Committee on Legislative Matters and the Northampton City Council

Members:
Councilor William H. Dwight, Chair
Councilor Gina-Louise Sciarra, Vice Chair
Councilor Rachel Maiore
Councilor John Thorpe

MEETING AGENDA

Date: March 9, 2020
Time: 5 p.m.
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call**

2. **Public Comment**

3. **Continuation of Public Hearing (from February 10, 2020)**
   Public hearing notice originally published January 27, 2020 and February 3, 2020 per M.G.L. Chapter 40A, Section.5.

   A. **19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding**
   History:
   - Referred to Legislative Matters (LM) and the Planning Board (PB) - 11/21/2019
   - Positive recommendation with amendments, PB - 01/09/2020
   - Public hearing opened and continued to 3/9/2020, LM - 2/10/2020

   Documents:

   Public Comment from Steven Goode.pdf
   19.173 Text of Section 9.3.pdf
   19.173 Memo from CMisch.030220.pdf
   19.173 350-12.3_Significant trees.pdf
   19.173 Special Permit Criteria for 7 or more units.pdf
   19.173 An Ordinance to Allow Change from One Conforming Use to Another - w-PB amendments.pdf
   19.173 An Ordinance to Allow Change from One Conforming Use to Another without a

Finding.pdf

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

Legal notices published February 24, 2020 and March 2, 2020 per M.G.L. Chapter 40A, Section 5.

A. 5:30 P.M. **19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB**

History:
- Referred to Planning Board (PB) and Legislative Matters (LM) - 12/5/2019
- Public hearing held, City Council adoption recommended by PB - 2/13/2020

Documents:

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

B. 5:40 P.M. **20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB**

History:
- Referred to Planning Board (PB) and Legislative Matters - 1/16/2020
- PB public hearing held, City Council adoption not recommended because design guidelines not in place [note: an ordinance has since been brought forward to change CBAC map to include Conz Street parcels rezoned to CB] - 2/13/2020

Documents:

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

C. 5:50 P.M. **20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue**

History:
- Referred to Planning Board and Legislative Matters - 1/16/2020
- PB hearing held, City Council adoption recommended - 2/13/2020

Documents:

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

D. 6:00 P.M. **20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street**

History:
- Referred to Planning Board (PB) and Legislative Matters (LM) - 1/16/2020
- PB public hearing held, PB recommends City Council adoption - 2/13/2020

Documents:

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

5. **Approval of Minutes of Previous Meeting**

6. **Items Referred to Committee**

A. 20.014 An Ordinance Relative to Parking on Bridge Street

History:
- Positively recommended by Transportation and Parking Commission - 1/21/2020

- Referred to Legislative Matters (LM) - 2/6/2020

Documents:

20.014 An Ordinance Relative to Parking on Bridge Street.pdf

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

Documents:

20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB.pdf

7. New Business

8. Adjourn

Contact B. Dwight at bdwight@comcast.net or
(413) 262-6710

City of Northampton

Laura Krutzler <lkrutzler@northamptonma.gov>

Fwd: Support for zoning change for non-conforming lots

Carolyn Misch <cmisch@northamptonma.gov> Wed, Feb 12, 2020 at 9:53 AM
To: laura Krutzler <lkrutzler@northamptonma.gov>

For Leg Matters

Carolyn Misch, AICP

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

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

Hey Carolyn-

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

~Court

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

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

Subject: Support for zoning change for non-conforming lots
To: <mayor@northamptonma.gov>

A neighbor made me aware of the proposed changes recorded here:
http://archive.northamptonma.gov/WebLink/DocView.aspx?id=683566&dbid=0&repo=CityOfNorthampton

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

Thank you,

Steven Goode
20 Aldrich St.

City of Northampton, MA
Friday, January 31, 2020

Chapter 350. Zoning

§ 350-9.1. Nonconformity by initial enactment or amendment.

The provisions of this section apply to actions in connection with nonconforming uses, structures, and lots as created by the initial enactment of this chapter or by any subsequent amendment thereto. The above sentence shall not apply to landscaping, sidewalks, and parking requirements within any commercial district. Any change of site within such district that triggers site plan approval or entails a change of use requires that the site come into compliance with the ordinance with respect to parking lot layout, landscape screens, plantings, buffers and curb cuts, unless it is impossible to meet these standards. In all cases, there shall be some landscape buffer between the public right-of-way and off-street parking lots.

§ 350-9.2. Extension and alteration.

A. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a valid building or special permit issued before the first publication of notice of the public hearing on this chapter or to any other exemptions in accordance with MGL c. 40A, § 6. The ordinance shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent. Notwithstanding the above, nothing in this section shall be construed to allow a change of a nonconforming use to a new, nonconforming medical or retail marijuana use.

B. A finding, as used in this chapter, requires that the Zoning Board of Appeals determine that a change, expansion or alteration to a preexisting nonconformity will not be substantially more detrimental to the neighborhood than the existing nonconforming nature of the structure, lot and or use. The Zoning Board may impose conditions as part of approving a finding.

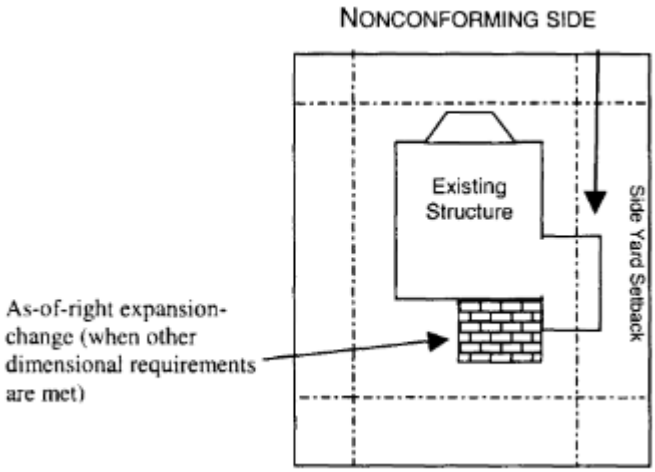
C. Applications for findings, as allowed in this chapter, shall follow the same procedural requirements as special permit applications; however, a finding shall be granted upon the vote of a simple majority of the Zoning Board of Appeals.

§ 350-9.3. Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § **350-9.2A** above. If a use is not eligible under one subsection, proceed to the next subsection.

A. A preexisting nonconforming structure or use may be changed, extended or altered:

(1) As-of-right if the expansion/change itself meets all the dimensional and use requirements of the current zoning.

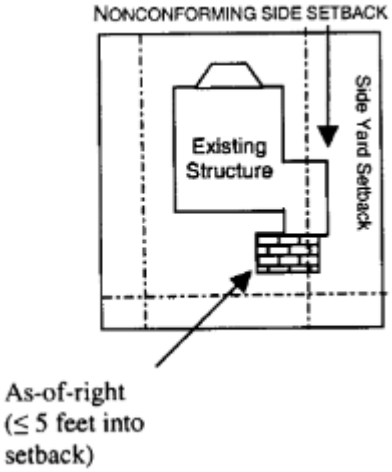


(2) As-of-right in a residential district, when said change is from a preexisting nonconforming use to a conforming residential use, and there are no changes to the exterior of the structure or lot and no new nonconformities are created by such change/conversion.

(3) As-of-right when said change or alteration is limited to rebuilding a single- or two-family home destroyed by fire or other natural disaster within two years of the disaster. Reconstruction must either meet the current zoning requirements or fall within the same footprint and height of the destroyed home so as not to expand the nonconforming nature of said home.

(4) As-of-right when said change or alteration is limited to rebuilding any other building not more than 50% destroyed by fire or other natural disaster when the change is limited to rebuilding or replacing the structure within the preexisting footprint and height of the existing structure or within an area and height that conforms to all dimensional requirements and all construction occurs within two years of the disaster.

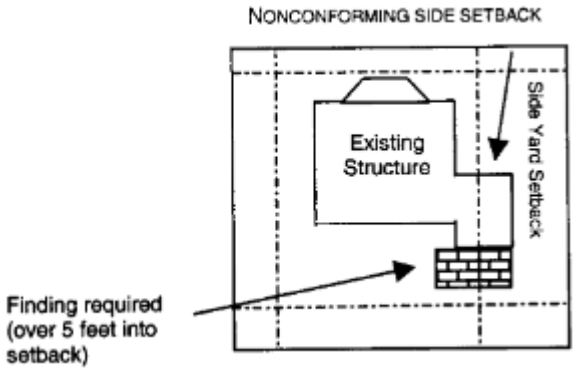
(5) As-of-right, if the expansion (vertical or horizontal) is for a residential use and does not extend either further than five feet into a required setback or further than the existing nonconforming structure, whichever is less and such extension does not create any new zoning violation (such as further reducing a setback or open space).



(6) As-of-right, if the expansion (vertical or horizontal) is for a residential use and does not extend either further into a required setback than the existing nonconforming structure, and such extension does not create any new zoning violation (such as further reducing a setback or open space), and the applicant provides written evidence satisfactory to the Building

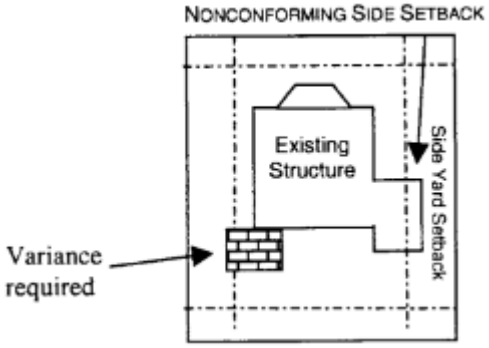
Commissioner that all owners of all parcels within 300 feet of the subject property have no objection to the expansion.

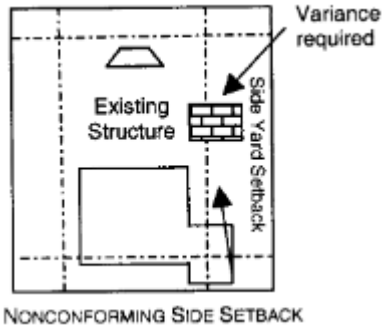
(7) With a finding from the Zoning Board of Appeals so long as the change does not involve a sign (see § **350-7** for signs) and § **350-9.3A(5)** above does not apply and when the expansion extends (vertically or horizontally), but does not increase the nonconforming nature of the property and does not create any new zoning violation (such as further reducing a setback or minimizing open space).



(8) With a finding, in accordance with § **350-9.2**, for a proposed change of use.

(9) With a variance, for any use except for a single- or two-family, when said change, extension or alteration will create any new violation of the present zoning requirements or if change is an expansion of preexisting nonconforming retail use.



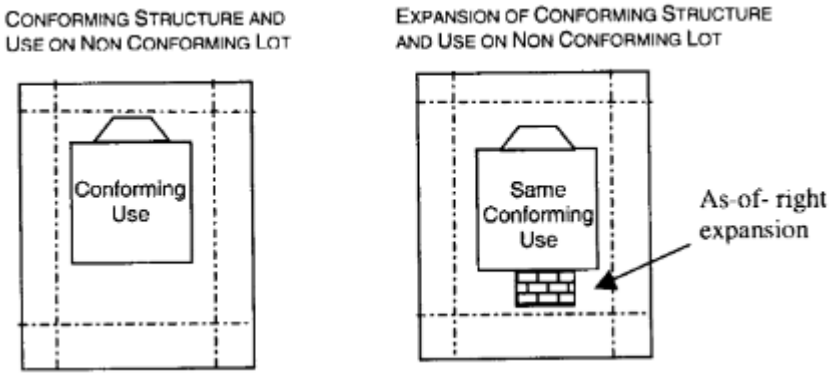


(10) With a special permit for a single- or two-family home when the Zoning Board makes a finding that the change which includes new zoning violations (such as reduction of open space, new setback encroachments or further encroachments into the setback, etc.) will not be substantially more detrimental to the neighborhood than the existing nonconforming single- or two-family structure.

(11) With a combination of a finding and variance when applicable.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not change.



(2) With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use (and lot does not fully conform to the present zoning requirements for the proposed use).

(3) With a variance to a conforming use which requires a larger minimum lot area, minimum lot width or frontage or minimum lot depth than is required for the present use or creates any other new zoning violation.

(4) With a combination of a finding and variance when applicable.

C. A preexisting nonconforming lot may be changed, extended or altered:

(1) As-of-right if such change, extension or alteration to the lot does not increase the nonconforming nature of the property, only brings the lot into total conformance with the zoning requirements in existence at the time of said change, extension or alteration, or adds to the lot.

(2) As-of-right whenever a group of adjoining lots in common ownership is separated or the ownership of one or more lots changed, if each of the lots will conform to all provisions of this chapter, or if the lots are residential lots and each lot contained a principal residential structure at the time the adjoining lots came under common ownership and no changes were made to the structures or lots during the time in which the lots were commonly owned, in a way that increased the nonconforming nature of these lots.

§ 350-9.4. Single-lot exemption for single- and two-family use.

Any increase in area, frontage, width, yard or depth requirements of this chapter shall not apply to a vacant lot for single- and two-family residential use, which:

A. Has at least 5,000 square feet of area and 50 feet of frontage; and

B. Is in an area zoned for single- or two-family use (A special permit must be obtained if one is required.); and

C. Conformed to existing zoning requirements when the lot was legally created, if any; and

D. Is in separate ownership prior to the City Council vote which made the lot nonconforming, and has maintained its separate identity.

§ 350-9.5. Abandonment and discontinuance.

Any nonconforming use of a conforming structure and/or lot which has been abandoned or discontinued for a continuous period of two years or more shall be deemed extinguished and shall not be reestablished. For purposes of this section, the abandonment period shall not be considered broken by temporary occupancy, except when such temporary occupancy is for a period of 60 or more consecutive days and when said temporary occupancy involves the exercise of nonconforming use.

Planning & Sustainability ▪ City of Northampton

resilience | regeneration | design | conservation | placemaking | mobility | accessibility | community development | historic | zoning | GIS | agriculture

Carolyn Misch, AICP, Assistant Director ▪ CMisch@NorthamptonMA.gov ▪ 413-587-1287

TO: City Council Committee on Legislative Matters
FROM: Carolyn Misch, Assistant Director Office of Planning & Sustainability

DATE: March 2, 2020

RE: Ordinance 19.173 (Zoning Amendment to Non-Conformities) & Review of Public Comments February 10, 2020

As a follow up to the initial public hearing held by Legislative Matters, I would like to reiterate the key components of the proposed ordinance:

1) Creates consistency:
   a. Within 9.3-See attached (B) ordinance showing other sections of 9.3 where non-conformities are allowed by right in situations where <u>all other</u> zoning compliance is being met.
   b. Within other parts of the zoning where the codes encourage infill in existing neighborhoods (where many nonconformities exist due to the fact that lots were built prior to existence of zoning.)
   c. Eliminates a barrier and back door denial of the very projects that are encouraged throughout the rest of zoning.
2) Maintains development review of projects. This will not eliminate review criteria spelled out in the special permitting and site plan review sections. (see attached-C)
3) Provides a clear review path for all lots, ensuring that they are treated more equally.
4) OF NOTE: Frontage and depth are 2 of the components that can be non-conforming. There are several districts in Northampton that have no frontage or depth requirements. Thus is it neither inconsistent to allow these to be redeveloped by right nor does it make it impossible to utilize such lots.

Below are comments/issues raised on February 10, 2020 and staff response in italics below:

- Take your time on this ordinance because there are hundreds & hundreds of properties affected

  There may be many non-conformities within the city. However, only a small subset of all nonconformities are being addressed by this subsection of 9.3 B2. Other sections apply in other situations—see attachment B with all of 9.3 -

- Complaints raised about issues surrounding a single project (trees, parking, structure size, location, carports). Concern that the Board does not see the project the same way as the abutters.

  These are special permit criteria not related to pre-existing non-conformities. The rules would remain and the Board is charged with evaluating all aspects of a project. Further, given that

there are unique lots in parts of downtown that do not fit neatly into the confines of the zoning (non-conformities), the Board must evaluate these lots with discretion in a way that simple parcels on conforming rectangles are not evaluated. 9.3 is distinct and should not be used to counter or remove the ability for other Boards to look at this.

- Maintain the prohibition on reusing non-conforming lots as another check against development (eg to protect trees for climate resiliency)

  The zoning ordinance addresses specific issues related to tree replacement and tree protection (see attachment D) as well as traffic mitigation, design etc. These are site plan issues that have specific requirements elsewhere in the code. The city should be transparent about what development requirements are necessary to obtain permits for the public, for neighbors, for applicants, for the press. Creating back-door impediments through use of non-conformities diminishes the effectiveness of an open and transparent process.

- We need to create a streetscape and that is the biggest issue (Graves Avenue as a standard)

  Graves Avenue was never determined to be the model for the City. Regardless, streetscape standard review is a project review issue performed by the Planning Board. The Board is charged with evaluating all sites and has the discretion to consider lots that do not fit neatly into the design standards –especially those lots that predate the recently created standards. The ability to reuse parcels that do not fit into the neat package of a rectangle along a new street makes Northampton the varied and high value City that it is. Many residents have said this is why Northampton is unique. Not every home, building, parcel looks like every other one. It is not Disney and it is not a uniformly planned development like many newer communities and new subdivisions.

  Under the Special permit review, the Board must consider alternatives to strict adherence with the streetscape standards and whether there are other ways to meet this. The site plan review and special permit criteria review by the Board is an important tool that allows for creative reuse of a parcel to provide necessary housing for people of a broad range of incomes. It allows property owners to afford to stay in their homes as their family situations change, offering them means of income to maintain their homes.

  Interestingly, Graves Avenue has parcels that do not meet the minimum frontage requirements and these would be barred from changes by this ordinance if it is not modified.

- No Proponents were present-

  As you know, most people only show up to public meetings when they oppose something and not when they are comfortable with something. Further, social media is an effective tool to encourage opponents to come out. That does not mean that this is representative of the majority of the community

- These are "Bad Lots" and lots that "should not be used":

  These lots are functioning, viable lots that have been in existence for 10-50-100 years and were established based on the functionality of the times in which they were created. Zoning is a system to develop uniform standards for NEW lots to establish perfect rectangles along the

street. Many of the lots that predate 1975 are not perfect rectangles nor do they all meet the elements that are currently in the zoning.

Northampton has different frontage and depth standards in different districts and in some cases does not require any frontage. (see attached examples)

- Finally, the Committee was asked to consider a finding standard instead of allowing non-conforming lots to be allowed to be redeveloped by right.

If the Council were to consider that as an alternative, Legislative Matters might discuss either:

1) Require a Finding, with detailed review criteria for the ZBA for parcels that do not otherwise trigger a Planning Board review. Specifically, this would include any project that does not result in the construction of more than 6 new parking spaces or a project that does not involve the new construction of 2,000 square feet of floor area.

Or, a more restrictive approach, not recommended by staff, would be:

2) Require a Finding for construction of up to 6 units. This would result in applicants being asked to obtain two permits. One from the Zoning Board of Appeals and a second one, which is currently already required, from the Planning Board for Site Plan Review.

   Given that special permit is a much more detailed and difficult permit to obtain, staff would not recommend that a second Zoning Board permit for those projects that already trigger a special permit. These are projects that result in 7+ units.

In either scenario, staff would recommend that if a Finding were required for the modification of a use on a pre-existing non-conforming lot that the ZBA's review be defined and focused on the change as it relates to the non-conforming element. This creates clear guidance for the public, property owners, and prospective buyers and/or project proponents of what to expect in a hearing instead of leaving a vague standard that currently exists in 9.3 for a Finding.

For example, if an owner of a two-family on a parcel that only had 65' of depth instead of the required 75' depth applied to convert the structure to a 6-unit multifamily, the ZBA would be charged to evaluate whether the change from a 2 family to a 6 family was substantially more detrimental to the neighborhood as it relates to depth if 4 more units are added. Thus, the Board would look at the relationship of the structure(s) to the rear lot line and in relation to lots in the neighborhood that might have the required depth and to those others that might not have the right depth were adjacent to a lot that had 75' of depth. The ZBA would not look at the same elements that the Planning Board evaluates like lighting, trees, landscaping parking lot layout. (These elements and more are standardize by the zoning and must be evaluated by the Planning Board)

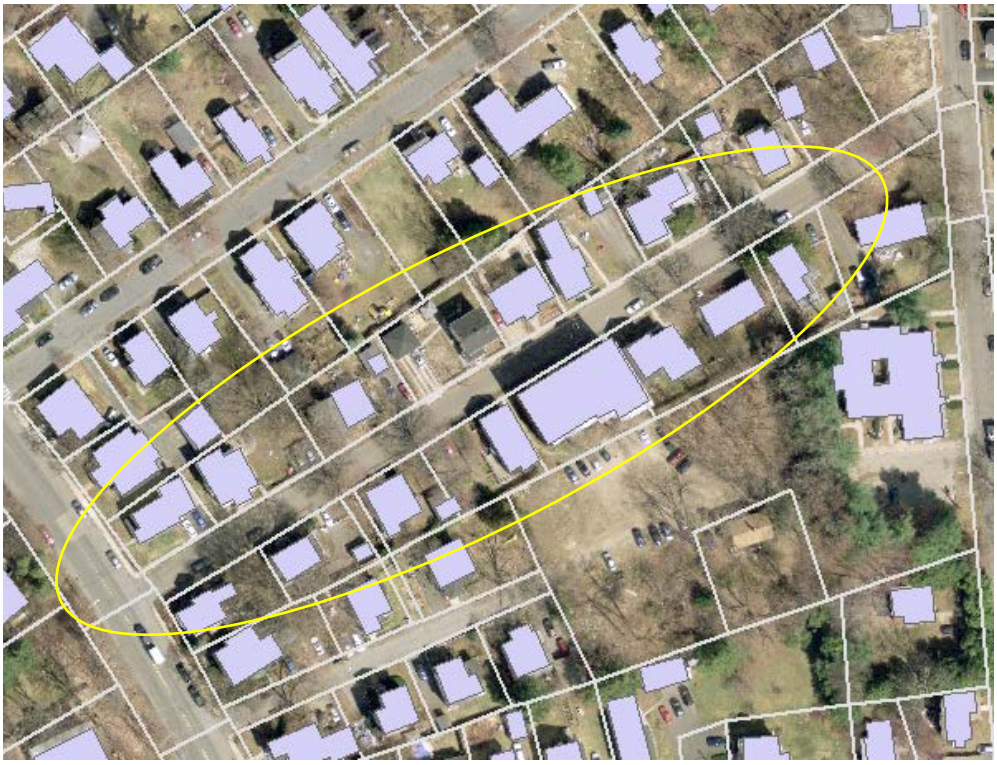
ATTACHMENTS

A. Examples in the City that show non-conforming lots

1) Lots without frontage- but substantial lot size

2) Lots with less frontage and depth but meeting minimum lot size

3) Substantial portion of the street does not meet depth because of the way that it was created.



SEE ATTACHMENTS within Separate Documents:

- B (existing 9.3)
- C(special permit criteria)
- D (significant tree)

City of Northampton, MA
Thursday, February 6, 2020

Chapter 350. Zoning

§ 350-12.3. Significant trees.

A. Legislative findings and intent. The City of Northampton finds that significant trees enhance air quality, reduce noise, reduce energy costs, create habitat, enhance aesthetics and property values, and benefit City neighborhoods. The intent of this section is to encourage the preservation and protection of significant trees during development and redevelopment projects that require a site plan approval, special permit, comprehensive permit, finding, or variance (collectively "zoning relief").

B. No person shall remove any significant tree associated with any site plan approval or any other zoning relief without a site plan approval from the Planning Board (if a site plan approval is otherwise required), or an administrative site plan approval from the Office of Planning and Sustainability if no site plan is otherwise required.

C. The removal of any significant tree after July 1, 2015, or within 12 months immediately prior to such a site plan or zoning relief, whichever is later, shall be subject to this section.

D. The requirements of this section shall not apply to:

(1) Trees located on property under the jurisdiction of the Conservation Commission.

(2) City-owned public shade trees pursuant to MGL Chapter 87.

(3) Trees associated with emergency projects necessary for public safety, health and welfare as determined by the Building Commissioner, Director of Planning and Sustainability, or Director of Public Works.

(4) Trees that are hazardous due to disease, age, or shallow roots, as determined and confirmed in writing by a certified arborist and reviewed by the City's Tree Warden.

(5) Trees affected by work performed by a utility company in maintenance of its rights-of-way or in its maintenance, repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief.

(6) Trees that are approved for removal through special permit by the Planning Board.

(a) The Board may grant a special permit if, after weighing the benefits of significant trees against other community benefits created as part of the project, it determines a waiver of tree replacement to be appropriate and if at least the following standards have been met:

[1] Trees are removed in order to create net zero energy buildings (for electric and thermal use) of up to 10,000 square feet and/or to install 10,000 square feet of ground-mounted PV panels; in addition to providing one or more community benefits, which may include:

[a] Affordable housing units where 50% or more of the units are deed-restricted for affordable housing as defined in this Chapter **350**.

[b] A project that results in permanently protected open space.

(b) Building square footage shall apply to a single building footprint or to the aggregate of two or more buildings. In order to exercise a special permit granted under this section, applicants must present a building permit that has been issued for specific plans showing compliance with the net-zero standard and must construct in accordance with the special permit within one year of the issuance of a building permit. Planning Board special permit to grant a waiver from replacement within this provision is allowed only for the trees necessary to be removed in order to provide the solar access to the building(s) and/or panel array.

E. Any person removing a significant tree that is subject to this section shall satisfy either of the following conditions:

(1) Provide for replacement trees according to the following standards:

(a) Replacement trees shall be noninvasive deciduous or coniferous trees (as defined by the City's Tree List and Planting Guidelines) planted on or off site, as approved as part of a site plan or administrative site plan, or on any City-owned property with approval by the Office of Planning and Sustainability, in consultation with the City Tree Warden, unless such trees are public shade trees as per MGL c. 87, § 1,. Replacements shall be calculated so that for each inch of diameter at breast height of the removed trees there shall be no less than 1/2 inch of caliper diameter of replacement trees.

(b) Replacement trees shall have a minimum of one-inch caliper diameter.

(c) Replacement trees shall be maintained in good health a minimum of 24 months after they are planted as confirmed by the City's Tree Warden. If replacement trees are not found to be in "good health" as determined by the Tree Warden, the trees shall be replaced as directed by the Warden.

(d) Replacement trees shall either be approved street tree species as defined in the rules and regulations regarding subdivision of land or other trees that are hardy in all of the following USDA Plant Hardiness Zones: 6a, 6b, 7a, and 7b.

(2) Pay funds to the City for a tree replacement fund account that, in the Planning Board's estimate, will allow the City to plant new public shade trees on City property in accordance with the above formula.

F. Protection of significant trees during construction.

(1) Any significant trees to be retained and any replacement trees on property where demolition and/or construction activity is planned shall be protected in an area shown on the approved site plan and should follow American National Standards Institute (ANSI) A300 standards for tree care practices.

(2) The protected area shall exceed both the critical root zone and drip-line of each significant tree unless the Planning Board approves an alternate maintenance and tree protection plan submitted by a certified arborist.

(3) A certified arborist shall submit a written letter to the Building Commissioner, Tree Warden and Office of Planning and Sustainability certifying that such area has been so protected in accordance with the site plan.

G. Recordkeeping. The Department of Planning and Sustainability shall collect annual totals of the number and diameter at breast height measurements of significant trees preserved and replaced.

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

Otherwise Noted:

• Any multifamily or townhouse project creating seven or more units in one or more phases within a

five-year period. Any such project shall comply with the following:

A. Buildings and parking.

1) The first row of buildings along a street shall face the street and add to the streetscape. There shall not be any parking, except incidental to a driveway or roadway, between the first row of buildings and the street. Parking shall be located behind buildings or designed otherwise to minimize view from the public street.
2) The area between the property and the road pavement shall be made to be pedestrian friendly, with sidewalks, street furniture, trees and other vegetation, all of which shall be in conformance with City standards. All landscaping incorporated as part of the applicant's design between the street and the building(s) shall facilitate and enhance the pedestrian use of sidewalks and other areas adjacent to the building. Such streetscape may include rebuilding by the applicant, as necessary, of granite curbs, ADA-compliant concrete sidewalks, tree belts, and drainage improvements incorporating low-impact development standards for any necessary drainage improvements triggered by these changes.
3) Buildings that abut existing residential properties shall incorporate building articulation alongside facades. Building projections shall be incorporated for any side façade that is longer than 30 feet.
4) Front facades shall have setbacks consistent with other buildings within the block or provide a different setback that is necessary to address any natural resources constraints.

B. Streets and roadways.

1) Projects shall connect to all surrounding neighborhoods with bicycle and pedestrian access to the extent possible.
a) For projects that have more than one vehicular access, driveways and roadways shall internally and externally connect to each other and dead-end streets shall be avoided whenever possible. Dead-end roadways and driveways shall never exceed 500 feet and, to the extent possible, must include a bicycle and pedestrian connection from the dead-end street to a street, common area, park or civic space.
b) For projects that have a single vehicular access, such access shall not exceed 500 feet and pedestrian access shall also be provided directly from any street to residential units.
2) The design standards for the length of dead-end streets, protection of natural features, sidewalks, wheelchair ramps, landscaping, utilities, and the construction method and materials for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads and other infrastructure shall be those set forth in Chapter 290, Subdivision of Land. These standards shall apply even for private roadways and driveways that are not part of a subdivision, unless waived by the Planning Board.
3) Driveways and private roadways shall be designed to function as private alleys, or shared streets with pedestrians and cyclists, and engineered to keep speeds below 15 miles per hour, or yield streets with separate sidewalks as shown in the subdivision regulations. Such sidewalks shall connect to sidewalks along adjacent streets.

4) Vehicular access shall connect to surrounding streets as appropriate to ensure safe and efficient flow of traffic within the surrounding neighborhood and to mitigate increases in traffic on nearby streets.

5) Preexisting paths historically used as bicycle and pedestrian trails shall be preserved to the extent possible and marked with appropriate signage.

C. Park space.

1) All projects shall include a park/common area fully designed and constructed to be integrated into the project, which area shall be easily accessible and available for residents of the project. At a minimum, this space shall be 300 square feet or 30 square feet per dwelling unit of buildable land area, whichever is greater.

2) All such space shall be contiguous unless waived by the Planning Board upon finding that it is in the public interest and consistent with the intent and purpose of this section.

D. Environment and energy. Buildings shall meet one of the following environmental standards:

1) Home Energy Rating System (HERS) rating for the building envelope at least 25% lower than the current municipal standard at the time the special permit is requested, but in no event shall the HERS rating be greater than 47 for units of 1,200 square feet or less, and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the Planning Board may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.

2) U.S. Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.

E. Size, access and affordability.

1) Buildings shall meet one of the following standards:

a) 11% of the units shall be “affordable units” as that term is defined in § 350-2.1 of the Code of the City of Northampton; or

b) Contain 25% or more of the units no larger than 1,200 square feet gross floor area.

2) Equal access. All projects shall provide equal access to all building amenities, park and civic space and public entrances to buildings to residents of both affordable and non-affordable units.

F. Internet connectivity. All projects that include infrastructure making internet connectivity available shall do so without differences in quality, capacity or speed to residents of both affordable and non-affordable units.

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Nineteen

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

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements. ~~that are pre-existing non-conforming such as lot size, frontage, or depth~~ [AS1]~~and when the lot size, frontage, and depth requirements do not change.~~

~~**(2)** With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).~~

Renumber subsequent subsections based upon the deletion above.

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Nineteen

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

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

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the elements that are pre-existing non-conforming such as lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not increase based on the proposed change.

~~**(2)** With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).~~

Renumber subsequent subsections based upon the deletion above.

Etheredge & Steuer, P.C.
ATTORNEYS AT LAW
64 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS 01060

EDWARD D. ETHEREDGE
SHELLEY STEUER*▲

*Also Admitted in New York
▲Also Admitted in California

(413) 584-1600

FAX (413) 585-8406
ed@noholaw.com
ss@noholaw.com

November 18, 2019

RECEIVED
NOV 20 2019
CITY CLERKS OFFICE
NORTHAMPTON, MA 01060

Ryan R. O'Donnell, City Council President
City of Northampton
210 Main Street
Northampton, MA 01060

RE: 3 Wright Avenue
Zone Change Petition URC to UB

Dear Council President O'Donnell:

On behalf of Gretna Green Development Corp., owner of the property at 3 Wright Avenue (39A-019-001) and the enclosed Petition For A Zoning District Change signed by ten registered voters for the City of Northampton, pursuant to G.L. c. 40A, §5 to initiate an amendment to the Northampton Zoning Map.

The requested change to the Zoning Map is to include the property at 3 Wright Avenue in the abutting GB zoning district from its current regulation in the URC zoning district. The property at 3 Wright Avenue is presently a vacant lot. The owner, Gretna Green Development Corp. owns the abutting property at 118 Conz Street (Map 39A, Lot 20) which is occupied by its tenant, NETA. The lots have "merged" for zoning purposes.

Gretna Green wishes to develop the lot as additional parking for the property at 118 Conz Street operated by NETA and requires the zoning district change to apply for site plan review for additional parking for NETZ.

Your earliest action to move this process forward is much appreciated.

Sincerely,

Edward D. Etheredge

EDE/kap

cc: Carolyn Misch, Sr. Planner
Councilor James Nash

GRETNA GREEN DEVELOPMENT CORP.
One Monarch Place, Suite 2500
Springfield, MA 01144

October 30, 2019

Ryan R. O'Donnell, City Council President
City of Northampton
210 Main Street
Northampton, MA 01060

RE: 3 Wright Avenue
Zone Change Petition URC to UB

Dear Council President O'Donnell:

Gretna Green Development Corp. is the owner of the property at 3 Wright Avenue (39A-019-001), and pursuant to G.L. c. 40A, §5 by this letter requests the Northampton City Council to initiate an amendment to the Northampton Zoning Map.

The requested change to the Zoning Map is to include the property at 3 Wright Avenue in the abutting GB zoning district from its current regulation in the URC zoning district. The property at 3 Wright Avenue is presently a vacant lot. The owner, Gretna Green Development Corp., owns the abutting property at 118 Conz Street (Map 39A, Lot 20) which is occupied by its tenant, NETA. The lots have "merged" for zoning purposes.

Gretna Green wishes to develop the lot as additional parking with the property at 118 Conz Street which is operated by NETA and requires the zoning district change to apply for site plan review for additional parking for NETA.

Your earliest action to move this process forward is much appreciated.

Sincerely,

Paul C. Picknelly,
President and Treasurer

PETITION FOR AMENDMENT
OF THE ZONING MAP

To: Northampton City Council
Northampton Planning Board

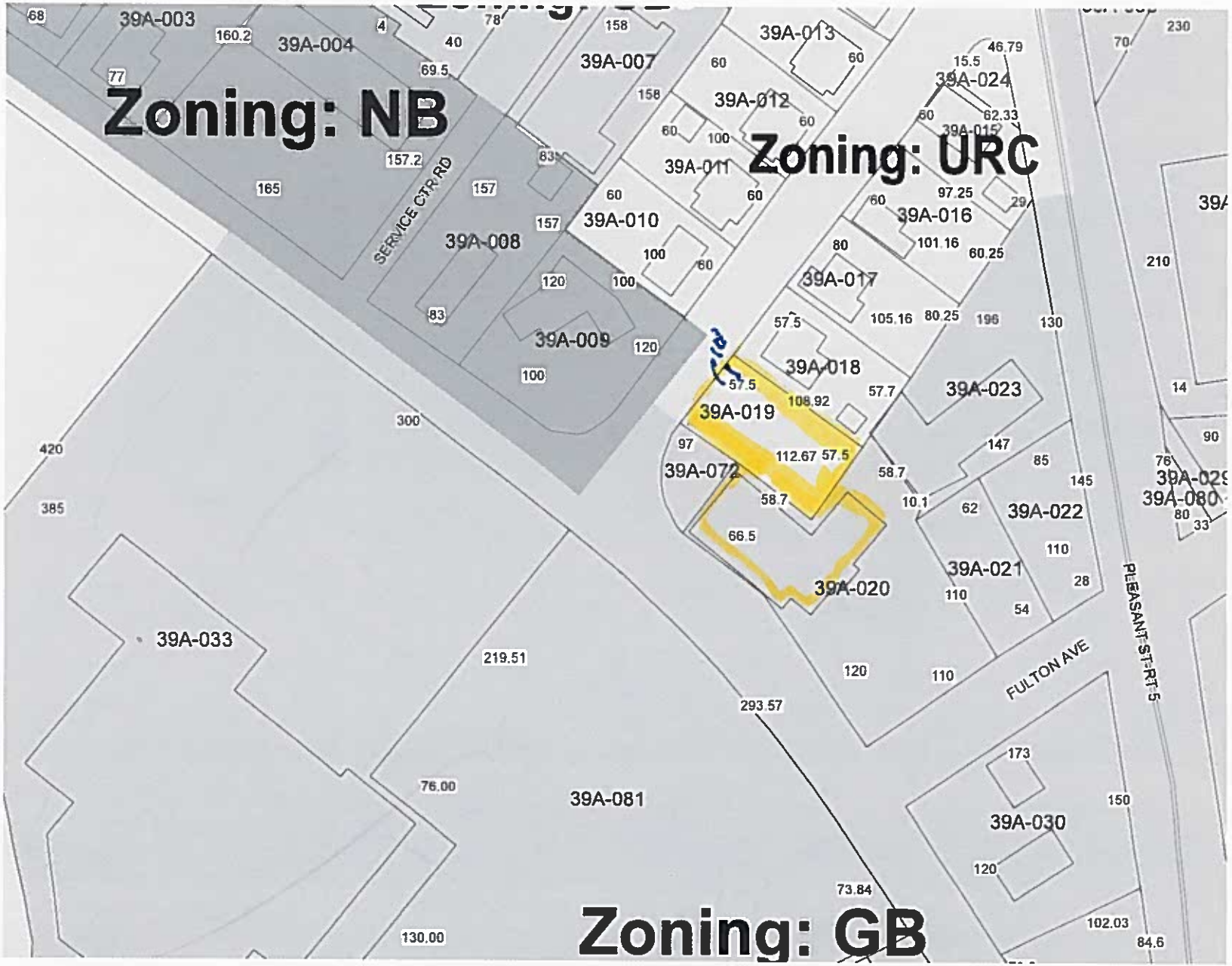
Pursuant to G.L. c. 40A §5, ten registered voters in the City of Northampton, petition the City Council to change the zoning district for the vacant lot at 3 Wright Avenue from the current zoning in the URC district to the adjoining GB zoning district.

"To amend the Zoning Map of the City of Northampton
to include the property at 3 Wright Avenue, Map 39A, Lot 19 in the
GB zoning district (change from URC) to match the
adjoining Conz Street property owned
by the same owner Gretna Green Development Corp.
in the GB zoning district".

Respectfully Submitted

Ten Registered Voters:

Print Name	Signature
Edward D. Etheredge	Edward D. Etheredge
Shelley Steuer	Shelley Steuer
Sharianne Walker	Sharianne Walker
Nancy Reeves	Nancy Reeves
Mary Ann Jenkins	Mary Ann Jenkins
Scott A King	Scott A King
Robert G. Ghazey	Robert G. Ghazey
Rebecca L LaRocque	Rebecca L LaRocque
E. Spencer Gharzy Bates	E. Spencer Gharzy Bates
Frederick Reist	[illegible]
Nicholas Grimaldi	[illegible]
Darrie A. Bluemer	Darrie A. Bluemer


Zoning: NB
Zoning: URC
Zoning: GB
39A-003
39A-004
39A-007
39A-013
39A-024
39A-012
39A-015
39A-011
39A-010
39A-016
39A-008
39A-017
39A-009
39A-018
39A-023
39A-019
39A-072
39A-022
39A-021
39A-020
39A-033
39A-081
39A-030
39A-029
39A-080
SERVICE CTR RD
FULTON AVE
PLEASANT ST-RT 5

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

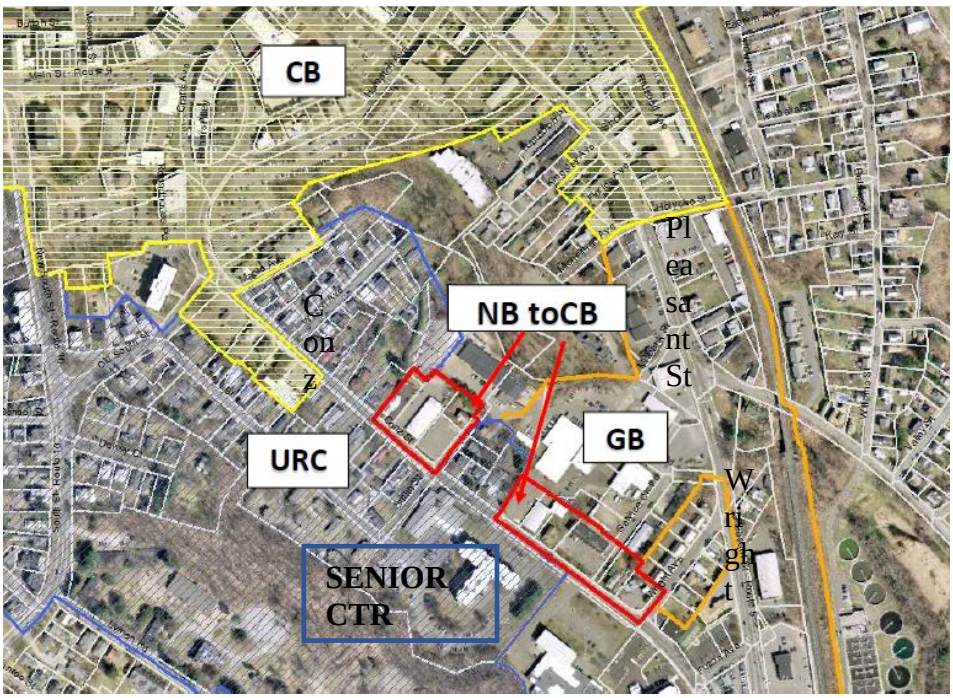
20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-3.4 Zoning Map to rezone some parcels in Neighborhood Business to Central Business.

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

Amend the Zoning Map as shown

Rezone Map Id's along Conz Street from Neighborhood Business to Central Business:
32C-102
32C-104
32C-105
32C-131 NB Portion Only
39A-002
39A-003
39A-004
39A-008
39A-009


CB
NB toCB
GB
URC
SENIOR CTR
Pleasant St
Wright

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

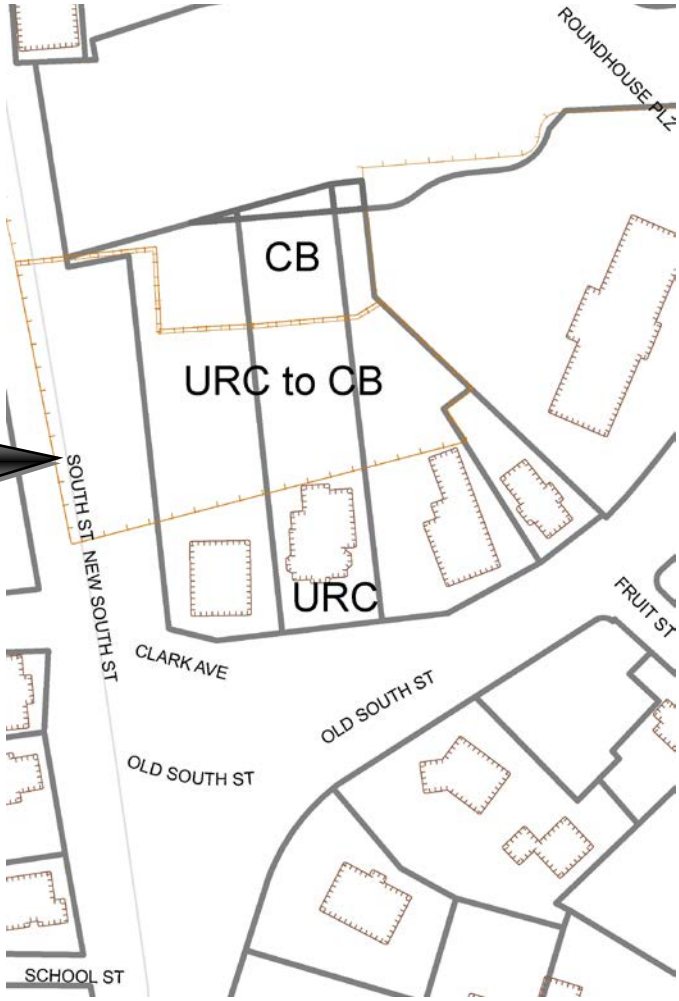
20.005 An Ordinance to Amend the Zoning Map on Old South St. and Clark Ave.

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 350-3.4, the Zoning Map, to change the boundary between Central Business (CB) and Urban Residential-C (URC) zoning districts.

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

Amend
{§ 350-3.4 Zoning Map to expand the limits of Central Business (CB) zoning district behind the first set of homes on Old South Street and Clark Avenue, on a portion of Map ID 38A-222, 223, and 224, as shown below.

This change would keep the homes on Old South Street and Clark Avenue within the Urban Residential C (URC) zoning district but would expand the CB slightly in the rear yards of those homes.}



City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

20.006 An Ordinance

to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street

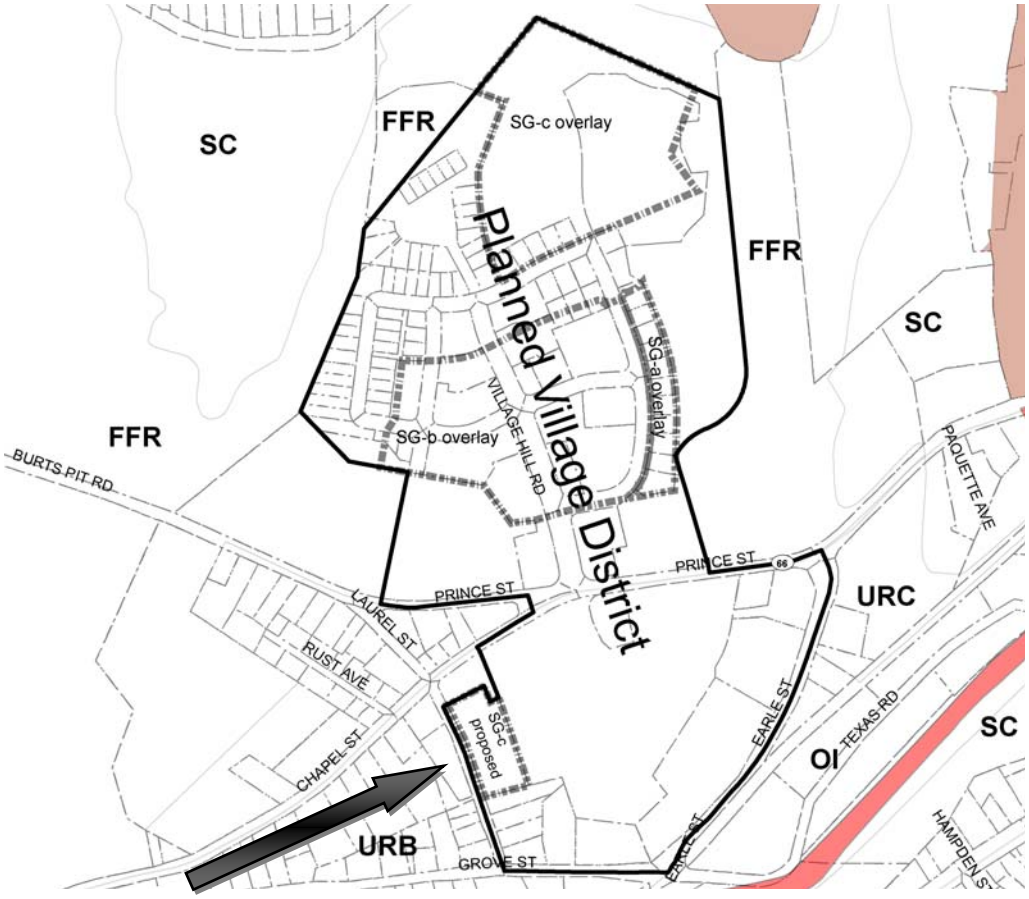
An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 350-3.4, the Zoning Map, to add a new Smart Growth-c overlay district.

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

Amend

{§ 350-3.4 Zoning Map to add additional Smart Growth-c overlay district (SG-c), in addition to the existing three SG overlays, overlain on the existing Planned Village District (PV), on Map ID 38A-049-001, as shown below.

SG-c does not increase the allowed density (the existing PV has no minimum lot size, frontage, width, depth, or setback requirements) but does allow Commonwealth Smart Growth Overlay bonus to the City for affordable housing. Map 38A-049 has already been dedicated to affordable housing by the City's State Hospital reuse planning and the resulting state legislation.}



CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Twenty
Upon the Recommendation of Mayor David J. Narkewicz and the Transportation and Parking Commission

20.014
AN ORDINANCE

RELATIVE TO PARKING ON BRIDGE STREET

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

That the § 312-102 of the Code of Ordinances be amended as follows:

§ 312-102 Schedule I: Parking Prohibited All Times.

Bridge Street [Added 11-17-1988]	~~Both Sides~~ **Southeasterly**	Point 200 feet southwesterly of Pomeroy Terrace center line	Point 300 feet northerly of Pomeroy Terrace center line
Bridge Street	**Northwesterly**	**A point 834 feet northeasterly of Market Street**	**Point 300 feet northerly of Pomeroy Terrace center line**

SECTION 2

That the § 312-109 of the Code of Ordinances be amended as follows:

§ 312-109 Schedule VIII: On-street Parking Meter Zones.

Bridge Street	**Northwesterly**	**A point 436 feet northeasterly from Market Street**	**A point 834 feet northeasterly from Market Street**	**10 hours/Class 3D and Class 4A**

SECTION 3

That the § 312-117 of the Code of Ordinances be amended as follows:

§ 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.

Bridge Street	**Northwesterly**	**Parking space at a point 418 feet northeasterly from Market Street**

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

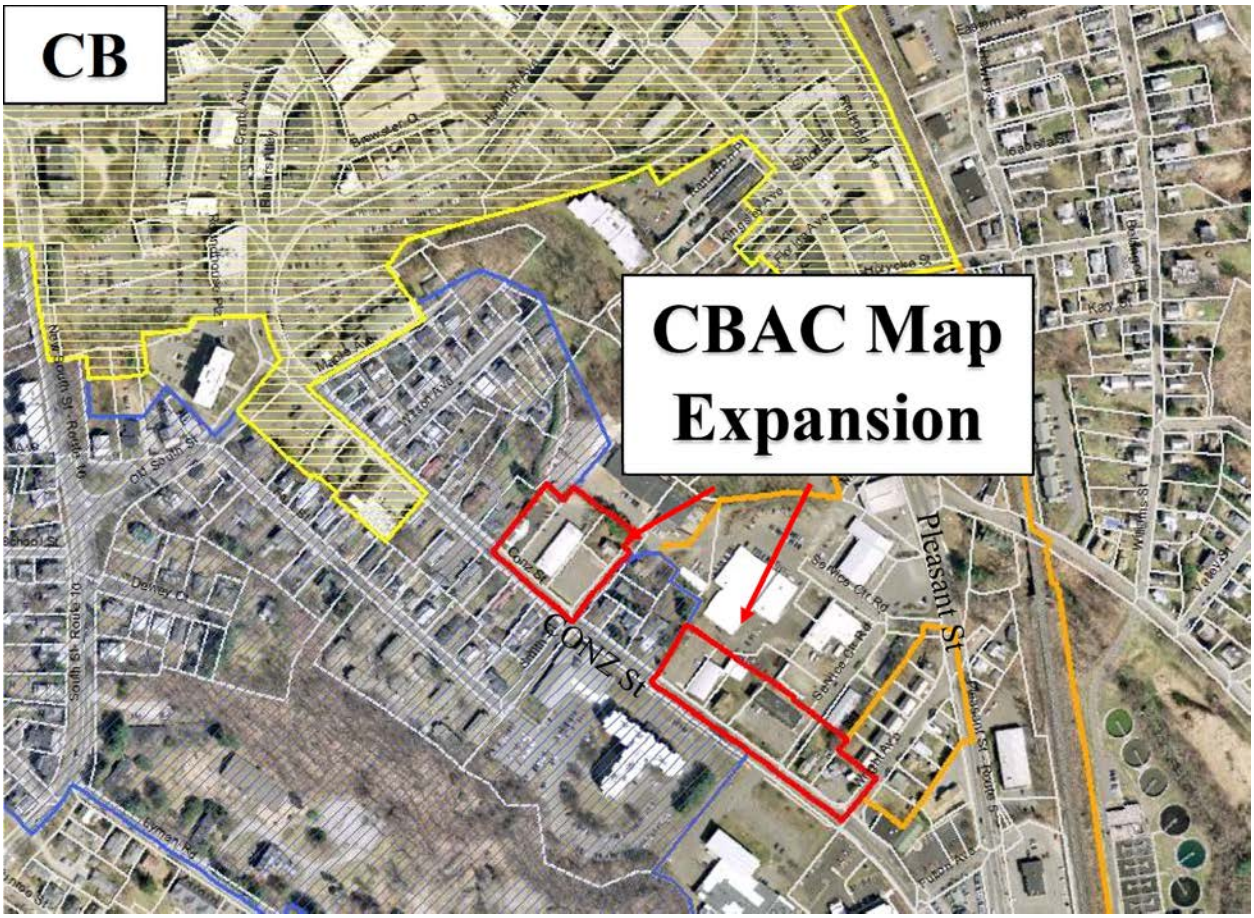
20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 156-2 CBAC Map to include parcels to be rezoned from NB to CB along Conz Street.

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

Amend the CBAC Map as shown

Map Id's along Conz Street:
32C-102
32C-104
32C-105
32C-131 Current NB Portion Only
39A-002
39A-003
39A-004
39A-008
39A-009


CB
CBAC Map
Expansion
Pleasant St
CONZ St
South St Route 10
Old South St
Service Ctr Rd
Lyman Rd
Fuller Ave
Pleasant St Route 5
Valley St
Key St
Eastern Ave
Horyoke St
Maple Ave
Victoria Rd
Conz St