



**Committee on Legislative Matters
and the Northampton City Council**

Members

Councilor Alex Jarrett, Chair

Councilor Marissa Elkins, Vice Chair

Councilor Stanley W.. Moulton, III

Councilor Jim Nash

MEETING AGENDA

Date: August 14, 2023, 5 p.m.

Location: City Council Chambers

212 Main Street, Northampton, MA

Hybrid Meeting

The August 14, 2023 Legislative Matters Committee meeting will be held in hybrid format. The public can follow the committee's deliberations by attending the meeting in person or joining the virtual meeting by phone or by computer. The meeting will be recorded for later broadcast on Comcast Channel 15 and uploaded to the Northampton Government Video Archive on YouTube.

Live public comment will be available in person or using zoom or telephone call-in beginning at 5 p.m.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

[PUBLIC MEETING LINK](#)

For telephone call-in, call:

+929 436-2866 US

MEETING ID: 897 5659 8600

PARTICIPANT #: #

PASSCODE: 279513

- 1. Meeting Called to Order and Roll Call**
- 2. Announcement that meeting is being audio/video recorded**
This meeting is being audio and video recorded.

3. Public Comment

4. Approval of Minutes of Previous Meeting

A. Minutes of April 10, 2023

Documents:

[04-10-2023_Committee_on_Legislative_Matters.pdf](#)

5. Public Hearing/Community Forum on Adopting Massachusetts Municipal Opt-in Specialized Stretch Code

A brief presentation by Climate Emergency Coalition member Adele Franks will be followed by an opportunity for public comment.

Former Northampton Building Commissioner and Northampton Energy and Sustainability Commissioner (NESC) Louis Hasbrouck will be present to field general building code questions and provide technical support.

Documents:

[Opt-in Specialized Stretch Code Flyer.jpg](#)

A. 23.337 An Order to Adopt the Massachusetts Municipal Opt-In Specialized Stretch Code, referred by City Council - 6/15/2023

Documents:

[23.337 An Order to Adopt the Massachusetts Municipal Opt-In Specialized Stretch Code.pdf](#)

6. Items Referred to Committee

SEE ABOVE

7. New Business

8. Adjourn

Contact Alex Jarrett at
ajarrett@northamptonma.gov



City Council Committee on Legislative Matters

Members

Councilor Alex Jarrett, Chair

Councilor Marissa Elkins, Vice Chair

Councilor Stanley Moulton, III

Councilor Jim Nash

MEETING MINUTES

Date: April 10, 2023

Time: 5 p.m.

Video Conference

1. **Meeting Called to Order and Roll Call:** At 5:01 p.m., Councilor Alex Jarrett called the meeting to order. On a roll call, the following members were present: Councilor Jarrett, Chair; Councilor Marissa Elkins, Vice Chair; Councilor Stanley W. Moulton, III and Councilor Jim Nash. Also present were Office of Planning and Sustainability Director Carolyn Misch and Administrative Assistant Laura Krutzler.
2. **Announcement that Meeting is Being Audio/Video Recorded**
Councilor Jarrett announced that the meeting was being audio/video recorded.
3. **Public Comment**
Her question today is when the right time is to discuss and act on ordinance and zoning changes intended to provide more affordable housing but which instead have been abused by builders for profit, exacerbating the housing crisis instead of alleviating it, **Nancy Smith** of **Chapel Street** said. Yes, they are a capitalist country, builders are capitalists and she is a capitalist, too, but capitalism depends on guard rails to keep it from going off the rails and they need city government to step in to put those guard rails in place. On the advice of a local activist, she watched the April 26, 2021 Community Resources Committee meeting at which zoning ordinances were discussed and the corresponding May 10, 2021 joint meeting of the Planning Board and Legislative Matters where they were voted upon. People poured out their heart trying desperately to save their middle and lower-income neighborhoods and life-sustaining tree cover. Councilors asked great questions showing real concern but in the end voted to pass the ordinances despite concerns because, as they, the people, were told, "we do hear you but that is not what we are voting on tonight. We can only vote on what is before us according to the law," so now is not the time to address your concerns.

The truth is that far too many guardrails have been removed. She is looking to them to set the time and date to address the concerns they have brought to them. They want to help. They'll be there with ideas, like having builders go back to getting permits and reviews and letting neighbors be involved in the process so ideas like Mr. Ryan's alternative build plan for Bay State development that would have made the builder a lot of money, been better for the neighborhood and saved trees might have had a shot. City councilor-arranged meetings with builders like the Laurel Street affordable housing meeting brought great results and

uncovered water problems that the city and builder were not aware of so they could be addressed before things went horribly wrong. Neighborhood Conservation Districts (NCD's) would be a similar answer. Mr. Ryan's example which was very good was dismissed as invalid because it was not a reviewed plan. That is not an 'I hear you', that is an 'I dismiss and disrespect you,' she asserted.

Just as builders and planners are knowledgeable about their fields, so are neighbors knowledgeable about their neighborhoods. We need to stop the disrespect and anger over the past and learn to work together. Probably the best question she has heard in those meetings was very simple, "Couldn't these ordinance changes be abused for profit?"

The answer was long and confusing. As a follow-up, the question, "Couldn't these ordinance changes be abused for profit?" was repeated. The slightly shorter reply finally ended 'yes.' With the benefit of two years of experience since that vote, the answer is an absolute 'yes.' They can be and have been abused. So, again, she turns to their guardians and addresses the question: When is the time to address our valid concerns and issues with these ordinances and zoning changes?

The time should be now, she suggested. How about we reject all ordinance changes until we have time to address these issues? She proposed. She thanked councilors for all they do.

Claudia Lefko, 40 Valley Street, said her comment wasn't planned but she just wanted to follow up on Nancy's statement. She went to a select committee meeting on why citizens were not actively participating in the committee process. Eleven people were on the call, half of them members of the special committee. She told the story she's told before of how a man came to one of the meetings she attended to tell those present that he wasn't going to join them because he couldn't deal with the city anymore; he had tried and he was giving up. Last week, she went to meet with an environmentalist who lives in town about issues occurring on Montview Avenue. The person said to her, "I'm not participating anymore in these discussions in the city since they cut down the cherry trees on Warfield Place."

She echoed what Nan said about the need for people to be taken seriously. They have been accused of having 'whims' but it is really about democracy. If they want the city to work, they need to have a way that citizens actually feel like they're being taken seriously.

Jacqueline McCreanor, Ward 3, piggy-backed on Nancy and Claudia's comments to say that residents are really concerned about development in their neighborhoods and would really love the opportunity to work respectfully with Director Misch and city councilors. They are aware that the Barrett planning group is going to be pitching a new historic preservation plan sometime this spring. At a not too long ago Historical Commission meeting, the commission said the Barrett planning group had strongly recommended that the Historical Commission and the Planning Board meet jointly to discuss issues including historic preservation, workforce housing, sustainable housing and things of that nature. She really hopes that both the Planning Board and Historical Commission have that joint meeting. Director Misch has said 'no' to having their group coordinate with Eric Hill of the Cambridge Historical Commission to present on Neighborhood Conservation Districts (NCD's) to both the Historical Commission and Community Resources before the Barrett group unveils its new preservation plan. Residents would still very much like this meeting to happen. They wouldn't necessarily be pursuing the idea of NCD's if the 'doesn't fit' principle and the idea of infill design standards were upheld. The Sustainable Northampton Plan states there would be a mechanism for residents to work with developers and city officials regarding the development of their neighborhoods and that just hasn't happened. There is real concern among Northampton residents that their voices are not

being heard and that the city is just plowing ahead with infill and other construction that leads to affordability issues in the housing sector throughout the city and sustainability, infrastructure and climate-related issues.

There being no further comments, general public comment was concluded.

4. **Approval of Minutes of January 9, 2023**

Councilor Moulton moved to approve the minutes of January 9, 2023. Councilor Nash seconded. The motion carried unanimously 4:0 by roll call vote.

5. **Public Hearing on Proposed Zoning Change**

A. **23.247 An Ordinance to Clarify Reduced Lot Line Uses Allowed by Right, referred by City Council - 2/16/2023**

Councilor Jarrett said the public hearing notice was published March 27, 2023 and April 3, 2023 in the Daily Hampshire Gazette and that the ordinance was positively recommended by the Planning Board.

Councilor Moulton moved to open the public hearing. Councilor Elkins seconded. The motion carried unanimously 4:0 by roll call vote.

The public hearing was opened at 5:15 p.m.

The ordinance before them is a little bit of a cleanup, Director Misch advised. There was a request a couple of years ago by residents to modify the zero lot line ordinance to make clearer what it means to have a reduced lot line (RLL) and to set up new parameters and design configurations for RLL. Through that conversation, there was a concern that it remain available only for single-family homes so that was carried forward as it had always been a single-family home provision. However, under ZLL, single-family homes always included the allowance for an accessory unit so, effectively, if property owners availed themselves of this provision, they could have a reduced side setback between two new parcel boundaries. At the time, the definition of a single-family home included a single-family home with an accessory dwelling unit (ADU). In the same period, planners changed the definition of an ADU and began referring to this construct as a two family since they took away some of the restrictions around the second unit by allowing people to have larger units and eliminating the home ownership requirement. Now they don't refer to them as accessory dwelling units per se, they are just part of the mix [of two-families]. As a result, where previously residents could do a reduced lot line (RLL) with an accessory dwelling now they really can't.

This would reintroduce that ability as long as it's under one roof since, in the same conversation, planners heard that it would be important not to allow additional structures to be added to the property along that same reduced setback line going toward the rear. Planners feel this provision to introduce the ability to have two units in a structure as long as the units are under the same roof is consistent with the zoning as it existed for 25 years and addresses the concern about developing detached second units in rear yards.

RLL is only applicable in the Urban Residential B (URB) and Urban Residential C (URC) districts, she stressed.

PUBLIC COMMENT

There being no questions from councilors, Councilor Jarrett opened it up to the public.

Jackie Ballance of Florence said she had some pictures to show that demonstrate the real-life consequences of ZLL by right. She proceeded to screen-share a narrated video entitled, "Infill, Zero & Reduced Lot Lines."

The combination of ZLL by right in combination with lots with 50 feet of frontage has happened six times in her neighborhood, she reported.

There is one desirable result of infill and that is historic preservation efforts. She is asking the committee to vote 'no' on expanding the RLL to two-families by right.

Jaqueline McCreanor, Ward 3, said reduced lot line and uses by right zoning prioritize developer and property tax generation while sacrificing affordability, social justice, neighborhood charm, history and integrity in the housing sector as well as sustainability and climate-related issues and goals. Regarding affordability and social justice, this amendment prioritizes developers above residents and contributes to the luxury housing market, thereby contributing to issues related to redlining, affordability, attainable housing, workforce housing and the obstruction of social justice in the housing sector. Reduced lot line and uses by right are also in direct conflict with preserving neighborhood character and integrity and in direct conflict with sustainability and climate-related goals. Reduced lot line and uses by right insure the continued decimation of healthy mature trees between 35 and 200 years old which are their saviors due to their optimal carbon sequestration, oxygen production, cooling, flood reduction and wildlife habitat benefits. "We cannot afford to lose the lungs of Northampton." Forest experts have made clear that they cannot plant their way out of the climate crisis. They have lost more than 200 acres of forested land to construction and development. In recent years, trees are being cut down at an alarming rate due to reduced lot line and uses by right. Sometimes their trunks are left to stand a few feet tall while their crowns are cut off to prevent shading of new solar installations.

Applying reduced lot line and uses by right construction to two families would insure further significant destruction of our tree canopy, which they cannot afford to lose.

Healthy mature trees are critical to the survival of the human race. Each healthy, mature tree counts and takes decades to grow. Solar panels need to be installed on the roofs of existing buildings where the ground has already been disturbed rather than cutting down fresh swaths of healthy, mature trees, which they need for the survival of their own race as well as that of plants and animals. This amendment would also lead to the elimination of essential open space and the overburdening of existing traffic, parking, sewer and stormwater management, demolition of affordable and attainable housing and construction of oversized buildings dependent on fossil fuel, thereby creating new individual heat islands and a general increase in Northampton's overall heat island profile. This amendment would result in the creation of additional expensive luxury housing in Northampton, which excludes people of more modest means.

Passing this zoning amendment is akin to putting the cart before the horse. They need to make sure that new construction is free of fossil-fuel HVAC systems. They need to add measurable greenhouse gas emission reduction goals to their climate action plan and they need a commitment from their City Council and planning department to protect the existing inventory of attainable workforce housing and to prioritize the construction of new attainable workforce housing to prevent redlining and social injustice in their housing sector. Their city is already dangerously behind the curve in sufficient planning for climate change due to the planning departments' refusal to acknowledge the severity of the climate crisis as well as its 'head in the sand' 'business as usual' attitude regarding zoning, construction and development across the

city. Uses by right and reduced lot line zoning are at the heart of the problem. Expanding this residential zoning provision at this time is the worst decision councilors could make in behalf of Northampton and its residents. On the other hand, it is the best thing they could do towards prioritizing developers and demonstrating apathy towards the climate crisis and its consequences. . She truly believes there will be disastrous consequences for acting blindly in the face of the climate crisis. It could lead to catastrophic consequences for not acting prudently in the face of the climate crisis. The blind eye that the city and planning department have been turning toward these issues could lead to catastrophic circumstances where they as a municipality will be unable to respond effectively to intensifying climate crises. There are very real costs to reduced lot line and uses by right construction, and they will all suffer if the Northampton city officials and staff greenlight this change.

"You can set us up for success or you can set us up for failure," she cautioned. She respectfully and strongly urged the Committee on Legislative Matters to say 'no' to two-family reduced lot line with uses by right construction.

Debra Bercuvitz, Warner Street, said she is incredibly impressed with the people who preceded her. She has been silent for quite a while in such a state of hopelessness about the inability to be heard by city leaders. She has been talking to people in other towns and they're stunned by the direction Northampton is taking and the wanton disregard for citizens, the environment and for wetlands. She has to ask the question, why rush this and what is so scary about getting real citizen involvement? She wants to know why the planning director is so afraid of people who live and pay taxes in this city.

Accessory dwellings are not the same as two-families. They had a size limit on them. She was in those meetings when they made the change to two families and Alan Verson resigned because he tried to get a size limit and was bulldozed. She spoke up at these meetings about water issues on Warner Street and the effects of the properties on the corner of Hinckley Street and Warner Street with zero lot line was told that each house was being considered individually. Anybody is welcome to come by and see her very costly landscaped front yard that is being eaten away because of the water running down the street. "It was too much building on one lot." If anyone wants to see what a two-family would look like under zero lot line, she would encourage them to go by the two-family being built by Nu Way Homes on Federal Street which is enormous relative to the houses next to it.

"The scale is off," she asserted. Residents are saying the scale is off and it's having a negative effect on them. Why isn't there a mechanism for them to be heard and have meaningful participation? Most cities would be thrilled to have eloquent residents participating in these meetings. "Once this goes through there's no going back."

She believes it's a very intentional decision to keep rolling out these detrimental changes incrementally.

Joyce Rosenfeld of Warner Street said she hasn't been to one of these meetings in a long time so she is impressed with the information gathering of her neighbors in their presentations to this and other committees. She would love to hear a debate among councilors with the pros and the cons of their thinking. It would be interesting to her to hear what the councilors are thinking about this proposal and what they're hearing from their constituents.

Tusi Gastonguay of Florence (121 Willow Street) said reduced lot line is an invitation to developers to run roughshod over their neighborhoods as they have been doing. She wants to be recorded as being in full

agreement with what the two Jackies and Debra have said. She also has been to other city meetings where she witnessed very well-spoken residents speaking and having their comments completely ignored. They need more respectful and meaningful input into these crucial decisions.

Diane Scott, 44 Landy Avenue, said she is asking that the city revisit and revoke or revise the current reduced lot line uses by right ordinance. She believes this is being interpreted and used in ways that were never intended when it was put in place and being used to the detriment of their neighborhoods and communities. She has no issue with homeowners adding to their homes. Just on her little street there is a home built before the reduced lot line ordinance that they were asked to consider and they did not act to prevent it. Another neighbor built a little house behind their main house in which an adult child resides. She believes these two examples were entirely in the spirit of the original ordinance, so it cannot be said that she is opposed to infill if used to allow homeowners to make changes to their lots that will positively affect their families. She is completely opposed to this provision being exploited by developers to get the most money out of projects that do not improve, fit the character or benefit those currently living in their community.

She beseeches this board and all city boards that have any hand in the wielding of this ordinance to reconsider the damage that it has and will do to their beloved neighborhoods. As they get closer and closer to the building that is going to take place across the street, she feels they need to become more and more desperate about the way they ask that [development] be thoughtful and take the way it fits the neighborhood into account. They have a board in their city called community preservation and she would like to see some preservation of the community being part of the conversation.

Councilor Jarrett invited Director Misch to speak to the concerns raised.

Planning Department Response

A couple of the examples in Jackie Balance's illustration of buildings that didn't fit because of being too close together were exactly why modifications to the zero lot line ordinance were introduced a couple of years ago, Director Misch pointed out. The new reduced lot line ordinance sets parameters for distances between abutting structures in that they need to be either zero or at least 10 feet less than the sum of the two required setbacks. This adjustment was made in response to concerns raised about making sure there continued to be a rhythm to the streetscape typical of the neighborhood. This changed in direct response to the concerns heard, she stressed.

When new two-family units of more than 2,000 s.f. are proposed, Planning Board review and approval of fossil fuel-free units is required, she added. It wouldn't affect someone who has a single-family home and wants to add another unit or someone with a two-family house whose life situation changes and wants to create another lot with a reduced lot line. Planning Board review wouldn't be triggered for an existing two-family or for an existing single-family home in which a new unit less than 2,000 s.f. was proposed.

Councilor Nash expressed his understanding that the original intention of zero lot line was to allow two structures with a shared wall. Is that what this language is reinstating or just making clearer? He asked.

Originally zero lot line was established for a situation where an owner could draw a boundary line down a parcel to separate the ownership of two units or for a situation in a cluster setting where a developer could layout lots with structures right on the lot line, Director Misch explained. It was also created to allow more

flexibility for an owner creating a new side lot line who had specific tree or fence requirements, etc. It was intended to create a variety of ways a new property could be established.

The original intention was to apply zero lot line to single-family homes but another provision in the code said that when an accessory dwelling unit (ADU) was added to a single-family home it was still considered a single-family home. So, yes, this is clarifying what was previously allowed and understood to be allowed, she confirmed. Accessory dwellings were restricted to 800 s.f. but removing this definition and designating ADU's as two-families instead eliminated this size restriction. However, it still is principally two units under one roof so it is comparable. Building a brand new structure that is over 2,000 s.f., triggers Planning Board review which brings with it a fossil fuel-free requirement, she noted.

Councilor Elkins recalled that when she was on the Planning Board, the zero lot line provision was discussed in connection with a Habitat for Humanity project to create affordable housing.

Habitat for Humanity's (H4H) request to allow separate lot lines for structures that had party walls was originally the impetus for creating this provision, Director Misch confirmed. The intention was to create separate ownership so that unit owners would not have to share ownership of a single parcel but could have individual property rights, she explained.

General discussion continued with active public participation, including additional comments from **Jackie Ballance, Debra Bercuvitz, Joyce Rosenfeld, Jacqueline McCreanor and Claudia Lefko.**

Jackie Ballance expressed the opinion that the problem with ZLL by right comes when it is used on lots with only 50 feet of frontage. With reduced lot lines, builders can get a 35-foot wide house on a lot with a 50-foot frontage. As long as it is used with 50 feet of frontage, they are going to have more and more of these developments that have disturbed their neighborhood.

Debra Bercuvitz said they always hear in these meetings about local residents who want income flexibility. She asked if the planning department could provide a list of projects or inventory of how ZLL development has been used over the last five years so that everybody could have access to factual information. "What I'm seeing is not what's being described very benignly in these meetings," she asserted.

She asked why this particular zoning change couldn't wait until after a historic preservation plan had been designed and adopted. She also asked whether the planning department had done or would be willing to do a study to compare the relative energy efficiency of the kind of development being supported as compared to the loss of trees it represents. From research she has seen, there is no benefit to the kind of development the city is encouraging.

Joyce Rosenfeld also expressed concern about the provision primarily being framed in the context of a property owner with a house wanting to add something else. She doesn't hear it being talked about as a tool for developers.

Jacqueline McCreanor voiced the same concerns about homeowners vs. speculative developers. She shared details of a Habitat for Humanity affordable housing development presented at a Planning Board meeting. Plans called for removing several old trees along the road that were not public shade trees and so didn't have to be replaced and for 'crowning' or cutting off the tops, of other trees so they wouldn't shade solar installations.

As forest experts have been saying, healthy mature trees between the ages of 35 and 200 provide carbon sequestration, oxygen production, wildlife habitat, cooling and flood reduction.

If this is widespread, it really begins to add up and she's not sure the trade-off of adding more solar panels is worth it. It's something the Planning Board and members of every board and committee in city government really need to consider. "These trees are providing us with the ability to survive."

In developing policies having to do with property, **Claudia Lefko** said she didn't know why they couldn't distinguish between owner occupants and developers. She also questioned the assumption that an old house isn't energy efficient. Energy efficiency has to do with the personal habits of the residents as well as the size of the building, she pointed out.

As far as distinguishing between property owners, planners are not focused on who is doing the building, Director Misch stressed. Builders and developers are the ones building homes and they need to make sure they are continuing to build to address the city's housing crisis. It is important to remember that they don't and can't and that it's not appropriate to define and restrict who is allowed to build houses in Northampton.

The planning department has not done an evaluation of what's more effective in terms of building in town and cutting trees or building farther out in undeveloped areas. They know they have a housing crisis and that building in town it is far more efficient and better for the overall footprint instead of pushing development outward, creating more roads and forcing people to drive for every single trip.

They need to accomplish all of these things and that is why they also have an aggressive tree replacement requirement, she noted.

With respect to the Habitat for Humanity project cited by Jacqueline McCreanor (278 Burts Pit Road), Habitat proposed to cut trees for solar arrays for units intended to be net zero, Director Misch advised. Although zoning typically requires tree replacement even when trees are being cut for solar access, it has a provision to waive this requirement for construction of affordable housing. (She referred to it as a sort of trade-off to encourage this type of development.) Because Habitat is building 100% affordable housing units with solar it does not need to replant trees in accordance with the usual replacement requirement.

With regard to waiting for a historic preservation plan to be adopted, historic preservation planning is on a separate track, she stated. The idea is to identify historic resources and plan for their protection. The zoning piece won't be in conflict with that and they don't need to hold off all zoning waiting for the historic preservation plan, since it involves a different lens.

As far as providing a list of reduced lot line projects over the last five years, she said she thought she could probably generate such a list with the help of the building department.

Councilor Jarrett said he thought that information would be useful.

There being no further public comments, **Councilor Moulton moved to close the public hearing. Councilor Elkins seconded. The motion passed unanimously 4:0 by roll call vote.**

Deliberation

The City Council did modify the zero lot line/reduced lot line ordinance in 2021 to address concerns about the distance between houses, Councilor Jarrett noted. Houses must be 20 feet apart in URB and 10 feet in URC. That matches the historical development patterns in these neighborhoods and made setbacks more appropriate. That is one way in which they have already addressed some of the issues, he pointed out.

They need housing of all types but multi-family housing is a special need since it provides the benefits of energy savings and lower costs per unit. As he has shared in his newsletter, data he has found on climate concerns shows that living closer together is much greener than living spaced apart. Also, one of the drivers of the housing crisis is the demographic shift to people living in smaller family sizes, meaning that they need more and smaller units. In light of this, allowing for two-families makes a lot of sense. If folks are going to be developing, he would rather have them be developing more multi-families and he does think this is the kind of development they want to encourage.

Everything they do is a balancing act, he acknowledged. They are trying to meet certain goals but zoning can only do so much. It can only allow; it does not require that anything get built. If zoning were to be too restrictive, they would not get any development at all. They have to make rules that balance the different needs of tree protection, historic preservation and the need for housing. He is in favor of this change.

Councilor Elkins said she echoed a lot of what Councilor Jarrett said. She is thoroughly persuaded by science and planning policies that, in order to balance environmental sustainability goals with their desperate need for housing, they have to make some choices. With this and other ordinances, they are trying to balance these competing goals.

She does not see that science matches the claim that the tree loss associated with the building of these houses is [disproportionate] relative to their overall conservation goals, she observed. Just today, the city announced the acquisition of another enormous piece of open space. It is a balancing act. If the city never approved another cluster development calling for new infrastructure, roads, sewer and more sprawl, she would be happy and thinks it would be consistent with their goals. In order to accommodate everybody that wants to live here, city officials need to be thinking creatively and be forward thinking. She doesn't think entrenching the existing limitations that traditional zoning puts in place achieves that.

She has heard the refrain several times now that, "We're not heard; we're ignored." Disagreement with is not ignoring. She stood for election and didn't hide the ball about her issues and priorities and, frankly, housing and a sustainable and smart balancing of those priorities is part of that. If there is a groundswell of folks who see it differently, she encouraged them by all means to pursue that path and see if enough of their fellow Northampton residents agree with them.

Given the time it's taken for them to be present, sit through comments, read emails received, listen and take different perspectives into consideration, it's a little bit frustrating to hear that constantly described as ignoring, not listening and undemocratic. She raises this because it is a common refrain.

With that said, she favors this legislation and would give it a positive recommendation. She believes it is consistent with their goals for sustainability, resilience, increasing housing stock and allowing flexibility for existing property owners.

Considering the city's goals for increased housing and climate crisis response is a balancing act, Councilor Moulton agreed. He thinks they need to correct an existing oversight; namely, the need to allow property

owners to add an additional unit which used to be called an accessory unit or to divide a property to take advantage of its equity. His thought is that they should restore this to the category of single-family by right that previously existed.

He echoed Councilor Jarrett's interest in the five-year study looking at the impact of reduced lot line zoning. He would be particularly interested in seeing what the size of those houses are and asked that that be part of the study. He would be willing to consider a smaller limit, he volunteered. With the provision that he would like to see that data before the City Council votes on this, he too would support sending it forward with a positive recommendation.

Councilor Nash said he appreciated what Director Misch shared about making distinctions between owners and developers - that they really can't do that. "It's just not a place we can go," he observed.

He also appreciated what Councilor Jarrett said about the city's goals being part of a balancing act. At some point they have to make a choice; at some point, they may be losing some canopy so they can create solar or they may be losing some open space to create more housing. When choices are made they can be hard for folks as some of the slides shared earlier showed.

He agreed with the idea that if people feel strongly, elections are coming up and they should think about running. "We are listening, and I'm not hearing 50 or 100 people; I'm hearing a group of people who have the same concerns."

In his view, what's being requested is in alignment with the original intentions of zero lot line and matches what they now call reduced lot line. He's fine with moving it forward with a positive recommendation.

Councilor Nash moved to send the ordinance forward with a positive recommendation. Councilor Moulton seconded.

Councilor Jarrett added that they can't discriminate in zoning but they can look at the results and tweak things in a way that may try to achieve different goals. He is curious to see what the history has been in terms of how many homeowners split off a lot vs. how many builders developed raw land.

Councilor Nash clarified that some of the slides shown earlier, such as 107 Williams Street and the backyard ADU in Florence, were not examples of zero lot line development.

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

6. Items Referred to Committee

A. 23.278 An Ordinance to Reclassify Parking Meter Zones on Elm Street, referred by City Council - 3/30/2023

Both ordinances are clean-ups and clarifications to the recent restructuring of parking management regulations, Director Misch explained. This change is making parking meter zones on Elm Street consistent with the time limit and class previously adopted.

Councilor Nash expressed his understanding that this has been through the Transportation and Parking Commission (TPC) and said he is gratified to know it is part of the original package/plan approved.

Councilor Moulton moved to forward the ordinance with a positive recommendation. Councilor Nash seconded. The motion passed unanimously 4:0 by roll call vote.

B. 23.279 An Ordinance to Clarify Parking Garage Time Limits, referred by City Council - 3/30/2023

This is just to clarify that the Gothic Street parking garage is included in the reference to garages, Director Misch explained.

Councilor Elkins moved to forward the ordinance with a positive recommendation. Councilor Moulton seconded. The motion passed unanimously 4:0 by roll call vote.

7. New Business

Councilor Jarrett announced that he would appreciate hearing from members of the committee on hybrid vs. remote meetings. He asked them to please let him or the administrative assistant know their thoughts.

8. Adjourn

There being no other business, Councilor Elkins moved to adjourn. Councilor Moulton seconded. The motion carried 4:0 by roll call vote. The meeting adjourned at 6:47 p.m.

Prepared By:

*L. Krutzler, Administrative Assistant to the City Council
413.587.1210; lkutzler@northamptonma.gov*

COMM MASSACHUS

List of Communit



**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the City Council,

Upon the Recommendation of Mayor Gina-Louise Sciarra and Councilors Rachel Maiore and Alex Jarrett.

**O-23.337
AN ORDER**

**TO ADOPT THE MASSACHUSETTS MUNICIPAL
OPT-IN SPECIALIZED STRETCH CODE**

Ordered, that

WHEREAS, Buildings are one of the largest sources of greenhouse gas emissions in Massachusetts. Between oil and gas heating, hot water heaters and gas stoves, they're responsible for about 27% of our annual emissions. The largest greenhouse gas emissions impact for many buildings stems from the heating loads and choice of heating fuel for the building; and

WHEREAS, The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code, is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code; and

WHEREAS, The Department of Energy Resources (DOER), recommends that the communities that want to participate in the Ten Communities Program (requiring all electric heating for new construction) adopt the Specialized Code, and Northampton has filed a home rule petition to become part of that pilot program; and

WHEREAS, the Opt-in Specialized Energy Code will help us meet the carbon neutrality goals of Northampton's Climate and Regeneration Plan.

NOW, THEREFORE, BE IT ORDERED

That the the City of Northampton hereby adopts 225 CMR 22 and 23, including Appendices RC and CC, known as the Massachusetts Municipal Opt-In Specialized Stretch Code, to take effect in the City of Northampton as of January 2024, as required by state regulation.