



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: December 12, 2022

Time: 5 p.m.

Video Conference

1. **Meeting Called to Order and Roll Call:** At 5:01 p.m., Chair 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, DPW Director Donna LaScaleia, Council President Jim Nash, Ward 7 Councilor Rachel Maiore 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. **Approval of Minutes of November 14, 2022**
Councilor Moulton moved to approve the November 14, 2022. Councilor Elkins seconded. The motion passed unanimously 4:0 by roll call vote.
4. **Items Referred to Committee**
 - A. **22.191 An Ordinance Relative to Parking on Main Street (Leeds), referred by City Council - 10/20/2022**
Councilor Jarrett explained the procedure he would use in conducting the meeting.

As background, there's been ongoing community conversation and significant community engagement for over 18 months around parking on Main Street and Grove Avenue in Leeds, Director LaScaleia said. A large number of people - both residents and folks from neighboring communities - were coming into Leeds to swim in the river and it was overwhelming the capacity of those two particular areas creating unsafe conditions. Both sides of Main Street were heavily parked up bumper to bumper and there was heavy foot and bicycle traffic. Folks were having difficulty getting into their driveways and finding places to park to enjoy so the river and they were struggling to maintain clear passage for public safety vehicles particularly on sections of Grove Avenue and Main Street that are especially narrow. A particularly problematic area was from the Hotel Bridge to Arch Street.

DPW staff had a series of conversations with folks in the community, including the Leeds Civic Association (LCA) and Ward 7 Councilor Maiore, and there was a lot of community engagement around this issue. The DPW did quite a bit of engineering work to try to figure out how to make it safer for everybody involved, especially people walking in the street and recreating in the river. They realized they had to implement some type of parking restriction because there was too much congestion on roads not designed to handle that level of influx. It was like every weekend was a special event.

After much community engagement, the Transportation and Parking Commission (TPC) generated an ordinance seeking to restrict parking on a seasonal basis since it is really a seasonal problem having to do with heavy usage of the area when it's warm. It was a compromise for residents and visitors intended to maintain the streets passable for public safety vehicles and create a safer environment during warm weather months. It was referred to Legislative Matters where it was altered to be a year-round ordinance and forwarded to City Council in that form. It is now in the code of ordinances as a year-round restriction on Grove Avenue and Main Street. Since that time, they have certainly heard from residents for whom this is burdensome. The DPW has spent quite a bit of time and resources trimming trees and trying to create suitable parking conditions on the river side of the road to make it more palatable. They are here because Councilor Maiore is proposing to restore the ordinance to its original form as a seasonal ordinance.

As chair of the Bicycle/Pedestrian subcommittee of the TPC, Director Misch offered a bicycle/pedestrian perspective. They know on-street parking slows traffic. The section proposed to have the seasonal 'No Parking' restriction is the widest section of the street and is comparable to many other streets in Northampton with parking on one side and in many cases parking on both sides. Aside from the summertime crush, this section of street isn't dramatically different from many other streets in the city. From the perspective of traffic calming and given historic traffic volumes, it makes sense to have parking on at least one side of the street, she concluded.

Councilor Maiore said she was bothered when the ordinance was approved in year-round form but was in the position of having to either vote it down or accept the year-round restriction. Since then, she has heard from residents on Main Street who don't have driveways. To her, this is a real-time equity issue. Residents without driveways have to park on the side of the street away from their residences with drainage issues and tree issues. It has dampness and becomes a little bit of an ice-skating rink in winter. That side was chosen because it has 10 more parking spots and they thought parking on the other side might amplify parking problems because of cars encroaching on people's driveways.

It really is a seasonal issue so it seems illogical and weirdly punitive to make renters navigate these daily issues especially in non-peak times. Original support from residents was based on the parking restrictions being seasonal.

Councilor Moulton asked if one of the councilors present for the original discussion could explain the reason for the change from a seasonal to a year round restriction.

He thinks the timing of the vote had a lot to do with changing the original recommendation, Councilor Nash ventured. It came up in the middle of budget season when councilors were deeply involved in discussion of the police budget and there was a lot of interest in the impact of issues on people of color. Many of the people coming to use the river in Leeds were from out of town and were people of color. There was concern about creating a new seasonal option to regulate parking in an area where people of color were accessing the river and also concern about the increased level of access.

Councilors on the committee were concerned that creating a new parking option that had the effect of restricting access and targeting people of color was a step too far. Instead, members opted to amend the ordinance to make it a year-round restriction which is the norm throughout the city.

The irony of course is that it does nothing to address that concern, Councilor Maiore noted. If people were concerned, it seems that they would have supported having no restriction.

She said she also recalled some concern about setting a precedent that would be inequitable. Because of the safety concerns the director identified, it wasn't an option to have no restriction.

Councilor Jarrett said he thought it was primarily to say that, if a safety issue exists, it should be addressed year round. However, in actuality, it isn't a problem year round.

Northampton residents also use the swimming hole, he said.

If this indeed would be the first seasonal ordinance around parking, Councilor Moulton asked if either Director Misch or Director LaScaleia have a concern about what precedent it might set.

There is actually already a seasonal ordinance on the books for street sweeping on Main Street, so it would not be the only place with a seasonal restriction, Director LaScaleia said.

PUBLIC COMMENT

With regard to the level of public engagement, **Celina Della Croce of 185 Main Street** stressed that, as renters, the people most affected by this parking restriction face challenges to participating in the public process. A number of people are not at this meeting because they are working or caretaking. Renters tend to be renting because they are too poor to buy houses so they tend to be disproportionately poor and disproportionately marginalized, she pointed out. She named Wayne and Maria, Matthew, Jack, Sky and Shauna as fellow renters interested in this issue but not able to be present. She said she hopes some were able to submit comments.

She thinks this may have been reflected in earlier meetings. There were five or six people who intended to be here but are not because they are working or dealing with family situations.

There are drainage issues, she confirmed. The DPW did come and put some rocks down but the drainage issues are still there. Now it drains somewhat quicker but there is basically standing water. This is an issue year round but it is exacerbated in the winter when the parking area resembles a skating rink. It makes the apartments inaccessible to anybody in a wheelchair. She doesn't have mobility issues but her mother does and she has a friend who uses a cane. It is an issue to invite anybody over for dinner when they are going to have to park where it's icy or in standing water.

There will be people in the future who effectively won't be able to live there. The biggest safety issue to her is the risk of falling when you get out of your car. In the winter there's not swimming traffic but there are quite a few commercial trucks that come down. For those of them without driveways, parking on the other side of the street requires crossing the street with groceries and a dog while looking out for cars to avoid getting hit. She didn't have safety concerns before but it's created safety concerns for the people who live

there. In terms of congestion, it's made it worse because when people come in to swim, they only have half as many places to park.

This summer, she found herself yelling from her window at someone parking on her neighbor's lawn because they decided it was a place to park.

Additional traffic in a neighborhood also brings with it additional needs such as the need for trash disposal, she pointed out. The parking ban has actually exacerbated problems it was meant to solve in the first place. The parking ban has just made it harder for renters who live there and pushed people with mobility issues out of the neighborhood. As with other issues around housing, the people most impacted are probably those with the least bandwidth to be at a 5 o'clock Monday city parking meeting.

She hopes at a minimum they could make it a seasonal ban.

When this first came to council, they discussed whether there could be staggered 'No Parking' zones on the east (non-river) side of the street creating a 'yield flow' or courtesy one-way situation with sufficient room for larger vehicles to pull over when necessary, Councilor Jarrett said. He asked Director LaScaleia to address this.

The idea of staggered parking on either side is something she knows Councilor Nash is fond of and something recently implemented on a street in Councilor Moulton's ward. In looking at this street, they were trying to maximize the ease of enforcement and number of available parking spaces since they clearly have a capacity issue and don't want to make a bad situation worse. The problem with staggered parking is that people are generally not familiar with standard parking regulations and don't know they can't park within six inches of a curb cut or within 10 feet of a fire hydrant. The difficulty with hop-scotching parking on the other side of the street is that a) they're going to lose spaces and b) folks are going to be confused about where they can legally park. They would have to hatch the street and create defined parking spaces. That is the reason they did not hopscotch back and forth across the street.

Councilor Jarrett clarified that his question was not about hopscotching back and forth but rather having parking completely allowed on the west (river) side and in sections on the east side. He cited Chestnut Street by the Pie Bar as an example.

He hears the concern about how close they are to driveways and knows there are certainly a lot of curb cuts on the east side.

Director LaScaleia said the same thing applies. She actually walked the street and spent days on the street taking measurements and measuring the overall width. By the time cars get down to an area where the street is quite wide and could support something like that, there are a lot of things that would make parking enforcement difficult in the summer months.

Councilor Jarrett weighed in to say he thinks having it be a seasonal restriction is a better solution than what they have now.

If safety is a concern people in the neighborhood have brought up different suggestions, Celina Della Croce volunteered. If speed is a concern they could have speed bumps, if trash is a concern, they could have trash containers. If traffic is a concern they could put lines on the road like on more heavily-traveled streets.

Matthew Thornton, Main Street, Leeds, said it seems the simplest solution would be to just reverse the parking ban. There are other ways of mitigating the problems. He wouldn't be unhappy to see speed bumps. At the very least, he advocated for changing it to a seasonal ban since there aren't really problems outside of those three months.

As a councilor, she really wishes she could support renters more by having places for renters to park in snow emergencies, etc., Councilor Maiore commented. She wishes renters had a better feeling of support. She admitted this is not perfect and said she plans to closely monitor what happens in Leeds over the next few years. She hopes the city will come up with an alternative parking solution for recreational users and then she would like to revisit this.

What's in front of them is a real-time equity issue and she hopes the committee will see the immediate need to address it even though it's not perfect.

Councilor Nash noted that the original ordinance amendment included Grove Street. Councilor Maiore said she checked in with residents there and didn't hear major issues and so just focused on Main Street.

Councilor Elkins said she appreciates folks at the time thinking about equity issues and the concern about enforceability. That being said, this is how the civic process is supposed to work. They tried something to mitigate the issue and it's proven not to be workable. She is not concerned about setting a precedent or a slippery slope because this strikes her as a unique location in the city. She is very sympathetic to the plight of renters finding themselves without a place to park and having to park in dangerous situations. She is supportive and appreciates that Rachel is looking to keep working on the issue.

She'd be inclined to send this forward to the City Council with a positive recommendation. **She so moved. Councilor Nash seconded.**

Councilor Moulton asked if the problems the parking restriction was intended to solve were solved during the summer.

From a public safety standpoint, police, fire and dispatch had no access issues over the past two summer seasons, Director LaScaleia reported.

Councilor Moulton asked if the restrictions helped in some fashion in the past two summers.

Councilor Maiore said it's mixed. She has heard some folks say it seemed better. There are still problems. She wants to see what happens over the next couple of seasons. More people were using the river during the pandemic.

Councilor Moulton said he thinks they need to be cautious about reversing an earlier decision of the council so quickly but also need to be responsive to and flexible enough to acknowledge that perhaps a mistake was made. Like Marissa, he is very sympathetic to the question of equity, but if there is concern about people of color getting access to the river, a year-round ban does nothing for them as opposed to a seasonal ban. Now they have created problems for another marginalized group. He too feels a seasonal ban is not a perfect solution but at this point is probably the best they can do.

They have heard Councilor Maiore say she's going to keep an eye out. He would support sending this back to the council.

Councilor Jarrett read two comments from the chat into the record.

During the TPC process, there were 50 or 60 people in the room and lots of concern about access and equity, racism and who they are as a community, Councilor Nash related. Through it all, Director LaScaleia kept bringing it back to the recommendations being about public safety and not about controlling access to the river. It was intended to limit the number of cars that could be parked in the area so emergency vehicles could get through and people wouldn't get hit. Based on that, he's comfortable going back to the original recommendation.

He's going to be careful about saying they did something wrong. They did the best they could. They voted on this particular ordinance at their June meeting, which was dominated by the budget conversation. That particular meeting went until 1 or 2 in the morning.

Celina Della Croce read a comment from Wayne Nato who said he has found the parking prohibition an extreme inconvenience.

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

B. 22.204 An Ordinance to Amend Chapter 281 Stormwater Management, referred by City Council - 12/1/2022

Director LaScaleia spoke about this quite a bit at City Council last week, Councilor Jarrett reminded.

Like most things the DPW does, this is really driven by regulation; in this case, updates to the Municipal Separate Storm Sewer System (MS4) permit, Director LaScaleia presented. The city needs to adopt a new ordinance to stay in compliance and she has worked with the planning department in drafting the revision. The intent is to make the ordinance more of a framework that is less technical and to move more technical details to departmental regulations which is a more suitable place. Stormwater management is a dynamic field with changing processes and procedures so its technical details are more suitable for regulations which can be more easily altered rather than going through an ordinance modification process.

The department currently does not have regulations because all the information is contained in the ordinance. She thinks this is a much better framework for the city moving forward. She offered to entertain questions.

Councilor Nash expressed his understanding that the new ordinance gets rid of the Board of Public Works as the stormwater authority and replaces it with the Director of Public Works.

When the Board of Public Works was dissolved in 2015, the mayor's office went through the code of ordinances to strip references to it, and this reference was missed.

Councilor Elkins departed at 6:14 p.m.

Councilor Nash asked who the authority would be if there was no director.

The ordinance gives the stormwater authority the ability to delegate authority, Director LaScaleia said. In her absence, structurally, the city engineer is the acting DPW director. The official title can be delegated to an appropriate employee within the DPW.

Director LaScaleia fielded questions about the threshold for projects requiring stormwater management permits, types of land uses with higher potential pollutant loads and fees, among other things.

The ordinance kicks in as a separate permit review process for projects that disturb over an acre, Director Misch clarified. Some projects of less than an acre still have to file some kind of stormwater plan. Several thresholds trigger major project status. Major projects also are required to file stormwater management plans but they go to the Planning Board with review by city engineers.

Councilors asked general questions about plans for outreach and the agricultural exemption.

When thinking about development, the city wants to guard against development that adds to an already overburdened system, Director LaScaleia explained. If development is proposed for an area where the stormwater system is at capacity, they want to prevent further influx into that system. Development of huge areas of impervious space have the potential to add a large volume to the system. Building a parking lot presents a different scenario than tilling a field for corn, she pointed out.

"We do not want this ordinance to be an impediment to agricultural activities," she confirmed.

Councilor Jarrett expressed his understanding that the ordinance is specific to properties that discharge to the city stormwater system.

The focus of EPA, the Massachusetts Stormwater Handbook and DEP is on connections to the city system that add huge amounts of flow or greater amounts of flow than an already overwhelmed system can handle. The ordinance is not meant to target agricultural activities beyond existing regulations, she assured.

Councilor Jarrett asked what happens if a neighboring property owner believes a project under the ordinance has negatively impacted their property, such as causing recurring basement flooding.

The developer's responsibility is to provide engineering designs and calculations to the DPW to prove that the project won't be deleterious to the city system or surrounding area. The city issues a permit which has conditions that must be followed. If an abutter thinks a project has harmed their property, as long as the developer has satisfied the conditions of the permit, it becomes a matter between the two property owners.

Councilor Moulton moved to send the ordinance to the full City Council with a positive recommendation. Councilor Nash seconded.

Councilor Nash expressed his understanding that the ordinance will go back to council. He asked if the public hearing involves the council.

Director LaScaleia said it was not her expectation that the regulations were going to go to public hearing. She discussed the process with the city solicitor and, while the ordinance needs to be approved by the City Council, the regulations belong to the DPW.

If the City Council wishes her to hold a public hearing on the regulations, she certainly can. The ordinance says a public hearing is required to alter the regulations but is silent on requiring a public hearing upon initial implementation, she noted. It says the regulations exist once the ordinance goes into effect.

Councilor Jarrett said he assumed there would be a public hearing but if the city solicitor thinks it is not necessary upon initial adoption, he would trust his guidance. It makes him think this is the public's time to look at the regulations as well as the ordinance and he's not sure that was clear.

Director LaScaleia offered to confer with the solicitor tomorrow.

It seems to him that if a hearing is required for changes, it makes sense for a hearing to be required to implement new regulations, Councilor Moulton said. He doesn't see the harm in holding a hearing.

His thought would be to hear from Attorney Seewald and to have a further discussion at council, Councilor Jarrett said. They could amend the ordinance to require a public hearing when the regulations are adopted or changed. Otherwise, he thinks it would be good to announce that, upon adoption of the ordinance, the regulations are in effect.

Director LaScaleia said she could speak to Attorney Seewald in the morning and they could be in touch.

Councilor Jarrett called the motion to a vote, and **it carried 3:0 with Councilor Elkins absent.**

5. **New Business**

None.

6. **Adjourn**

There being no other business, **Councilor Moulton moved to adjourn. Councilor Nash seconded. The motion carried 3:0 by roll call vote with Councilor Elkins absent. The meeting was adjourned at 6:46 p.m.**

Prepared By:

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