



**Committee on Community Resources
and the Northampton City Council**

Committee Members:

Chair: Councilor James B. Nash

Vice-Chair: Councilor Alex Jarrett

Councilor John Thorpe

Councilor Karen Foster

Meeting Agenda

Date: November 15, 2021

Time: 5 p.m.

Virtual Meeting

The November 15, 2021 Community Resources Committee meeting will be held by remote participation. The public can follow the committee's deliberations by joining the virtual meeting by phone or computer. The meeting will be recorded for later broadcast on Northampton Open Media (channel 15) and uploaded to the Northampton Government Video Archive on YouTube.

Live public comment will be available using telephone call-in or video conferencing technology beginning at 5 p.m.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING FOR PUBLIC COMMENT

Join Virtual Meeting: <https://bit.ly/3ogwTtk>

MEETING ID: 878 9869 3237

PARTICIPANT #: #

PASSCODE: 256594

"Jurisdiction. Matters affecting the community including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others"

1. Meeting Called to Order and Roll Call

2. Announcement re: Audio/Video Recording

This meeting is being audio/video recorded.

3. Public Comment

4. Updates and Announcements from Committee Members

5. Minutes of Previous Meeting

A. Minutes of October 18, 2021

Documents:

[10-18-2021_Community Resources Minutes.pdf](#)

6. Community Resources "Big Picture Zoning" Discussion: Office of Planning and Sustainability (OPS) Assistant Director Carolyn Misch will review recent zoning initiatives, provide a brief update on the incorporation of Climate Resilience & Regeneration Plan into the Sustainable Northampton Plan, and share details of initiatives to be introduced in the near future.

The public is encouraged to attend to share thoughts on these matters as well as suggest ideas for improving our zoning. All ideas related to our zoning are welcome.

Please note the Planning Board will be holding a Public Hearing on November 18th at 7 PM regarding the merger of adopted plans into one Sustainable Northampton Comprehensive Plan including the elements of open space, historic planning and the resilience and regeneration plan. Anyone in attendance at Community Resources wanting to learn more about this matter will be encouraged to attend that public hearing.

7. Items Referred to Committee

8. New Business

9. Adjourn

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Committee on Community Resources and the Northampton City Council

Committee Members:

Chair: Councilor James Nash

Vice-Chair: Councilor Alex Jarrett

Councilor Karen Foster

Councilor John Thorpe

Meeting Minutes

Date: October 18, 2021

Time: 5 p.m.

Virtual Meeting Via Zoom

1. **Meeting Called to Order and Roll Call.** At 5:01 p.m. Councilor Nash called the meeting to order. Present were Councilors James Nash, Chair; Alex Jarrett, Vice-Chair; Karen Foster and John Thorpe. Also present were Office of Planning and Sustainability (OPS) Assistant Director Carolyn Misch and Administrative Assistant Laura Krutzler.
2. **Announcement of Audio/Video Recording**
Councilor Nash announced that the meeting was being audio and video recorded.
3. **Public Comment**
There being no general public comment, Councilor Nash proceeded to the next agenda item.
4. **Updates and Announcements from Committee Members**
None.
5. **Approval of Minutes of September 20, 2021**
Councilor Jarrett moved to approve the minutes of September 20, 2021. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.
6. **Items Referred to Committee**
 - A. **21.318 An Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land - referred to Community Resources, Legislative Matters and Planning Board, 9/22/2021**
Councilor Foster moved to make a positive recommendation. Councilor Jarrett seconded.

Two ordinances related to Farms, Forests and Rivers (FFR) are before them, Ms. Misch related. It has been a long-standing idea to slowly transition this piece of zoning to a different category to include properties permanently protected as open space so that is clear looking at the zoning map that these are protected parcels and not available for development. Thirty years ago, the city adopted the FFR zoning

district as a tool to be tied to a transfer of development rights so as to protect FFR areas from development by allowing owners to sell development rights associated with these ecologically-important parcels but shift them to a receiving area. (Per this concept, a sending parcel sends development rights to a receiving parcel, she explained.) The state hospital was the first such receiving property.

It's really good in theory, but in practice, it's very complicated to pull together this type of development scenario with two different property owners and, as a result, it has never been used. They have zoning to identify land to be protected but there was never a transfer of development rights. Also, this was in place before the city had zoning in place for the state hospital. Once they had zoning there that allowed higher density, there wasn't really any incentive to buy development rights from other areas in the city, but it's still been hanging around on the books.

More recently they have been using FFR to rezone conservation areas. As the city buys parcels to be owned or overseen by the Conservation Commission they have rezoned those as FFR because it serves as a signal on the map that these are protected lands. Discussion has been that it would make sense to similarly identify all parcels in the city with some type of development restriction, including privately-owned parcels so that someone interested in development knows that those large expanses of property are permanently protected and not open to development.

As part of this, planners wanted to restructure the definition to include farms, forests and *recreation* and expand what would be allowed in that zoning category so that it allows some activities and is not completely off limits for trail building or structures to store equipment used to manage the property or house people managing the property. So the ordinance clearly lists the uses allowed that don't constitute development but is not saying that these uses are allowed everywhere because there are some restrictions unique to individual parcels. This zoning will not give more rights or take away rights from properties already protected because deed restrictions are recorded at the registry of deeds and there's nothing the city can do to modify them. Planners included parks as part of this because Look Park and Childs Park are proposed to be brought into this. They wanted to identify and acknowledge that the district includes these great park resources, so they are changing the title to add recreation. Urban parks are treated differently from conservation areas because they may have activities in addition to passive recreation so the ordinance includes language that speaks to those kinds of activities.

Regarding the map, Councilor Jarrett expressed his understanding that they will have to come back and add more parcels as they are acquired by the city. He noticed the Wilbur parcel is not on there.

Instead of doing it each time, for the last couple of years, every year or so the planning department sends a package to council to rezone recently-acquired properties, Ms. Misch confirmed. She wouldn't recommend that the map be amended at this point because they will throw newly-acquired parcels on the map at another time.

Councilor Jarrett noted that there are some strange shapes that don't correspond to the parcel lines.

Some of the permanently-protected areas include 100-year FEMA-mapped flood plain, Ms. Misch advised. Flood plain is not being added to the FFR layer because flood plain has its own rules for the kinds of structures and improvements allowed. Some parts of parcels with conservation restrictions are also in the flood plain and those portions of the property did not come in. District boundaries are not coterminous with property boundaries because there are parcels which might be 20 acres with five acres allocated for a

house and the surrounding yard and the back 15 acres with an Agricultural Preservation Restriction (APR). Many parcels in the city fall into that category. In some cases, the APR does not encompass the entire legal description of the property.

Councilor Nash expressed his understanding that the land she is talking about already has some kind of restrictions embedded in the deed. If someone is allowed to sell beverages, it's only if allowed by deed.

Ms. Misch confirmed that is correct.

In terms of outreach, Councilor Nash expressed his understanding that the planning department sent out approximately 118 letters to affected property owners and that the Planning Board held a public hearing. He asked what kind of feedback was received.

One person wanted to make sure the rezoning wouldn't affect underlying restrictions already recorded for the property, Ms. Misch related. There was also concern about whether the rezoning would allow hunting on the property. The ordinance doesn't do anything to change what is currently allowed, she stressed. Hunting is a management issue, not a land use allowance.

The motion passed unanimously 4:0 by roll call vote.

B. 21.319 An Ordinance to Require Installation of EV Charging Stations in Parking Lots over 25 Spaces, referred to Community Resources, Legislative Matters and Planning Board - 9/22/2021

As outreach, Councilor Nash said he contacted Downtown Northampton Association (DNA) Executive Director Amy Cahillane and the Greater Northampton Chamber of Commerce, so they are aware this is being discussed.

This is a progression in the city's efforts to try to create incentives and regulatory structures to help meet climate goals identified in the recently-adopted Climate Resilience and Regeneration Plan, Ms. Misch said. §350-9 in zoning deals with parking and dimensional requirements, such as the number of parking spaces and tree requirements. This would add a section to that portion of the code to require that new or expanded parking lots creating 25 or more spaces include electric vehicle (EV) charging stations and conduit for charging stations.

The Planning Board thought the original language was confusing and should be simplified. They recommended eliminating subsection J and rewording subsection I as follows:

- i. For new or expanded parking lots that result in the provision of 25 or more spaces, one electric vehicle charging space per 15 parking spaces shall be installed.*

There was a lot of discussion about when conduit would be required and whether they just wanted to talk about charging spaces rather than differentiating between charging ports and conduit, she elaborated.

Councilor Jarrett moved to make a positive recommendation. Councilor Thorpe seconded.

Councilor Foster said she thinks it's great that they are codifying the requirement for EV charging stations in ordinance. She asked how they arrived at that ratio. When she first saw the proposal for one charging station for every 25 spaces, she wondered if they might want it to be a little higher.

She also asked about the potential for someone putting in a 29-spot lot if they didn't want to pay for two EV charging stations. And, she asked if any consideration had been given to whether the developer would be selling access to the EV charging stations and whether they wanted to regulate the ability to charge.

Twenty-five spaces is already a threshold in the ordinance for triggering other requirements, Ms. Misch explained. There is no magic around the number. The confusion for the Planning Board was around having two standards and wondering at what point conduit should be put in. They decided that if they just encouraged charging stations, developers would figure out when conduit is needed.

With regard to regulating whether property owners can 'charge to charge,' Ms. Misch said she thinks it really should be up to the market to determine whether this is a viable option for the owner. Currently, she thinks owners think it is a little bit of an inducement to attract people to their business but at the same time there is a cost. She doesn't know what the underlying business model is.

The short answer is 'no;' they haven't thought about going down that path. It's not traditionally a role of zoning to dictate or regulate how private owners charge for different services.

With regard to the number, both 15 and 25 are numbers that trigger various things in zoning, Ms. Misch reiterated. For example, zoning has a requirement for one tree for every 15 parking spaces. It is consistent with other thresholds for simplicity's sake.

An applicant might try to avoid having two spaces but, at the same time, some stations are sold with two ports so each stanchion can support charging two vehicles at a time. Most people building parking lots try to squeeze in as many spaces as they can, so she doesn't know that it would become an issue.

Councilor Nash asked how many situations she thinks the ordinance might apply to in the next year or two.

Ms. Misch said she can imagine the reconstruction of the Bridge Road nursing home as someone has purchased it. The requirement will apply to both residential and commercial construction so a larger condo development would also trigger the requirement. She guessed a handful.

Councilor Nash asked if there are any exceptions. He said he didn't know if people going to church or a funeral home expect to charge their car.

Ms. Misch said she doesn't know of any new churches coming on line.

The planning department decided to require a charging station as part of the new Big Y gas station, she reported. There are other smaller projects that might come to pass. She thinks developers are doing this voluntarily because they want to create an incentive for people to come to their business. Charging stations might come regardless of this but this at least gives a floor or expectation for larger projects.

The motion passed unanimously 4:0 by roll call vote.

Councilor Jarrett asked if they are giving a positive recommendation as written or as amended by the Planning Board. After hearing that it is 'as amended,' **Councilor Jarrett moved to clarify that the recommendation is for the language as recommended by the Planning Board. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.**

7. Updates and Announcements from Committee Members

He and Councilor Nash wanted to have time on their next agenda to talk about future zoning changes with a 'big picture' perspective and to invite Ms. Misch and members of the public to learn what the planning department is proposing and to offer their own ideas for improving zoning, Councilor Jarrett shared. The city's long-term plans will be a primary focus, since zoning proposals are expected to be based on adopted plans of the city such as the Sustainable Northampton and Climate Resilience and Regeneration Plan.

8. New Business

None.

9. Adjourn. Councilor Thorpe moved to adjourn the meeting; Councilor Foster seconded. The motion was approved on a roll call vote of 4 Yes, 0 No. The meeting was adjourned at 5:45 p.m.

Prepared By:

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