure in order to build new units, Ms. Misch reflected. It is not a tear down craze. There are structures sometimes that need significant investment in order to make them livable and that becomes part of the calculation for anyone looking at a property. It is something they might look at in the future if it appears they are at a point that the demand for housing is so high and they're not meeting that demand. “I don't think we're there yet.”

Part of the issue that is driving up cost is not enough supply at different levels to meet demand. She is hopeful that allowing different ways for people to build houses addresses some of that demand and helps relieve some of that pressure.

### **DISCUSSION**

Members continued to ask questions and offer comments. Several councilors, in turn, expressed their reasons for supporting the package of amendments.

With regard to concerns about large structures in peoples' backyards, Councilor Dwight pointed out that nothing is going to happen to anyone's backyard unless they themselves change it or sell it. He has always said that every political conversation, everything they debate and deliberate, is a territorial conflict, the desire to manage and maintain that which one knows and is comfortable with and the dread of changes beyond one's control. His neighborhood has not changed significantly in terms of structures, he observed. It is former workforce housing for the railroad. His neighbor two doors down listed his house in the middle of a blizzard. There was a line down the street to go through it and it sold for \$50,000 over asking. It is partly COVID flight and partly really favorable interest rates. They're talking about trying to provide opportunities for housing at every level.

This zoning is a comprehensive package. When people debate it, they use terms that are malleable and not appropriate, such as 'affordable' and 'attainable.' They are talking about a comprehensive package that creates and provides opportunity for people who are currently excluded. Wealthy people have always been able to come here and buy.

They had the same fight some years back about changing the setback requirements to promote more development of ADU's and provide more affordability, he related. The comments were pretty much the same. There was concern about a massive land grab by rapacious developers. That's not what's happening and is not what's likely to happen. They know that there are fights to come. There will be the same types of concern. They are legitimate concerns.

There was a development built a few years ago that had tremendous resistance from the neighbors. Now, some of the new people are complaining about development near them. The issue is controlling and managing places we hold dear. It is his hope that they study this package in the context of the comprehensive package going through and that hopefully the other portions will be less controversial, he concluded.

Councilor Jarrett said he wanted to expand on the point he calls, 'Rich people win.' New moderately-sized homes are \$600,000 and older ones range from the mid-\$250's to \$500,000. Of the people who want to buy here, rich people win. It's absolutely not fair. There is extreme wealth inequality. It's logical that increasing supply will reduce demand, but demand is so much higher. There is also something of the 'signaling' effect in which people with money go somewhere and that attracts more people with money. The question is, does that overcome the supply and demand problem. In general, it's not shown to be true. It's generally people who can pay cash for the whole thing that are getting homes which is generally developers or people with money – rich people again. And developers will fix a home up and sell it for 5 or \$600,000.

The argument that zoning that prevents more housing would make housing more affordable doesn't hold true because of the extreme demand and who's getting the houses in bad shape, he suggested.

Second, some of them have won the lottery. Those of them who bought homes before the current rise in demand have houses worth more and it's not because they put more work into them. Also, zoning changes can make their properties more valuable. It's people who have won the lottery that are the most concerned. As homeowners, they have a role in this gentrification; it's not just developers. There are ways to put systems in place to create more permanently affordable things.

With regard to neighborhood character, it changes, he pointed out. Prior to zoning, more buildings were built close together because more people wanted to live in an area, so neighborhoods changed to reflect that need. People needed to live close together because most people didn't use cars. Then, zoning came along with larger lots and that stopped it. "I think what we're

trying to do in this whole package is to bring back the ability to have neighborhoods where we can meet our needs more locally" and in an updated fashion, he opined. Things they need to think about are how much they want to legislate and how much yard people want to have and whether attainable housing is worth it. He thinks so. Multi-family homes are cheaper to build than single-families so these will be attainable to people.

He thinks affordable housing is only going to come from subsidy or goodwill at this point. They have seen that subsidies at all levels of government are sorely lacking but subsidy is the only way to create affordable housing unless a homeowner builds a second unit and chooses to rent or sell it at an affordable price. The only other option is if fewer people want to live here, then prices would go down.

Lastly, does this zoning make for a more livable city? Are they so attached to large lot sizes that they'll never actually get to sufficient density to live without cars? He asked rhetorically. Urbanism makes a lot more sense to him than suburbanism. Even though it hurts each time a tree comes down, it's so much better than the suburban sprawl alternative. He believes that basic form is correct.

Piecing all this together, including how the URA and WSP zones are close enough to the downtowns in Northampton, Florence and Leeds that having more units there meets sustainability goals and that, in SR and RR, it meets affordability and energy efficiency goals, he thinks it's worth supporting these ordinances.

Councilor Nash said what he likes about this package is the range of options. They're really allowing for a lot of flexibility. They can only hope that by allowing smaller units, attached units and two families, they are actually going to end up with more affordability. He thinks that for families, these options are really great. It allows people to age in place and have children live on their properties. It takes all of their structures and makes them more flexible, and he thinks that in itself makes them very worthy. Based on that, he's going to support it.

Councilor Jarrett proposed an amendment. At his request, the administrative assistant screen-shared an amendment to 20.166, Section 4 Screening. Councilor Jarrett reviewed the proposed changes.

The Urban Forestry Commission has weighed in on this amendment and suggested some of the changes, he confirmed. UFC members prefer the three-inch (3") threshold. He and Ms. Misch agreed together on a five-inch (5") threshold, but he would certainly support a three-inch (3") threshold as well. The concern about the 3" is there could be a large number of three-inch trees. This proposal requires trees to be planted, if not on the property, than in the right-of-way nearby.

Councilor Jarrett moved the amendment as presented. Councilor Dwight seconded.

There was a lot of discussion about not being overly burdensome to property owners given that single-family home owners don't have any restrictions about cutting trees to install a deck or a pool, Ms. Misch volunteered.

She said she had a few other housekeeping items on other ordinances.

Councilor LaBarge voiced concern about dictating what people can and can't plant on their own property. She cited potential conflicts with trees, such as long driveways and trees planted near septic systems. A lot of people are saying they've had it with the city telling them what to do with their property, she reported.

In this case, they are allowing something that normally is not allowed (two-family housing) and so are asking not to have a net loss of trees, Councilor Jarrett responded. Given the city's climate goals and all the benefits trees provide in terms of shade and cooling, it's necessary to think about the long-term future of Northampton. He thinks this is a good compromise. If someone really isn't able to plant on the property, they have the option of planting on the street nearby.

This is sort of a relief valve to accommodate property owners who can't plant because they have a septic system or driveway in the way, so it addresses that, Ms. Misch confirmed.

The motion passed unanimously 9:0 by roll call vote.

Ms. Misch presented an amendment to 20.166, Section 611 a (1) related to the heating system being required to be fossil fuel free. She recommended striking the term 'building permit' and replacing it with 'site plan.' Also, to clarify what fossil-fuel free means, she proposed striking the phrase 'fossil-fuel free' and stating that 'all space heating must be powered by either wood, wind, solar or grid-sourced electricity.'

Councilor Dwight moved those amendments. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Ms. Misch presented an amendment to 20.167 to delete the reference to detached accessory dwellings to clarify they are getting rid of this term throughout the tables of use.

Councilor Dwight so moved. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

**CAPPING SIZE OF SECOND UNIT TO 1,800 SQUARE FEET**

Councilor Maiore proposed an amendment exploring a size cap on the second unit to 1,800 s.f. in areas newly affected by the second unit.

The administrative assistant screen-shared the text of the amendment.

Councilor Maiore voiced her perception that the fear is a 3,000 s.f. second unit, and this would discourage that without preventing it by requiring a special permit for a unit over 1,800 s.f.

Councilor Maiore moved to amend. Councilor Jarrett seconded.

Councilor Jarrett asked Ms. Misch what the implications of requiring a special permit would be.

It would be difficult for the Planning Board to approve a special permit without a defined slate of criteria, Ms. Misch responded. A special permit creates potentially different voting requirements and allows the board to say no. Zoning does have some standard special permit review criteria but they don't speak specifically to this issue.

Councilor Jarrett asked her to describe the general special permit review criteria.

Ms. Misch reviewed the criteria, including protecting adjacent properties from serious detriments, promoting convenience and safety of vehicular and pedestrian movement to the site and on adjacent streets, harmonious relationship to existing structures and the natural landscape, etc.

To her, it does sound like there are some parameters for permitting, Councilor Maiore said. She said she doesn't know how Ms. Misch feels about the number. It sounds to her like kind of a clear guideline for the Planning Board.

Another criteria is that the project meets special criteria set forth for specific uses, Ms. Misch added.

Councilor Dwight said he gets the sense this is not something she's enthusiastic about. One criteria on special permit that seems to be most salient is whether it conforms to the neighborhood. Talk about 'amorphous,' he observed. Citing the Lumber Yard as an example, "It didn't look like the one-story white cinder block gas station so it didn't conform to the rest of the neighborhood," he noted. He asked if she could expand on her feelings about the suggestion.

From the beginning, they weren't recommending a cap of any kind, they were recommending lifting the 900 s.f. cap, Ms. Misch reminded. She thinks the ordinance would be fine. Given that they are not getting huge two-families, it would be a rarity that they would see a special permit application like that. It's not a deal breaker by any means. In general, they think pretty hard about setting a special permit threshold for any use because it does become a barrier for people just because of the ability of the board to say no. It could have some chilling effect, she acknowledged. She said she is not sure how often it would come up.

If he is hearing this is not particularly harmful or deleterious to any other dimension of the proposal, he's fine with it, Councilor Dwight concluded. He understands the reason this is being proposed is the expressed concerns of people who have suggested that is a possibility. "If they wanted to nail it shut, then let's do it," he proposed.

It comes up in the Leeds area where they have really large properties, Councilor Maiore shared. She said she doesn't want to actually make things more difficult. She is hoping it would be a rarity. She thinks in her ward it might actually come up. It's a fear. She thought if it wasn't too much of a detriment, it could add to this.

Councilor Nash said his one thought is why they don't just go for a hard cap rather than a special permit. His fear around a special permit is they are inviting a meeting where people are going to show up and "kind of handing the discussion off to the Planning Board. If we really don't want 3,000 square foot structures, let's create that cap."

He expressed the understanding that if they created a cap of 2,000 s.f., they could always lift it in the future. He voiced the perception that they couldn't go from unlimited to limited, but Ms. Misch said they could.

This is double the ADU size they're getting rid of and is just about the average single-family home size, Councilor Jarrett pointed out. Large buildings are likely not to be consistent with their resilience goals. He feels comfortable establishing this level of review and listening to people who are concerned about what might happen.

Councilor Foster said one of the requests that she has heard resoundingly is that they take a big picture approach. To her, this amendment makes sense looking at their climate goals and their goal to provide housing options that may be more financially in reach for people.

She thinks it's harder to revisit zoning in a reactionary way than to put in a limit in to begin with. That's an approach that she would feel more comfortable taking, she said.

There being no further discussion, the motion passed unanimously 9:0 by roll call vote.

The motion to approve the package of ordinances as amended passed unanimously 9:0 by roll call vote.

**The following ordinances passed two readings:**

**City of Northampton  
MASSACHUSETTS**

*Two-Family By- Right  
Ordinances 1 of 10*

**In the Year Two Thousand Twenty**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.163 An Ordinance Relative to Two-Family By Right - Amendment to Definitions**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City by amending multiple sections within Chapter 350 relating to definitions, parking, lot layout, design.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

**Chapter 350-2.1 DEFINITIONS**

**ACCESSORY APARTMENT**

See ~~§ 350-10.10, Accessory apartments.~~

DWELLING, Two- Family/ Two Single Family below

**DWELLING, TWO-FAMILY**

A Two-Family Dwelling is a residential building type in which two dwelling units are contained within a single free-standing structure, including attached accessory apartments, two unit townhouses, backyard cottages. Units may be in distinct, but attached, masses. ~~A detached building containing two dwelling units.~~

**DWELLING, TWO SINGLE-FAMILY**

Two Single-Family Dwellings Located on One Lot is a residential development type in which two free standing detached single-family dwellings are located on a single lot, including detached accessory apartments and backyard cottages, two-unit townhouses.

City of Northampton  
MASSACHUSETTS

Two-Family By-Right  
Ordinances 2 of 10

In the Year Two Thousand Twenty

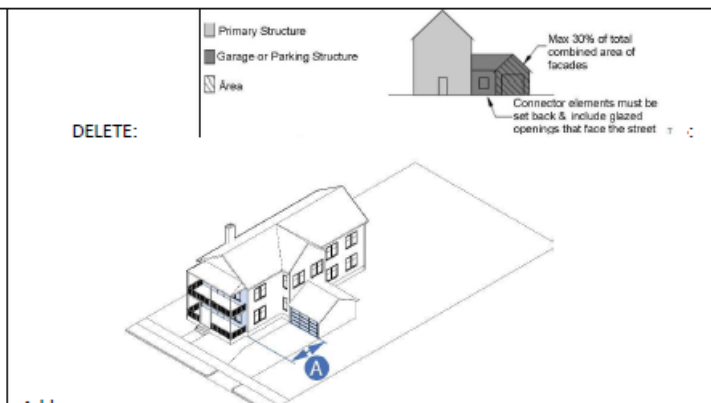

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.164 An Ordinance Relative to Two-Family By Right - Amendment to URA Table of Use**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

URA Attachment 6 Be modified by adding and deleting text as Follows *with no other changes to Attachment 6*:

<p><del>1. If a garage or otherFor attached garages/ parking structure is that face the street-attached</del></p> <p><del>B., it must be set-stepped back 20'-10' from the house facade;</del></p> <p><del>B. and the garage/structure shall comprise no more than 30% of the front facade of the primary structure unless the garage is stepped back from the facade by 20(A);</del></p> <p><del>The criteria above does not apply to residential structures that are either behind another principal structure which is along the street front or if the structure is setback 40' or more from the front lot line.</del></p> <p><del>C. The side setback may be 10' for the garage only when not used as a living area.</del></p> <p><del>See additional specific criteria for 2-family homes</del></p>	<p>DELETED:</p>  <p>ADD:</p> 
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Uses Allowed by Right:

Single-family home

~~Two-family less than 3,400 sf total of new construction. See additional criteria in 350-6.11 NOTE- Make HYPERLINK~~

Uses Allowed by Site Plan

One of the dwellings not to exceed 1,800 square feet gross living area.

Two single-family dwellings per lot See additional criteria in 350-6.11 NOTE- Make HYPERLINK

Two-family, greater than 3,400 sf total of new construction See additional criteria in 350-6.11 NOTE- Make HYPERLINK

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

Two single-family dwellings per lot, both of the dwellings greater than 1,800 square feet gross living area each See additional criteria in 350-6.11 NOTE- Make HYPERLINK

All references in Uses allowed by Right and Special Permit for Accessory Dwelling units of 900 Sf or less to be deleted:  
Attached (to a single-family) accessory dwelling unit not to exceed 900 ft.2 gross living area. See § 350-10.10. Same setback as for principal structures;  
Detached accessory dwelling unit for single-family home meeting same setback requirements as a single-family home. See § 350-10.10

**City of Northampton  
MASSACHUSETTS**

In the Year Two Thousand Twenty

Two-Family By-Right  
Ordinances 3 of 10

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

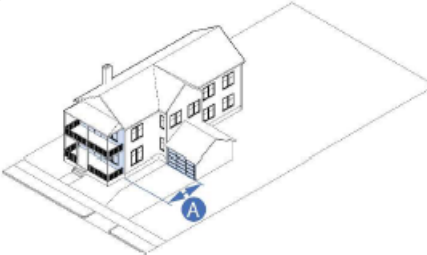
**20.165 An Ordinance Relative to Two-Family By Right - Amendment to URB-URC Tables of Use**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend 350 Attachment 7, 8 for URB and URC tables with additions and strikethroughs follows, with *no other changes to those attachments*:

	FOR URB, URC
Lot Dimension Requirements	Layout Setbacks <del>for all uses. See additional form/layout requirements for two-family below in "Uses Allowed by Right".</del>
Lot Size <del>Single or Two family: 3,750 ft<sup>2</sup></del>  3+ units: 2,500 ft <sup>2</sup> minimum (min) per unit Frontage/Width = 50' Min. Depth = 75' Min.  <del>Detached accessory structure/garage/storage = 10' behind front of principal structure. 4' (side and rear lot line)</del>	
Design Standards Illustrated Planning Board may waive, by site plan approval elements 2, 3, 4 <del>below</del> 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)	
<p><del>1. If a For attached garages/ or other parking structures that face the street, is attached, it must be set</del></p> <p><del>a) The front face of the garage must be stepped back 10' from the house facade, and</del></p> <p><del>b) The garage/structure shall comprise no more than 30% of the front facade of the primary structure, unless the garage is stepped back from the facade by 20' (A).</del></p>	<p>DELETE:</p>

<p>The criteria above does not apply to residential structures that are either behind another principal structure which is along the street front or if the structure is setback 40' or more from the front lot line.</p> <p>c) The side setback may be 10' for the garage only when not used as workshop/storage/living area etc.</p> <p>• See additional specific criteria for 2-family homes</p>	 <p>ADD:</p>
---	---

**USES ALLOWED**

***Uses Allowed By Right:***

- ~~Two family less than 3,400 sf total of new construction~~
- ~~Attached (to a single family) accessory dwelling unit not to exceed 900 F<sup>2</sup> Gross Living Area. See 350-10-10. Same setback as for principal structures.~~

***Site Plan Approval required for the following:***

- ~~Any Construction (other than for a single family home or two family less than 3,400 sf) greater than 2,000 ft<sup>2</sup>~~
- ~~Two single-family dwellings per lot~~
- ~~Two family, greater than 3,400 sf total of new construction~~

***Special Permit Approval required for the following uses by Planning Board unless otherwise noted:***

- ~~Detached Accessory Dwelling Unit see 10-10 Zoning Board of Appeals Special Permit~~

City of Northampton  
MASSACHUSETTS

Two-Family By- Right  
Ordinances 4 of 10

In the Year Two Thousand Twenty

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.166 An Ordinance Relative to Two-Family By Right - Addition of Subsection to Ch. 350-6**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City by amending multiple sections within Chapter 350 relating to definitions, parking, lot layout, design.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Add New Subsection to Chapter 350-6.

350-6.11 Form Based Criteria for Two-Family and Two Single-Family Homes (EDITOR's NOTE: Wherever §350-6.11 is noted it should be a hotlink to this new subsection)

A. General Standards

- (1) Any new heating system to serve a second unit on a parcel or a new two-family or two-single families must be fossil fuel-free. This must be shown at the time of building permit application.
  - (2) The dwelling units in a two-family dwelling may be arranged side-by-side, front-and-back, or vertically stacked (up-down), or a combination thereof.
- (a) Example of vertically stacked two-family dwelling and side-by-side two-family

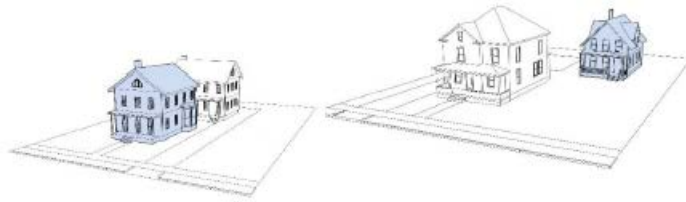
that triggers Site Plan Review/  
special permit

building permit application  
site plan

use on site-sourced or  
grid-sourced  
electricity



(b) Diagram of front-and back and two units per lot two-family dwelling



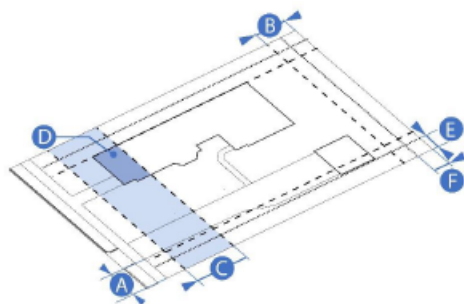
**B. Illustrative Examples.**

(1) The following photos show illustrative examples of two-family dwellings in Northampton.



**C. Design Standards for Two-Family and Two Single Family structures on a Lot**

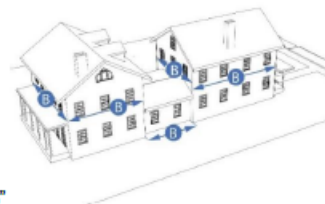
For two-family/two single family, in the URA, B, C zones, there is a minimum building occupancy in accordance with the following:



(1) Dimensional Standards				
		URC	URB	URA
A	Side Setback (min)	See Tables		
B	Rear Setback (min)	See Tables		
C	Build-to-Zone (min-max)	10'-25'	10'-25'	20'-40'
D	Building Frontage Occupancy width (min)	20'	20'	20'

Not applicable for additions to existing structures or lots that where existing structures do not meet this criteria

**1) Building Massing**

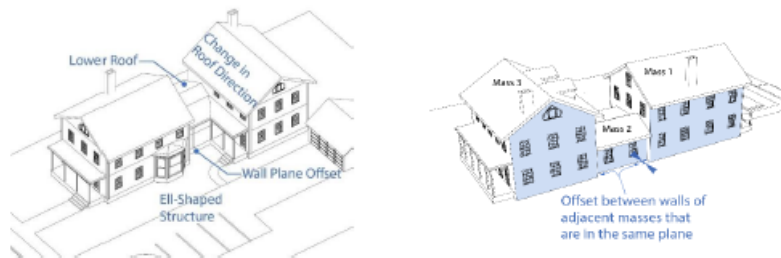


Maximum length of Massing is 50' "B"

(a) A dwelling may have more than one mass.

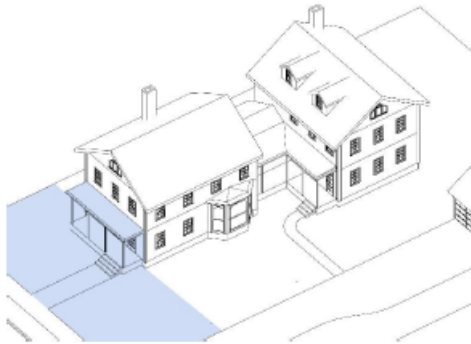
- (b) When a mass is attached to another mass, the masses must be designed with one or more of the following:
- (i) The roofs of adjacent masses run in different directions.
  - (ii) The roofs of adjacent masses that run in the same direction have at least a 2' difference in height.
  - (iii) Adjacent masses are arranged to create an EII or T shaped building. The leg of the EII or the arms of the T must extend at least 8' beyond an intersecting wall.
  - (iv) Where the walls of adjacent masses are in the same plane, the walls must be offset by at least 4'.

**Illustrative examples of techniques for making masses distinguishable**



**2) Building Frontage**

- a. Within the URA, URB, URC zones, in order to create a transitional space between a building's façade and the public realm that enhances neighborhood character, a new two-family dwelling or substantial alteration of a single-family dwelling that adds 50% or more gross floor area must include a covered front entry that meets the standards below.
  - I. The covered front entry must be located within the build-to-zone, except when a pre-existing building is not located within the build-to zone.



- II. The covered front entry must face the street. This is required for buildings facing and along the street front within the build-to zone. This is not applicable for additional structures built behind such buildings and which are not within the build-to zone.
- III. A covered front entry must have a minimum contiguous floor area of six (6) feet by eight (8) feet, exclusive of any stairs or ramps, for each unit's entry. The Planning Board, through site plan review may approve a smaller size but not smaller than 4'x4' for each unit.
- IV. The roof must cover an area of at least 4'x4' .
- V. At least one side of the covered entry shall be open between 3' and 7' above its floor surface.
- VI. A front entry may project beyond the front façade of a building or may be integral to the overall massing and roof form of the building.
- VII. Any stair egresses to porches above first floor covered entries must be within the footprint of the porch and may not project on the exterior of the porch footprint if it is within the build-to-zone.

Illustrative examples:



- b. A two-family dwelling may have a shared front entry, or two separate front entries.
- c. When a dwelling or dwelling unit is located to the rear of another dwelling unit that has a covered front entry, the principal entrance to the rear dwelling may face the side or rear of the lot. In this case, the covered front entry must be at

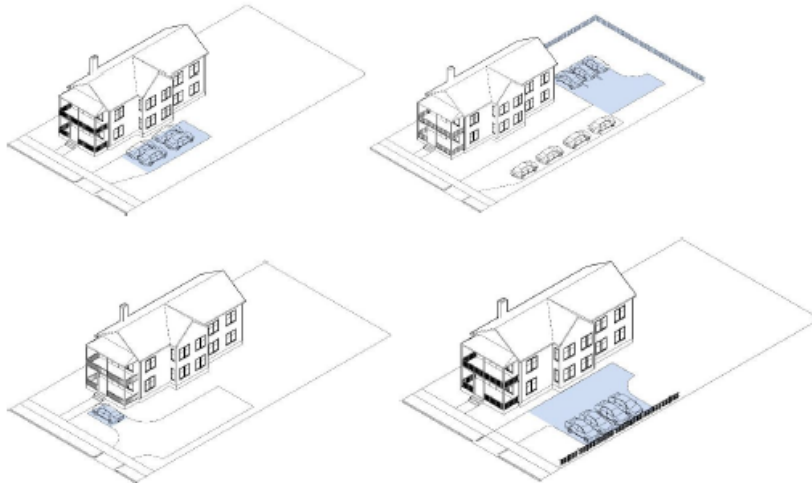
least 20' from the lot line unless other means to create a buffer/private outdoor space to adjoining properties are approved by the Planning Board. The entrance must meet the requirements for a covered front entry as described above.

**3) Parking/Garage Placement**

**a. General Parking**

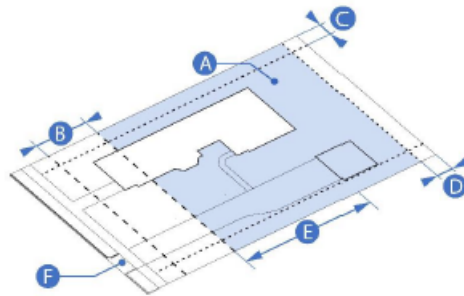
- i. A parking area must be located to the side or rear of a dwelling. No more than 1 parking space may be located in front of a dwelling's front façade.
- ii. Where a pre-existing parking area in front of a dwelling's front facade is proposed to be used in association with a new two-family use: the parking area may be expanded toward the side of the lot but may not encroach further in front of the home between the home and the street.
- iii. No more than four cars may be parked beside a dwelling. Additional vehicles must be parked behind a dwelling or inside a garage.
- iv. Parking for more than four cars shall be separated by landscaped areas of at least six (6) feet by six (6) feet.
- v. Parking areas behind a dwelling shall be adequately screened to block car headlights from illuminating adjacent properties
- vi. The Planning Board may issue a special permit for alternative parking configurations when: the proposed design maintains an equal level of safety and no more than four cars will be visible from a public way

**Illustrative Examples of Parking Configurations**



b. Detached Garage Design

- i. When a detached garage is located to the side of a dwelling and the garage doors face and are visible from the street, the width of the detached garage must be no more than 75% of the width of the principal dwelling on the property.
- ii. Detached Garage Front Setback -20' min <sup>E</sup>



c. Attached Garage Design

- i. When an attached garage is located between two dwelling units, the garage doors must face the side or rear of the lot.
- ii. When the garage door(s) of an attached garage faces and is visible from the street, no garage door shall be wider than 12'.
- iii. For attached garages in the SR, RR, and WSP districts when the garage doors do not face the street, the façade of the garage visible from the street shall have window glazing that covers at least 20% of that exterior façade.

4) Screening

- a. All exterior mechanical structures must be located along the sides or rear of structures or screened from view from public ways.
- b. All refuse containers must be contained within a structure or screened from view from a public way and adjacent properties.
- c. For every tree over <sup>5"</sup>3" in caliper removed for construction, a replacement shade tree of at least 1" caliper must be planted on the property. When more than three trees are required for replacement, a variety of shade trees selected from the Planning Board's tree planting list must be selected.

City's Tree List and Planting Guidelines

The Planning Board may waive the total number of required trees to be planted on site if it finds that it is infeasible to replace all removed trees on site and when:

1. At least one 1" tree is planted on site; and
2. It is shown that even alternative ornamental trees could not be planted; and
3. Planting and spacing requirements for the replacement trees would be hindered by constraints of the lot in combination with the planned useable space of the lot; and
4. The remainder of the required 1" trees, in consultation with the City's Tree Warden, are planted on public property, with preference given to the public right-of-way as close to the site as feasible.

Refer to Ordinance and Planning Board

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*Two-Family By- Right  
Ordinances 5 of 10*

*In the Year Two Thousand Twenty*

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

**20.167 An Ordinance Relative to Two-Family By Right - Addition of WSP District Table of Use**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by replacing section 350, Attachment 24 of said code; updating layout for WSP District and adding two-family residences by right.


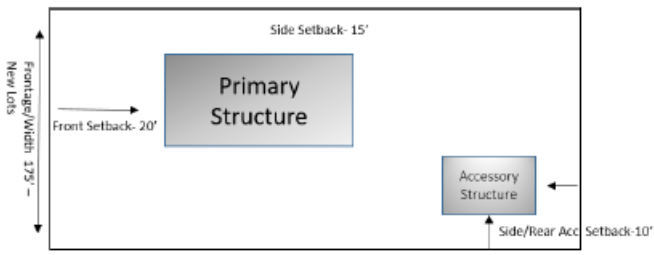

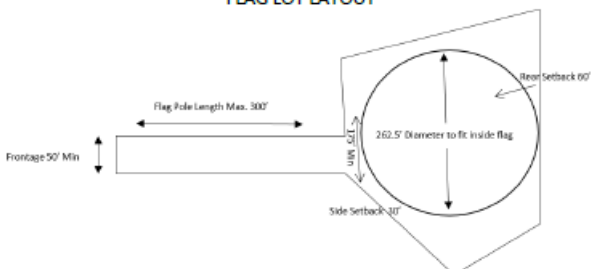
**ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

**SECTION 1**

*Add new "Table of Use and Dim Regulations WSP District" as follows*

12/15/2020

<b>WSP District (Water Supply Protection)</b>	
<p><b>Description:</b></p> <p>Primarily low density residential over the City's drinking water protection zones including Zone 1 and 2 wellhead protection. Minimum lot sizes are larger to ensure onsite recharge for new lots. Existing built neighborhoods and new lots have slightly greater minimum open space requirements than other neighborhoods.</p>	<p><b>Example Uses/Structures</b></p> 
<p><b>Lot Dimension Requirements</b></p> <p><b>Lot Size- standard -</b>                  Existing House Lots: Lot size/ frontage/depth: Same as in existence on June 7, 2007, or 80,000 square feet &amp; 175' frontage/width, whichever is less                  Open Space = 60%</p> <p><b>New Lots 80,000 square ft. Min.</b>                  Frontage/Width = 175' Min.                  Depth = 200' Min.                  Open Space = 85% <span style="color: blue;">E</span>                  See Also §350-15.9</p> <p><b>Setbacks (accessory structures )*</b>                  Front =20' Min                  Side= 15' Min (4' detached accessory)                  Rear= 20' Min (4' detached accessory)</p> <p><b>*Attached Accessory Structures may be 10' from side and rear lot lines when used only as garage/storage space.</b></p> <p><b>Max Height= 35' (20' detached accessory)</b>                  Ground Mount Solar, Essential Srvcs/Municipal Facil: 0 Min.Lot Size</p>	<p><b>Layout Setbacks</b></p>  
<p><b>Flag Lot Size-</b>                  80,000 square ft. minimum                  Frontage/Width = 50' Min.                  Depth = 200' Min.</p> <p><b>Setbacks</b>                  Front =40' Min                  Side=30' Min(10' Det Acc structure)                  Rear=60' Min(10' Det Acc structure)                  Max Height = 35'                  Open Space = 85%</p>	<p style="text-align: center;"><b>FLAG LOT LAYOUT</b></p> 

12/15/2020

Design Standards Illustrated	
<p>1. For attached garages/ parking structures that face the street,</p> <p>a) The front face of the garage must be stepped back 10' from the house façade; and</p> <p>b) The garage shall comprise no more than 30% of the front façade of the primary structure, unless the garage is stepped back from the façade by 20'(A).</p> <p>The criteria above does not apply to residential structures that are either behind another principal structure, which is along the street front, or if the structure is setback 50' or more from the front lot line.</p> <p>See additional specific criteria for 2-family homes. 350-6.11.</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 ft<sup>2</sup> Gross Living Area (round up). No more than 2 spaces required per unit.</p> <p>Front yard setback may only have parking for a maximum of two vehicles</p>

12/15/2020

WSP USES ALLOWED

*Uses Allowed By Right:*

- Single Family residence
- ~~Two Family/Attached (to a single family) accessory dwelling unit not to exceed 900 F<sup>2</sup> Gross Living Area—See 350-10-10. Same setbacks as for principal structures. See §350-6.11 for additional criteria. EDITOR'S NOTE: Create HOTLINK.~~
- Home Business up to 25 visits per week as defined in sect.2.1
- Preexisting nonconforming uses (may trigger ZBA permit)
- Accessory uses to residential: Tag Sales -temporary sales of personal and household articles, Pets/animals section 5.3
- Accessory structures- detached (but no larger than 1,000 ft<sup>2</sup> of lot coverage or 3% of lot area whichever is greater unless it is used for agricultural purposes) See also § 350-6.7.
- Family day care (registration w/Building Commissioner required)
- Cemetery, including any crematory therein
- 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. Dimensional Standards do not apply.
- Rooftop solar hot water and photovoltaic
- Accessory solar photovoltaic(PV) ground-mounted on a parcel with any building/ use, provided that the PV is sized to generate no more than 100% or 12 KW of the annual projected electric use of the non-PV building/use. Same setbacks as for detached accessory structures.
- Any excavation incidental to a permitted use within three feet of the annual groundwater table with staff review to ensure there will be no groundwater contamination and site will not be dewatered.
- Essential Facilities — Setbacks of structures are that of Principal structures.
- Municipal Facility - Setbacks of structures are that of Principal structures.
- 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.
- Any excavation incidental to a permitted use within three feet of the annual groundwater table with staff review to ensure there will be no groundwater contamination and site will not be dewatered.

*Site Plan Approval required for the following:*

- Any new construction (other than for a single family or two family less than 2,000 sf of GFA home) greater than 2,000 ft<sup>2</sup>
- ~~Two Single dwellings on the same parcel/Detached Accessory Dwelling. See §350-6.11 for additional criteria. (EDITOR'S NOTE: Create HOTLINK)~~
- ~~Detached accessory dwelling unit for single family home meeting same setback requirements as a single family home-see-§350-10-10.—Administrative Site Plan~~
- Educational use: non-profit, any religious use, day care, school-aged child-care program (MGL c. 28A, § 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 a 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 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.
- Solar photovoltaic of any size, ground-mounted—Administrative Site Plan:

Two Family

one of the dwellings not to exceed 1,800 square feet gross living area.

12/15/2020

- 1. Over any legal parking lot or driveway;
- 2. At any landfill site not separate from the site-assigned property by any road; and
- 3. At an airport not separated from the runways by any road.

• ~~Solar photovoltaic (PV), large-scale ground mounted with less than two acres of tree removal:~~ Any other solar photovoltaic (PV), large-scale ground-mounted not listed above, where less than two acres of tree removal is planned. The removal of significant trees on the subject parcel(s) must be replaced in accordance with § 350-12.3 and includes tree removal that occurs within 12 months immediately prior to an application for installation of such a system. No minimum frontage or lot size. Panels shall be setback 50' from all lot lines. A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% of the plantings shall be evenly spaced. Whenever possible, existing trees and ground cover should be preserved in this strip, reducing the need to plant additional trees. Trees may not be cut down in this strip without site plan approval.

1 The owner or operator shall remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

- a. Removal of all structures, equipment, security barriers, transmission lines, conduits, poles.
- b. Disposal of all waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. If the owner/operator fails to remove the installation in accordance with the requirements of this section, the City shall have the right, exercise or call the bond/performance guarantee in order to cover the cost of removal.

Performance guarantee: Applicants shall submit an itemized cost estimate for complete decommissioning of the array as specified above. Prior to beginning construction the applicant shall post a performance guarantee in the form of a bond or escrow or other guarantee approved by the Planning Board for the amount to cover decommissioning, including a 20% contingency and calculated with twenty-year inflation factor. ~~Installation must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.~~

- Parking off site and combined parking. See § 350-8.5 and 350-8.7
- ~~Creation or expansion of six or more contiguous parking spaces.~~
- Parking requirement reduction. See § 350-8.10F.
- Residential Shared driveways ~~see § 350-8.8R~~
- Year-round greenhouse / stand for wholesale and retail sale of agricultural farm products raised on site
- ~~Detached Accessory Dwelling Unit see 30.10 Administrative Site Plan~~
- Telecommunication antennas which are located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- Open/Outdoor marijuana cultivation.
  - 1. All security fencing that includes razor wire or other physical security measures that are not typically residential in character must be screened with vegetation so that it is not visible from public ways nor from other principal residential structures within 300 feet.
  - 2. If a fence or other security structure is planned within a FEMA-mapped floodplain, it must be shown to be engineered to withstand expected floodwaters or it must be engineered to include a breakaway that opens during flood conditions.

*Special Permit Approval required for the following uses by Planning Board unless otherwise noted:*

- Home Business for personal service business by appointment only or Home Business more than 25 visits etc. see 10.12 for other criteria—*Zoning Board of Appeals Special Permit*
- Flag lots. ~~for Single, Two-Family or Two Single Family~~ See § 350-6.10, ~~6.11.~~
- Bed-and-breakfast/Tourist home
- Commercial stable or kennel in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures. See § 350-10.8 and exemptions MGL c. 40A.

12/15/2020 New bullet: Two single-family dwellings per lot, both of the dwellings greater than 1,800 square feet gross living area each

- Outdoor Commercial Recreational use, miniature golf, temporary carnival
- Any other private school, college or university
- Historical association or society and nonprofit museum (may include the residence of a caretaker)
- Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between ~~8-12~~ KW or over 100% but no more than 200% of the annual projected electric use of the non-PV building or use.
- Private Utility or Substation, small scale hydroelectric generation.
- New Telecommunications facility in accordance with §§350-2.1 and 10.9.
- Parking lot access for nonresidential uses across a residential lot. See § 350-8.9.
- Processing and treating of raw materials including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations. See § 350- 10.3.
- Removal of sand, gravel, quarry, or other raw material. See § 350-10.3.
- Filling of any land. See §10.4 Filling of water or any wet area. See §10.3.
- Private bridge, tunnel
- Railroad passenger terminal
- Municipal facility
- Heavy public use. See § 350-10.7.—*City Council Special Permit*
- Membership club operated as a not-for-profit corporation, as defined by MGL c. 180, excluding any adult establishments which display live nudity -
- Site alteration, structure or impervious surface within 200 feet of any watercourse (including intermittent) which are tributaries to a public water supply
- ~~Funeral establishment~~
- Community Center
- ~~Assisted-living-residences, nursing-homes~~
- Cluster residential development. See § 350-10.5.
  - Cluster Development Layout Standards
    - a. Project lot = 4-acre minimum
    - b. Project frontage = 175 feet
    - c. Project depth = 200 feet
    - d. Setbacks from project boundary:
      - Front = 40 feet
      - Side = 20 feet
      - Rear = 50 feet
    - e. Individual lot frontage, setbacks, frontage = 0 feet
    - f. Maximum height = 35 feet
    - g. Project open space = 75%
    - h. Design: Planning Board to review layout to ensure project transitions between existing neighborhood along street and proposed project. For new buildings, setback, scale, massing should fit within the area. Mature specimen trees shall be preserved unless shown to be infeasible. No minimum setbacks, lot size, frontage, or open space for internal lots. More than one structure may be located on a single lot.
  - Solar photovoltaic (PV), large-scale groundmounted with more than two acres of tree removal.
    - A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% of the plantings shall be evenly spaced. Whenever possible, existing trees and ground cover should be preserved in this strip, reducing the need to plant additional trees. Trees may not be cut down in this strip without site plan approval
    - 1. The owner or operator shall remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of: a. Removal of all structures, equipment, security barriers, transmission lines, conduits, poles. b. Disposal of all waste in accordance with local, state, and federal waste disposal regulations. c. Stabilization or re-vegetation of the site as necessary to minimize erosion. If the owner/operator fails to remove the installation in accordance with the requirements of this section, the City shall have the right, exercise or call the bond/performance

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guarantee in order to cover the cost of removal. Performance guarantee: Applicants shall submit an itemized cost estimate for complete decommissioning of the array as specified above. Prior to beginning construction the applicant shall post a performance guarantee in the form of a bond or escrow or other guarantee approved by the Planning Board for the amount to cover decommissioning, including a 20% contingency and calculated with twenty-year inflation factor.

2. The Board must find that the removal of trees will not negatively impact the health, safety and welfare of the residents of Northampton by maintaining a robust and diverse ecosystem for the residents while also creating renewable energy systems. In order for the Board to make such finding, the applicant shall submit an analysis of the proposed project's impact relative to the benefit of the solar installation as follows:
  - a. Analysis showing that tree removal which occurs on more than one acre of slopes greater than 20% will not cause erosion of topsoil and will not increase siltation of any streams present on the site or within 200 feet of the property boundary.
  - b. Analysis of the forest type and relevant habitat that will be lost. This analysis must include the structure and diversity of the canopy, midstory and understory of the forested area to be cleared. Analysis must be performed by an individual with a master's degree in wildlife biology or ecological science from an accredited college/university or other competent professional with at least two years of experience in wildlife habitat evaluation.
    - i. Any forested area within which certifiable vernal pools are found must be identified and a permit from the Conservation Commission must be granted prior to review by the Planning Board.
    - ii. Any forested area containing clusters of five or more healthy trees of 20 inches diameter breast height or greater that are not in decline shall be preserved in order to continue to provide high value ecological benefit to the community. Connection of these larger trees to surrounding stands of trees shall be maintained.
    - iii. As part of the forest type analysis, the report shall contain information regarding the abundance and distribution of habitats within the region and of the specific site and any historical information on the extent and quality of these habitats and impact of clearing on these habitats. The applicant must show through analysis that habitat is not fragmented and that connectivity remains in the proposed conditions.
  - c. Analysis by a qualified third party showing that the project will be carbon-neutral over the first 10 years of operation. The applicant shall provide the following calculations:
    - i. The total volume of trees to be removed (provided by an independent certified forester) and the projected volume of trees over a ten-year period of additional growth.
    - ii. Subtracting the estimated live-wood in replacement trees provided under the significant tree section of this zoning ordinance 10 years after planting.
    - iii. Conversion of the net live-wood to be removed to short tons of carbon (using research from the Northern Institute of Applied Climate Science or other methodology after approval by the permit granting authority).
    - iv. Subtraction of the carbon offsets (short tons of carbon) provided by the solar photovoltaic project over 10 years of operation, including the calculation of potential carbon stored had the trees continued to thrive in that same ten-year window. 350 Attachment 24:8 Supp 11.4, May 2020 ZONING e. If there is any net release of carbon with the above calculations, the applicant shall assign renewable energy credits (REC) to the City to match or exceed said release of carbon. However, RECs may not be used to fund biomass projects.
  - d. At least 50% of the property shall be protected from tree clearing and future development for the duration of the operation of the solar array installation and until such time as the system is decommissioned and removed.
  - e. Within the area beyond the first two acres of canopy removed, stumps for removed trees must remain in place and no excavation/soil disturbance is allowed other than what would be required to bore support posts for the PV panels.
  - f. Electrical transformers for utility interconnections may be aboveground only if required by the utility provider. Power and telecommunications poles and equipment shall not be visible from the public way.

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City of Northampton

MASSACHUSETTS

Two-Family By-Right  
Ordinances 6 of 10

In the Year Two Thousand Twenty



Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.168 An Ordinance Relative to Two-Family By Right - Amendment to SR-RR Table of Use**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SR and RR Attachments 5 & 4 Be modified by adding and deleting text as Follows *with no other changes to Attachment 4 or 5:*

SR & RR District	
<p><b>Design Standards Illustrated</b>  <i>Planning Board may waive, by site plan approval element 2, 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)</i></p>	
<p><del>1. If aFor attached garages/ or other parking structures that face the street, is attached, it must be set</del></p> <p><del>a) The front face of the garage must be stepped back 120' from the house facade; and</del></p> <p><del>b) The garage/structure shall comprise no more than 30% of the front facade of the primary structure, unless the garage is stepped back from the facade by 20' (A).</del></p> <p><del>The criteria above does not apply to residential structures that are either behind another principal structure which is along the street front or if the structure is setback 50' or more from the front lot line.</del></p>	<p><b>DELETE:</b></p>  <p><b>ADD:</b></p> 

See additional specific criteria for 2-family homes, if a garage or other parking structure is attached, it shall comprise no more than 20% of the front facade of the primary structure.

**SR & RR USES ALLOWED**

**Uses Allowed By Right:**

- Single Family residence
- Two-Family less than 3,400 sf. See also §350-6.11 NOTE: Make Hyperlink

**Site Plan Approval required for the following:**

- Two-Family greater than 3,400 sf and Two Single Family dwellings per lot. See also §350-6.11 Note: Make Hyperlink
- Any Construction (other than for a single family home) greater than 2,000 ft<sup>2</sup>

one of the dwellings not to exceed 1,800 square feet gross living area.

**Special Permit Approval required for the following uses by Planning Board unless otherwise noted:**

- Two single-family dwellings per lot, both of the dwellings greater than 1,800 square feet gross living area each See additional criteria in 350-6.11 NOTE- Make HYPERLINK

All references in Uses allowed by Right and site plan for Accessory Dwelling units of 900 Sf or less to be deleted:

Attached (to a single-family) accessory dwelling unit not to exceed 900 ft.2 gross living area. See § 350-10.10. Same setback as for principal structures;  
Detached accessory dwelling unit for single-family home meeting same setback requirements as a single-family home. See § 350-10.10—Administrative Site Plan

**City of Northampton  
MASSACHUSETTS**

Two-Family By- Right  
Ordinances 8 of 10

**In the Year Two Thousand Twenty**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.170 An Ordinance Relative to Two-Family By Right - Delete Sections 350-10.10 and 350-10.11**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

**Delete Chapter 350-10.10 and 350-10.11 in their entirety**

City of Northampton  
MASSACHUSETTS

Two-Family By-Right  
Ordinances 9 of 10

In the Year Two Thousand Twenty

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.171 An Ordinance Relative to Two-Family By Right - Amendment to Parking Standards**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Chapter 3 50-PARKING STANDARDS 8.8 directly in front of

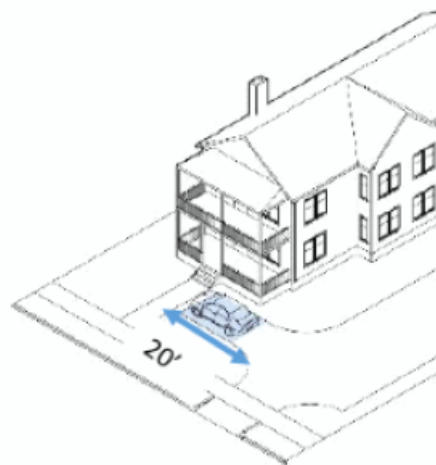
D. Parking shall not be located within five feet from the front lot line for residential uses, 15 feet for other uses in M District, nor 10 feet for other uses.

(1) For all residential uses in all residential districts except for URC, parking for more than two vehicles shall not be permitted within the front yard setback.

(2) ~~Within in the URA, B and C districts, no more than 1 parking space may be located between a public street and the front of a dwelling's front façade. Parking is not permitted within any of the setbacks in the Planned Village District.~~

G. There shall be a maximum of one driveway curb cut per lot. In CB, GB, EB and HB Districts ~~and for all new two-family lots,~~ a special permit from the Planning Board is required for more than one curb cut.

The width of pavement for driveways and parking shall be no greater than 20' across the width of the parcel between the house and the street. Parking may be located in the frontage to the side of the front facade.



City of Northampton  
MASSACHUSETTS

Two-Family By-Right  
Ordinances 10 of 10

In the Year Two Thousand Twenty  
Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.172 An Ordinance Relative to Two-Family By Right - Amendment to SC Table of Use**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to allow two-family homes/lots by-right in most of the residential districts within the City.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SC Attachment 18 Be modified by adding and deleting text as Follows *with no other changes to Attachment 18:*

SC USES ALLOWED

Uses Allowed By Right: (see above)

- Attached (to a single-family) ~~accessory dwelling~~two family unit not to exceed 900 ft2 gross living area. ~~See 5-350-10.10~~ Same setback as for principal structures. Allowed ONLY within homes existing as of June 30, 2005, and for those that meet all State Building Code and requirements under the Wetlands Protection Act and Wetlands Ordinance.

Site Plan Approval Required for the Following:

- Any construction (other than for a single-family home) greater than 2,000 ft2
- ~~The addition of a second unit less than 900 sf. on a parcel detached from the existing single family home. Allowed ONLY within existing footprint and within homes existing as of June 30, 2005, and for those that meet all State Building Code and requirements under the Wetlands Protection Act and Wetlands Ordinance. See additional criteria in 350-6.11~~

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

- ~~Detached accessory dwelling unit. See 5-350-10.10~~ Zoning Board of Appeals Special Permit

**Passed two readings, ordained and enrolled.**

Ordinances  
20.181 Ordinance  
Relative to  
Affordable  
Housing (350-6-12)  
- 1st reading  
21.189 Ordinance  
to Create an  
Incentive for  
Smaller Houses by  
Allowing Two Half-  
Scale Units to  
Count as a Single-  
Family for Density  
Purposes - 1st  
reading

Ordinances  
20.181 An Ordinance Relative to Affordable Housing (350-6-12) - 1st reading  
21.189 An Ordinance to Create an Incentive for Smaller Houses by Allowing Two Half-Scale Units to Count as a Single-Family for Density Purposes - 1st reading  
Councilor Sciarra said she thinks these other zoning ordinances are really important, and she would like to have an extensive conversation on them when they're not at this state at one o'clock in the morning. She suggested the possibility of continuing this discussion to the next meeting on April 1<sup>st</sup>.  
Councilor Dwight moved to continue the agenda item to April 1, 2021. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.  
See minutes of April 1, 2021 for first reading.

Consent Agenda

Consent Agenda  
Councilor Sciarra reviewed the consent agenda, offering to remove any item for separate discussion upon request. Councilor Dwight moved to approve the consent agenda as presented. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call

	<p>vote.                  The following items were approved as part of the consent agenda:                  A. <u>Minutes of February 18, 2021 City Council Meeting</u>                  B. <u>21.210 Appointment to Planning Board - for referral to City Services Committee Planning Board</u>  <b>Samuel Taylor</b> (Full Member), 245 North Street, Northampton                  Term: July 2020-June 2023  <i>Reappointment</i></p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p>At 1:10 1.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 1:13 a.m. The City Council reconvened at 1:13 a.m.</p>
<p><u>Financial Orders (on 1st reading pending Finance)</u>  <u>21.205 An Order to Establish Water and Sewer Rates for FY2022 - 1st reading</u></p>	<p><u>Financial Orders (on 1st reading pending Finance review)</u>  <u>21.205 An Order to Establish Water and Sewer Rates for FY2022 - 1st reading</u>                  Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The order passed unanimously 9:0 by roll call vote.   <u>See minutes of April 1, 2021 for second reading.</u></p>
<p><u>Financial Orders (in 2<sup>nd</sup> reading)</u>  <u>21.202 An Order to Authorize Acceptance of Gifts of Labor and Materials for Sidewalk Repair or Replacement – 2nd reading</u></p>	<p><u>Financial Orders (in 2<sup>nd</sup> reading)</u>  <u>21.202 An Order to Authorize Acceptance of Gifts of Labor and Materials for Sidewalk Repair or Replacement – 2nd reading</u>                  Councilor LaBarge moved to approve the order as amended in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.   <u>The following order passed two readings:</u></p>

**City of Northampton**

MASSACHUSETTS

*In City Council, March 4, 2021*

*Upon the recommendation of Mayor David J. Narkewicz and Department of Public Works*

**21.202 An Order to Authorize Acceptance of Gifts of Labor and Materials for Sidewalk Repair or Replacement**

WHEREAS, Property owners in the City are responsible for certain maintenance of the sidewalks and driveway aprons within the public way; and

WHEREAS, Property owners often desire to perform or have performed significant maintenance, repair or replacement of such sidewalks as part of driveway replacement or otherwise; and

WHEREAS, Heretofore, the Massachusetts Department of Labor Standards has opined that such work within the public way performed on behalf of a property owner implicated the requirement to pay prevailing wages and, depending upon the extent of the work and the cost thereof, the requirement to follow other requirements of applicable procurement laws, including solicitation of bids for such work; and

WHEREAS, The Department of Labor Standards has revised that opinion, and such work may now be performed on behalf of the property owner without regard to such procurement laws; and

WHEREAS, The materials required to maintain, repair or replace a sidewalk within the public way constitute a gift to the City of tangible personal property that require acceptance by vote of the City Council; and

WHEREAS, The public interest would be served by allowing the Department of Public Works to accept such gifts without further Order of the City Council, provided that prior to performance of such work the proposal is reviewed and approved by the Department of Public Works.

***Ordered, that***

In accordance with M.G.L. c. 44, § 53A½, the City Council hereby authorizes the Department of Public Works to accept any and all gifts from property owners of labor and materials valued up to \$10,000 for the maintenance, repair and replacement of sidewalks within the layout of the public way abutting the property of such property owner subject to such review and the issuance of such approvals and/or permits as the Department of Public Works may, from time to time, establish by departmental regulation.

Passed two readings and enrolled.

**21.203 An Order to Discontinue a Portion of Sherman Avenue – 2nd reading**

Councilor Dwight moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

21.203 An Order to Discontinue a Portion of Sherman Avenue – 2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council, March 4, 2021*

*Upon the recommendation of Mayor David J. Narkewicz and Office of Planning & Sustainability*

**21.203 An Order to Discontinue a Portion of Sherman Avenue**

WHEREAS, A newly-constructed home at 66 Sherman Avenue was built too close to the road to meet zoning front yard setbacks, and the only path to zoning relief is the discontinuance of a 44 square foot sliver of the layout of Sherman Avenue as shown on a plan entitled "DISCONTINUANCE PLAN, 66 Sherman Avenue"; and

WHEREAS, The discontinuance of a way or a portion thereof must be in the public interest, not in the sole interests of the abutting landowner; and

WHEREAS, The owner of 66 Sherman Avenue has agreed to donate \$50,000 to the City's traffic mitigation fund as an offset for the effects on Sherman Avenue, with such funds being dedicated to pedestrian and traffic mitigation in the area within one mile of this site; and

WHEREAS, Under these terms, the Northampton Department of Public Works has no objection to the discontinuance of the sliver of Sherman Avenue; and

WHEREAS, The donated funds will be used for to traffic mitigation and pedestrian improvements under the traffic mitigation program managed by the Office of Planning and Sustainability; and

***Ordered, that***

Upon payment of a donation of \$50,000.00, the City Council hereby discontinues that portion of Sherman Avenue as shown as "Parcel A," on a plan entitled "DISCONTINUANCE PLAN, 66 Sherman Avenue";

The City Council further authorizes the Mayor to sign an instrument of conveyance of the discontinued portion of Sherman Avenue to such owner of 66 Sherman Avenue consistent with this Order.

Passed two readings and enrolled.

Orders  
21.211 An Order Further Extending 20.062, Temporary Suspension of Certain Ordinances to Reopen Restaurants - 1st reading

Orders  
21.211 An Order Further Extending 20.062, Temporary Suspension of Certain Ordinances to Reopen Restaurants - 1st reading  
Councilor Sciarra read.

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

This was the order allowing them to set up temporary outdoor dining, Mayor Narkewicz reminded. They already have establishments downtown that have gone to the License Commission including this afternoon to apply for the necessary permits to stand that up again. The goal is to try to get outdoor dining set back up, weather permitting, April 1<sup>st</sup> on Strong Avenue, Market Street, Upper Main Street, and some side streets like Packards, etc. This will allow them to do that. They are asking for an extension to November 1<sup>st</sup> because they are assuming people will want to keep it up through summer and fall. That was effectively when they pulled the blocks and took everything up last year.

Councilor Jarrett said he noticed last year the addition of mask-free zones in Pulaski Park. He asked if they planned to do that again.

That was an initiative the health director tried, Mayor Narkewicz confirmed. Depending on where they are on mask wearing and vaccinations, he assumes the health director will try to do that again.

Councilor Nash said he thought the one-way traffic flow on Market Street was effective. He noticed it is not on the table.

Mayor Narkewicz said he has been talking to Meg Sullivan at Joe's. He is not sure they are

thinking of doing something as extensive, so they're thinking it won't impinge on traffic.

The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to approve the order in second reading. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.

**The following order passed two readings.**

**City of Northampton  
MASSACHUSETTS**

*In City Council, March 18, 2021,*

*Upon the recommendation of Mayor David J. Narkewicz*

**21.211 AN ORDER FURTHER EXTENDING ORDER 20.062 ENTERED  
ON JUNE 4, 2020, AS AMENDED BY ORDER 20.149**

WHEREAS, on June 4, 2020, the Northampton City Council entered Order 20.062, which suspended the effect of certain ordinances in order to facilitate the use of public property for outdoor dining in response to the COVID-19 pandemic; and

WHEREAS, Order 20.062 expired by its terms on November 15, 2020; and

WHEREAS, on November 12, 2020, the City Council extended Order 20.062 to March 31, 2021, by Order 20.149; and

WHEREAS, the Mayor desires to further extend Order 20.062, as amended.

NOW, THEREFORE, the Northampton City Council orders as follows.

***Ordered, that***

Paragraph 6 of Order 20.062, as amended by Order 20.149, shall be further amended by striking the phrase "March 31 2021" and inserting in its place the phrase "November 1, 2021 or 60 days after the Governor of the Commonwealth of Massachusetts rescinds the declared State of Emergency, whichever is sooner." All other provisions of Order 20.062 shall remain in full force and effect.

**Rules suspended, passed two readings and enrolled.**

20.182 Ordinance  
Relative to  
Demolition Review  
for Historically-  
Significant  
Buildings – 2nd  
reading

**20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings – 2nd reading**

Councilor LaBarge moved to approve the ordinance in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

**The following ordinance passed two readings:**

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand Twenty-One*

**Upon the Recommendation of Mayor David J. Narkewicz and Planning and Sustainability**

**20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, Chapter 161, 'Demolition,' be amended to remove Committee appointment language, which is located in the Administrative Code, and eliminate inconsistencies regarding Ordinance applicability.

**ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend the text with the additions, modifications, and deletions shown below. Modify existing Ordinance subsection numbering to accommodate amendments.

§ 161-6 Administration.

B.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this chapter. The Office of Planning and Sustainability is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter.

C.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

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**Passed two readings, ordained and enrolled.**

<b><u>New Business</u></b>	<b><u>New Business</u></b> None.
<b><u>Information (Charter Provision 2-7) &amp; Study Requests</u></b>	<b><u>Information (Charter Provision 2-7) and Information Study Requests</u></b> <b><u>Appointment of committee to review and recommend changes to council rules.</u></b> Councilor Sciarra said this would be on the agenda April 1 <sup>st</sup> in the form of a resolution.
<b><u>Motion to Adjourn</u></b>	Upon motion made by Councilor Dwight and seconded by Councilor Nash, the meeting was adjourned at 1:24 a.m. The motion carried unanimously 9:0 by roll call vote.  Attest: _____ Administrative Assistant to the City Council

## EXHIBIT A

List of Documents Reviewed at March 18, 2021 Northampton City Council Meeting:

1. March 18, 2021 Agenda
2. City Council Meeting Minutes of February 18, 2021
3. Email from Robin Levine and Greg Kline dated March 11, 2021 re: Baystate Development
4. Email from Assistant OPS Director Carolyn Misch dated March 18, 2021 re: Data requested from 3-4 Council Meeting
5. Chart entitled "Zoning Housing Proposals – How do they fit together?"
6. Email from Bill Ryan dated March 18, 2021 re: 2-Family: Changes to URB/URC District, 2 Single-Family per Lot, Zero Lot Line.
7. 21.201 A Resolution in Opposition to State Incentives for Biomass Plants
8. 21.207 A Resolution Decriminalizing Controlled Substance Possession as well as Cultivation and Distribution of Psychedelic Plants
9. 21.208 A Resolution to Adopt the Capital Improvement Program for FY2022-FY2026 Submitted to City Council on February 24, 2021
10. 21.209 A Resolution Expressing Gratitude to Northampton Health Department, First Responders, Ancillary Staff and Volunteers for Efforts to Vaccinate Our Community
11. Communication with Those Charged with Governance
12. FY2020 Management Letter
13. Northampton Single Audit Report 2020
14. Report on the Examination of Basic Financial Statements
15. 21.210 Appointment to Planning Board – Memo from Mayor David J. Narkewicz to City Council dated March 18, 2021 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Samuel Taylor to the Planning Board
16. 21.205 An Order to Establish Water and Sewer Rates for FY2022
17. 21.202 An Order to Authorize Acceptance of Gifts of Labor and Materials for Sidewalk Repair or Replacement
18. 21.203 An Order to Discontinue a Portion of Sherman Avenue
19. 21.211 An Order Further Extending 20.062, Temporary Suspension of Certain Ordinances to Reopen Restaurants
20. 21.212 An Order to Set Preliminary Municipal Election Date
21. 20.181 An Ordinance Relative to Affordable Housing (350-6-12)
22. Report from Community Resources Committee
23. 20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings
24. 21.189 An Ordinance to Create an Incentive for Smaller Houses by Allowing Two Half-Scale Units to Count as a Single-Family for Density Purposes
25. 20.163 An Ordinance Relative to Two-Family By Right - Amendment to Definitions
26. 20.164 An Ordinance Relative to Two-Family By Right - Amendment to URA Table of Use
27. 20.165 An Ordinance Relative to Two-Family By Right - Amendment to URB-URC Tables of Use
28. 20.166 An Ordinance Relative to Two-Family By Right - Addition of Subsection to Ch. 350-6
29. 20.167 An Ordinance Relative to Two-Family By Right - Addition of WSP District Table of Use
30. 20.168 An Ordinance Relative to Two-Family By Right - Amendment to SR-RR Table of Use
31. 20.170 An Ordinance Relative to Two-Family By Right - Delete Sections 350-10.10 and 350-10.11

32. 20.171 An Ordinance Relative to Two-Family By Right - Amendment to Parking Standards
33. 20.172 An Ordinance Relative to Two-Family By Right - Amendment to SC Table of Use

Record of City Council Votes for March 18, 2021		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @ 8:43 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 present
Open Public Hearing Concerning the Northampton Capital Improvement Program (CIP) for FY2022-FY2026		Motion to open Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Close Public Hearing Concerning the Northampton Capital Improvement Program (CIP) for FY2022-FY2026		Motion to close Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Open Public Hearing to consider FY2022 Water and Sewer Rates		Second Yes	Yes	Motion to open Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Close Public Hearing to consider FY2022 Water and Sewer Rates		Motion to close Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.201 A Resolution in Opposition to State Incentives for Biomass Plants - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.207 A Resolution Decriminalizing Controlled Substance Possession as well as Cultivation and Distribution of Psychedelic Plants - 1st reading	1st reading	Motion to approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Abstained	Motion carried 8:0 with Thorpe abstained; roll call
Amendments Fixing Text Errors and Adding Some Recipients to a List of Recipients		Second Yes	Yes	Yes	Yes	Motion to amend Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.208 A Resolution to Adopt the Capital Improvement Program for FY2022-FY2026 Submitted to City Council on February 24, 2021 - 1st reading	1st reading	Yes	Yes	Yes	Second Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Motion carried 9:0; roll call
21.209 A Resolution Expressing Gratitude to Northampton Health Department, First Responders, Ancillary Staff and Volunteers for Efforts to Vaccinate Our Community - 1st reading	1st reading	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Motion carried 9:0; roll call
21.212 An Order to Set Preliminary Municipal Election Date - 1st reading	1st reading	Yes	Second Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.163 An Ordinance Relative to Two-Family By Right - Amendment to Definitions	2nd reading as a group	Motion to approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.164 An Ordinance Relative to Two-Family By Right - Amendment to URA Table of Use											
20.165 An Ordinance Relative to Two-Family By Right - Amendment to URB-URC Tables of Use											

Record of City Council Votes for March 18, 2021		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
20.166 An Ordinance Relative to Two-Family By Right - Addition of Subsection to Ch. 350-6											
20.167 An Ordinance Relative to Two-Family By Right - Addition of WSP District Table of Use											
20.168 An Ordinance Relative to Two-Family By Right - Amendment to SR-RR Table of Use											
20.170 An Ordinance Relative to Two-Family By Right - Delete Sections 350-10.10 and 350-10.11											
20.171 An Ordinance Relative to Two-Family By Right - Amendment to Parking Standards											
20.172 An Ordinance Relative to Two-Family By Right - Amendment to SC Table of Use											
Amendment to 20.166		Second Yes	Yes	Motion to amend	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0;
Amendment to 20.166, Section 611 a (1)		Motion to amend	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion carried 9:0;
Amendment to 20.167		Motion to amend	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0;
Amendment exploring a size cap on the second unit to 1,800 s.f. in areas newly affected by the second unit.		Yes	Yes	Second Yes	Yes	Motion to amend	Yes	Yes	Yes	Yes	Motion carried 9:0;
20.181 Ordinance Relative to Affordable Housing (350-6-12) - 1st reading	1st reading	Motion to continue Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.189 Ordinance to Create an Incentive for Smaller Houses by Allowing Two Half-Scale Units to Count as a Single-Family for Density Purposes - 1st reading											
Approval of Consent Agenda	Consent Agenda	Motion to approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
<b>RECESS FOR FINANCE COMMITTEE</b>											
Approval of Minutes of February 18, 2021					Second Yes			Motion to approve Yes	Yes	Yes	Motion carried 4:0; roll call
21.205 An Order to Establish Water and Sewer Rates for FY2022					Yes			Motion to positively recommend Yes	Yes	Second Yes	Motion carried 4:0; roll call
ADJOURN FINANCE					Yes			Motion to adjourn Yes	Yes	Second Yes	Motion carried 4:0; roll call

Record of City Council Votes for March 18, 2021		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
<b>RESUME CITY COUNCIL MEETING</b>											
21.205 An Order to Establish Water and Sewer Rates for FY2022 - 1st reading	1st reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.202 An Order to Authorize Acceptance of Gifts of Labor and Materials for Sidewalk Repair or Replacement - 2nd reading	2nd reading	Second Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.203 An Order to Discontinue a Portion of Sherman Avenue - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.211 An Order Further Extending 20.062, Temporary Suspension of Certain Ordinances to Reopen Restaurants - 1st reading	1st reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
	Motion to suspend rules	Motion to suspend Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
	2nd reading	Motion to approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Record of City Council Votes for March 4, 2021		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings	2nd reading	Second Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Motion to Adjourn		Motion to adjourn Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion carried 9:0; roll call

At 1:24 a.m., Councilor Dwight moved to adjourn the meeting; Councilor Nash seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No