



Joint Meeting of the Northampton Planning Board and the City Council Committee on Legislative Matters

<i>Legislative Matters Committee Members</i>	<i>Planning Board Members</i>
<i>Councilor Marissa Elkins, Chair</i>	<i>George Kohout, Chair</i>
<i>Councilor Garrick Perry, Vice Chair</i>	<i>Stacy Dakai</i>
<i>Councilor Alex Jarrett</i>	<i>Cameron Roach</i>
<i>Councilor Rachel Maiore</i>	<i>Chris Tait</i>
	<i>Sam Taylor</i>
	<i>Janna White</i>

MEETING MINUTES

Date: July 17, 2025

Time: 6:30 p.m.

212 Main Street, Northampton, MA

- 1. Meeting Called to Order and Roll Call:** At 6:32 p.m., Councilor Marissa Elkins called the meeting to order. On a roll call, the following councilors were present: Councilor Elkins, Chair; Councilor Garrick Perry, Vice Chair and Councilor Alex Jarrett. Councilor Rachel Maiore was absent. Also present was Office of Planning and Sustainability (OPS) Director Carolyn Misch and Administrative Assistant Laura Krutzler.

Planning Board Members present: Chris Tait (Chair), Stacy Dakai, George Kohout, Sam Taylor and Cameron Roach, Associate Member.

- 2. Announcement that Meeting is Being Audio/Video Recorded**

Councilor Elkins announced that the meeting was being audio/video recorded.

- 3. Public hearing on proposed zoning change**

Public hearing notice published July 3, 2025 and July 10, 2025 in the Daily Hampshire Gazette per M.G.L. Chapter 40A, Section 5.

- A. 25.251 Petition to Amend Chapter 350.4 Zoning Map to Rezone Parts of CB-Side to URC, referred to Planning Board and Legislative Matters by City Council May 21, 2025**

Councilor Perry moved to open the Legislative Matters hearing. Councilor Jarrett seconded. The motion passed unanimously 3:0 by voice vote with Councilor Maiore absent. The hearing opened at 6:35 p.m.

Member Kohout moved to open the Planning Board hearing. Member Dakai seconded. The motion passed unanimously 5:0 by voice vote.

Councilor Elkins explained the procedure she would use in conducting the hearing, noting that the petitioner, property owner and planning department, each represented by one designated person, will all have equal time (five minutes) to present their position on the legislation.

The petitioners indicated Dan Breindel will be speaking for them.

Following the presentations, they will hear from the public. Folks will have three minutes to speak to the petition and ask questions. Members will take notes of questions raised. Following public comment, the deliberating bodies will discuss and pose questions raised by the public to the person best able to answer them.

After the deliberating bodies are satisfied that they have gathered enough information and that questions have been answered, the public hearing will be closed. Deliberation will be wholly internal with the Planning Board and Legislative Matters Committee. After closing the hearing, they will not be recognizing additional people to speak.

The vote each body will take will be for a recommendation back to the full City council either positive, negative or neutral. The Planning Board recommendation is merely advisory and neither recommendation is binding on the full council or even on the individual participants here today. Votes can change between the committee meeting and the full council meeting.

This hearing pertains to the proposed zoning change brought by the petitioners. The proposed project which is the subject of ongoing litigation is not the subject of the hearing tonight.

She encourages all to focus on what is persuasive, factual and explanatory and reminds all that, in addition to being kind and neighborly, being civil is also persuasive.

PRESENTATIONS

Councilor Elkins recognized Dan Breindel.

Dan Breindel thanked councilors and Planning Board members for hearing the petition, noting that he has been working to get this consideration since February when he and his neighbors first found out about the zoning changes. A lot of members of the public are interested and prepared to speak but he knows a lot will probably not be able to because they are pushing into kid's bath and bedtime.

Mr. Breindel shared his screen. They face existential crises in this country and the city, including an affordability crisis in housing, a climate crisis all around them and a city that is increasingly inaccessible and unaffordable to both people wanting to move here and folks who have lived here forever, he stated. Residents need policy and planning that meets this moment. They need their city government to use its power to require that any new land use serves the public and helps preserve the planet. Housing needs and environmental concerns are very often presented as being in conflict; understandably so. Balancing those interests can be a complex and delicate dance. He believes deeply that the URC regulations developed and amended over time do a pretty good job of responsibly serving these interests while balancing these concerns. By taking the step of returning this parcel to the URC district which it borders and was always a part of until 2022, they can re-impose widely agreed-upon, common sense, already on the books, tried and true regulations with protections and requirements that make life better for everyone; that serve affordability and environmental needs and protect the community and residents who are going to move into this building or anything else built on that lot.

Mr. Breindel screen-shared excerpts of the URC Table of Use and Dimensional Regulations – Attachment 8. URC regulations require appropriate massing and height, have construction regulations that minimize impact to the neighborhood character and include visual buffers that protect abutters from headlights, noise pollution, light pollution and actual pollution. A minimum of one parking space per unit is required which makes a lot of sense considering that at least 90% of Northampton households have at least one car. Other regulations mitigate traffic, limit commercial use, limit carbon emissions (he referred to the city's focus on carbon reduction), require green space to the tune of 30% and have a lot of affordability controls baked in.

11% of units in a URC zone are required to be affordable or built small enough that it is conceivable that they would be affordable. [Editor's note: This requirement specifically applies to a special permit provision for multi-family or townhouse projects creating seven or more units or 14 or more half-scale units.] Beyond that, other protections make sure people in affordable units have full access to amenities (such as internet) that other residents have. By contrast, the brand new Central Business-Side Street (CBss) regulations strip all of these regulations. There are no affordability and no green space requirements at all and maximal massing requirements with footprints explicitly designed to maximize developer profit while staying just short of necessitating more expensive high-rise construction.

[He was told it was time but he requested to be allowed to continue as he was almost finished.]

CBss has none of those requirements or protections for affordability or the environment, he reiterated. Zero parking spots are required no matter how great the density of the building, transferring up to 200 cars from high-density buildings from carefully controlled and concealed parking lots under URC regulations right onto their public roads. They should be prioritizing getting cars off their roads, not moving tons of them onto their roads permanently. There are far less controls than in even the Central Business-Core (CBc) designation.

In 2025, with all the issues to be faced and problems to be solved, "we cannot afford radical deregulation; nor can we ignore the chance to impose meaningful controls on new construction. . ." The city is understandably interested in infill. However, when they increase and expand a commercial district and lift regulations for newly-zoned spaces, that's not infill; it's called urban sprawl. This is an expansion of their downtown at a time when they should be protecting their delicate communities. This parcel is an official detour route for tractor-trailers that can't make the clearance on Bridge Street. Even with current URC regulations, these roads are always densely parked to the point of not being able to move. [He screen-shared a video showing parked cars along Hawley Street.] "We are losing whole lanes in this neighborhood. That's a real danger." The bottom line: they can vote for affordability and environmental controls, neighborhood protections, safety and security and saving the city significant infrastructure costs, or they can vote against that and move to this de-regulated CBss zoning.

In 2022, he believes the majority of people hearing this moved to lift all of these controls. He would encourage them to vote with their hearts and their consciences and serve the people of Northampton.

O'Connell Development Group President Sarah Stein informed members that **O'Connell Hawley II LLC**, a fully-owned subsidiary of O'Connell Development Group, is the owner of the lot in question. As property owners, they ask that existing zoning, which was studied in 2011 and again in 2022, remain as it currently stands - Central Business-Side Street (CBss).

The .037-acre parcel (approximately 16,000 s.f.) is currently a parking lot and previously served the adjacent Catholic Church. Earlier this year, O'Connell submitted a site plan and special permit application for a 51-unit apartment building. The lot was previously designated 32A-170 and 32A-197 with the larger of the two (32A-170) located at the corner of Phillips Place and Hawley Street. It was changed to CB zoning in 2012 as part of a larger rezoning effort which impacted five other areas in the city, including seven lots on Hawley Street.

O'Connell purchased the property from the Catholic Diocese along with other vacant diocese properties in March of 2020. At that time, the former church, parish center and rectory had been vacant for 10 years. The existing zoning has been studied by the city. She spent time reviewing community outreach presentations from 2011, 2020 and 2022. This zoning was thoughtful and it was talked about. The 2012 zoning was in direct alignment with a Housing Needs Assessment and Strategic Housing Plan published in 2011. The 2022 change was in alignment with the Sustainable Northampton Comprehensive Plan.

As the property owner of the single parcel, she asks that city officials do not change the current zoning.

As background, Director Misch explained that, upon adoption of the Sustainable Northampton Plan in 2008, committees were formed to do outreach on implementation strategies based on the plan's policy sections. Part of that was looking at downtown and how to encourage land use changes to promote housing. Even before that, a housing crisis had been building along with the need to look for opportunities for creating housing in different ways. The broad scale policy directive was to make and implement zoning changes in accordance with the future land use map, which focuses development in and around downtown and village centers. Towards that end, a rezoning committee was formed. Many zoning amendments came on the heels of adoption of that plan. One recommendation was to look at ways to encourage economic development and housing and see where it made sense to expand those in the CB district.

Meanwhile, the Catholic Church was going through a retraction of its properties. There was concern that these big buildings would not be able to be re-used and efforts were made to find creative regulatory solutions to enable the properties to be redeveloped. The downtown has had bits and pieces of expansion on its edge for the last 20 years, one, two and four parcels at a time. In 2012, this particular expansion was targeted at church holdings at this corner. It grabbed one parcel on the north side of Phillips and two on the east. However, it quickly became apparent that it didn't capture all that was necessary to help facilitate development there and instead created impediments to redeveloping the whole parcel. At various times, there were conversations about rezoning the remaining portion of that church-owned property (32A-197).

Different development scenarios were presented, including a mixed commercial/residential project. Knowing it made sense to add the second portion of the east side parcel (32A-197) to CBss, a package was about to be introduced in 2018 but was pulled back when planners started discussing the form-based code. They decided instead of pushing it ahead to wrap it into the entire conversation about the form-based code, since it actually created many more protections and design criteria to create compatibility with other properties within the downtown. The form-based code transitioned the city from a use-based system to something more based on design, character, massing and architectural integrity. Its adoption was a four-year process with over 20 meetings. In that process, they wrapped additional parcels into the CB zone. The purpose was to direct changes and improvements in accordance with the land use map and use more densely-developed areas to encourage higher density housing and infill and create and preserve high-quality built environments. An associated goal was economic development to insure a vibrant downtown. Supporting infill in downtown and on its edges has a positive impact on business development downtown; i.e. - restaurants, offices, etc.

This led to adoption of the form-based code which divided the CB district into three zones (core, gateway and side street) recognizing that each of these have slightly different characteristics. This is CB-side because it is not on Main, Pleasant or King Street but still has some characteristics that help support downtown viability. That was 2022, and they have since seen a few projects come in.

Director Misch countered Mr. Breindel's assertion that the URC district has a strict affordability requirement. She clarified that instead there is a special permit provision that multi-family or townhouse projects creating more than seven units must meet certain standards, including that either 11% of the units must be affordable or that

25% must be less than 1,200 square feet. There is not otherwise a general mandate to build affordable housing, she stressed.

She also identified misrepresentations about protections CBss lacks. The district continues to have lighting standards effective across the entire city as well as tree protections and parking screening requirements.

With the presentations concluded, Councilor Elkins opened the floor to comments from the public.

PUBLIC COMMENT

Harold Wolfe, 28 Phillips Place, proposed a thought experiment; he asked members to imagine that everyone who recently received an unsolicited cash offer on their house accepted it, so that the city is now majority owned by private equity. Central Business zoning crept into their neighborhood like the camel's nose under the tent, first one lot, then two, he asserted. Now, with the wave of a magic wand, the Planning Board has made it into one big lot. What was once 0 Phillips Place is now something Hawley Street. This peninsula, this thumb in their eye, is its own proud CB-Side Street (CBss) parcel. Cram it full of monthly renters; just make sure the sidewalk goes to the curb and to put in a few trees surrounded by flexible paving. The point of the form-based code is to make development easier. There is an affordable housing crisis but this is about enlarging the city's tax base. To make that happen, the city is more than willing to roll out the red carpet to developers. They've been told by people in this room that the city has wanted to develop this for a long time and that the form-based code makes it a lot easier. Most of the people in this room were here in 2022. He and they know what's going to happen.

He read aloud something Gerry Budgar wrote to Carolyn Misch in 2013: "I do have some concerns about the legislation and the process of bringing it to the City Council. There is great concern that developers will begin intensively searching for parcels in URB and URC so they can tear down or build around existing structures and construct much larger, disproportionately-sized buildings that shoehorn as many units as possible on the property." Mr. Budgar voiced concern that existing ordinances for townhouses and attached structures were not reviewed with respect to the proposed zoning. These sorts of developments are routinely the most controversial, and many people are worried they are further inviting this kind of infill without a public discussion, he wrote.

It's been over 10 years of people saying the same thing, Mr. Wolfe noted.

Councilor Elkins told Mr. Wolfe he could submit the full statement for inclusion in the public record.

Colin Hoffmeister, Phillips Place, said he would like to have the parcel zoned back to URC. A zoning change is a major regulatory action and the neighborhood was not informed, he asserted. In 2020, O'Connell purchased this lot when it was URC. It's interesting that, in 2022, without public notice or abutters being notified, the zoning was changed. Doesn't it make sense to notify abutters of something that is going to radically change the value of their property, their privacy and access to sunlight and increase traffic? That's why he's asking them to support returning this to URC. They're told it meets the Sustainable Northampton Plan. He read it, and it says that any commercial project introduced to a residential area shall coincide with major road improvements and that development should improve the character of the neighborhood. There is nothing about a 65-foot tall building 28 feet from his house and 188 feet long that is going to improve the character of the mid-1800's neighborhood. The original intent of O'Connell was to build housing. That script got flipped. When the legal notice came out in 2022, it said downtown Florence Center and downtown. Phillips Place is *not* downtown. In the 128-page document he went through, there is not one mention of Phillips Place or the parcel number. That's not sufficient notification, that's lack of notification.

He thinks they owe a responsibility to their positions to notify the public. On a major regulatory action, a non-transparent government did not notify them. From 2022 to March of 2025, the city and the developer worked in

cahoots on this but none of them knew. It also says residents should have a voice. "We've been throttled," he stated. They're going against a major developer. He asked for their support. This project is very detrimental to his personal property, sunlight, privacy and air. That's why he's here.

Alex Bowman, Market Street, said he has been following this and thinks the boards here have an opportunity to right a wrong instead of doubling down. This one lot down Phillips Place is unlike any other in Northampton in that it is not actually directly on a side street yet is in the side street district. Other lots are split so that even if one section is on a side street the other section is still designated URC. This one lot is completely different; it doesn't make any sense. To him what would make the most sense is for the front lot be side street and the back URC. It's okay to make mistakes but you have to fix them when things are done incorrectly, he suggested.

Nina Shield, Northampton, expressed support for the rezoning, saying she appreciated the chance to clarify a 'distressing amount of misinformation' about the Phillips/Hawley project. As they've heard, the zoning of 2022 rolled back many protections they claim to want in new construction, from affordability to green space. She knows parking is not a popular suggestion, but cars are a necessary reality for most. In fact, she knows several people who work downtown and park on Phillips Place. She was surprised at a councilor's suggestion on a site visit that workers could park in a downtown garage instead. They park on their street because it's free while a downtown garage could easily cut into an hour's wages, she pointed out. She thinks zoning needs to be thought of holistically rather than as just affecting one neighborhood. If they need affordable housing, they should require it and not offer it up to developers and hope they do the right thing. As Councilor Jarrett recently noted, there were no applications for affordable housing credits this cycle, and why would there be when new zoning encourages them to build without it?

A recent Letter to the Editor in the Gazette quoted the architect of another development as citing the use of front porches and front stoops to "retain the idea that this is a residential neighborhood." A return to URC would signal a return to contextual, historical and respectful architecture that is a boon rather than a burden to the entire city, she suggested.

Matt Hoey, 16 Butler, said he can throw a baseball off the planned project. He read excerpts from a Gazette article about 111 Hawley Street describing parking and trash collection arrangements. It said each unit would have a single-car garage and an additional parking space in an adjacent driveway. No bicycle racks or centralized dumpster were proposed because residents were expected to store their bicycles inside and garages enable the units to have their own waste and recycling.

According to Architect Scott Laidlaw, the building design is townhouse-style, inspired by houses on nearby Eastern Avenue. In coming up with the design, project developers were influenced by the character of the neighborhood and style of existing buildings. They used sidewalks and front porches to mirror the streetscape and retain the appearance of a residential neighborhood.

Referring to the goodwill reflected, "We're not NIMBY's; what we want is good will," he volunteered. They got their extra floor; they know there's not enough parking. "We know they did the parking study during inclement weather in late December when people were out of town and the students are away," he asserted. He and his neighbors have been left to beg, fundraise, hire lawyers and come here and waste their evenings. . . Why no good will on this one? What about the citizens, the people who live here? All they wanted was some good will, to be treated with respect and for *some* of their concerns to be responded to. It's been a humiliating experience. "We live there and we feel like we're not being represented," he contended. "You shouldn't have to beg for good will." It should be a mutually beneficial relationship like it was at 111.

Dan Breindel raised a point of order. As the sponsor of the legislation, he asked if he's there to also answer questions. He voiced his perception that his credibility was 'sort of challenged' by the planning director. "I feel uncomfortable about having the basis of why I drafted this so challenged without an ability to respond."

Councilor Elkins said if questions are posed that are appropriately directed to him, he could respond. She said he could take three minutes to speak now if he wished.

Mr. Breindel said he finds it funny that the planning director who drafted this legislation and sees this as being an oversight of her judgment pushed back against many of his claims about affordability and environmentalism. Yes, if building more than six units, some of them have to be affordable, he acknowledged. It is true the form-based code gives a little bit of flexibility to the Planning Board for architecture and matching the neighborhood. As Planning Board members know, [this is] not the case for CB-side; there's very little flexibility and it's mainly geared towards maximizing the footprint and the platform. As an additional concern, he said he doesn't know how normal it is for a legislative process for so many people to speak against a legislative proposal before the public is even allowed to state their opinions. In terms of presenting this initial legislation, he feels it has been underserved by some of the information and the public was underserved by significant misinformation.

Meg Robbins, a resident of greater downtown **Northampton**, which she referred to as "a prime neighborhood for chaotic developers," said she supports this amendment. She posed the following questions:

- ❖ How has the planning committee interacted with impacted city residents on this request?
- ❖ How many members of this committee and City Council have visited the site and met with residents?
- ❖ For those who have heard from residents, how have they brought their concerns into their decision-making?
- ❖ Does it matter?

She said she would like to hear from petition signers about their experience with council and Planning Board site visits that engaged their input.

The 2008 Northampton Sustainability Plan was created from over 3,000 residents responses to a survey and multiple meetings during a 28-month planning process, she reminded. In contrast, the recent Picture Main Street survey had only 62 city resident undisaggregated responses. The sustainability plan was created by a broad array of city voices and brought back to residents for two 'did we get it right?' sessions.

She heard Director Misch refer to the updated plan, which was not a product of a community process.

The comprehensive plan required annual evaluation and mandated recognition and fostering of the unique history, character, and function of each residential, commercial, mixed use and open space neighborhood. It was pre-form-based code. Those participating in that discussion were thrilled by the sense of empowerment it gave them and the meaningful ways it provided to consider where and what kind of development worked best for individual neighborhoods.

"Those of us who were dumbfounded by the steamrolling of city vs. neighborhood in Warfield Place realized that this community-created agreement meant nothing when power overran people," she stated.

Phillips Place is a beautiful and historic district. The proposed O'Connell building is neither and is an example of what would be allowed without acceptance of this amendment, she asserted.

Northampton can create housing that is affordable, accessible, beautiful and historically complementary with the architecture of the neighborhood. Axing zoning requirements and expanding downtown building acceptability is

incredibly out of sync with what brings visitors and dwellers to their city and is irreversible. She heard Director Misch mention parking requirements for these buildings, which seems to fly in the face of Councilor Jarrett and Councilor Elkins proposed ordinance to reduce parking requirements for developers.

This is a citywide discussion. She would ask this group of appointed and elected representatives to put this out to the general public.

How do we want our city to be? Where is the voice of citizens in the decision-making? At what point do we say that resident voice and resident vision matter?

Speaking as the Ward 3 City Councilor, **Councilor Rothenberg** explained why she thinks this was not an appropriate zoning change in the first place - which supports changing it back to URC - and why she thinks they may have hesitations about doing that.

To her, this looks like a case of potential spot zoning, which is a problem for the city in terms of legal liability. If they changed this parcel for the financial benefit of the owner, that is a serious problem, she asserted. She expressed her understanding that, in the context of a larger conversation, many of them feel like it's a greater good to pack apartments in there, so they're pushing onward. The conversation this community is just beginning to have, and will have in much greater scope during the election, is that these policies and this zoning change - the way it's being enacted and its loopholes - are *not* meeting that greater good; in fact, they are really quite doing the opposite.

In this development, they see luxury, small condos. The concept of trickle-down housing - the idea that people would move out of houses at retirement age and those would then become available and be affordable - is easy to debunk but she understands their planning director has espoused it. "You haven't done the kind of assessing to see if that's really happening," she alleged. What seems to be happening based on changes she sees in Ward 3 is that they just have wealthy people moving into expensive condos from other cities, which is fine; they welcome them. But, it doesn't achieve the greater good of making more attainable, affordable housing available. She says this because she wants them to slow down and take a pause when they think they are doing this for the greater good.

Since it is not a proper or correct change of zoning and is not serving the greater good, please don't charge forward with leaving the zoning as it is. Please change it back, she urged.

Councilor Jarrett asked Director Misch to speak to how zoning changes affect future use. How would this change affect any previously-approved plan or plan in progress? He asked.

Zoning is forward-looking, so any approved change would apply to projects approved in the future, Director Misch clarified. The Planning Board approved a project for this site and it is going through its process. Its special permit was appealed.

If a use is already in place that doesn't meet the new zoning, it is considered a pre-existing nonconforming use.

If the current project doesn't go through, he asked if the developer has any rights to propose a new project under the old zoning.

Once a permit is approved, an applicant has three years to initiate the project. If the permit is not exercised within three years, the new zoning would be applicable.

Councilor Jarrett noted that a statement he made at an earlier meeting about there being no applications in the most recent Community Preservation Act (CPA) funding round for affordable housing seems to have been mistakenly conflated with this project.

For the benefit of the public, Councilor Elkins said the two bodies are now talking and directing questions to people most appropriate to answer them and will not be taking further public comment.

Mr. Breindel asked if he could speak to that, and Councilor Elkins said 'no.' She said that if a question is posed to him, she would allow him to answer.

At Councilor Elkins request, Director Misch recapped the history of the subject parcel, which formerly consisted of two separate parcels (32A-170 and 32A-197) but merged through the Approval not Required (APR) process.

Since only the front portion of the combined parcel was rezoned Central Business (CB) in 2012, the smaller portion at the back part of the property remained URC until its rezoning in 2022. When a split-zoned parcel is owned by one entity, dimensional requirements for the larger part of the parcel govern, Director Misch advised. For the back URC portion, the same uses are allowed but URC density and setback requirements would apply.

Under zoning, if one lot is nonconforming, the lots merge. Since it's easier to receive one tax bill, many people come in every year and eliminate the line in between lots. That's what this property owner did.

If the back portion were to revert to URC, in addition to density and setback requirements, that portion of the lot would be subject to the maximum height restriction for URC, which is 50 feet. The maximum height allowed in CB is 20 feet higher, or 70 feet.

Mr. Breindel asked if he could speak to this question. Councilor Elkins said she was satisfied with Director Misch's answer.

Councilor Elkins recognized Harold Wolfe. He asked who was responsible for the rezoning of the lot in 2012.

Councilor Perry commented that, as they pull back and look at this area, he understands it to be unique. He asked what the city's vision is for it.

Market Street was the original downtown and the area has been coined 'Paradise City East,' Director Misch related. Energy has waxed and waned over the years, but, coming out of COVID, there has been real interest in trying to stand up and bring their downtown back. There has been a little bit of a disconnect with the bridge. The idea of the bridge lighting was to reknit the two parts of downtown, encourage this area as part of downtown and encourage both business and housing to support the economy.

Post-COVID, the city sought expertise from the state for a rapid recovery plan. One recommendation was to look at how to support all the opportunities in their downtown and connect them. The Climate Resilience and Regeneration (CR&R) plan update in 2021 talked about linking housing to economic development and trying to build and sustain a strong business community.

Central Business side streets do not have one uniform character and, in fact, change across block faces. The end towards Bridge Street has higher buildings of greater mass. Farther down Hawley Street is lower-scale development. Lower density parcels along the railroad provide opportunities for additional development. The point of the form-based code was to have a community conversation to identify the important elements of downtown character and what features they wanted to reflect in new projects. The idea is to set up parameters

in a community conversation before development even happens to provide a clear 'cookbook' so everyone is aware what the city wants. Having all those conversations about where to direct new growth is why the process took four years. There was a lot of discussion about edges as well and how to encourage the type of housing they want but recognize that it may be on a different scale than what's on the immediate street next door.

Affordable housing needs public funding to offset the cost of building it. The cost of housing has been going up dramatically since 2019. One way to allow people to enter the market is to allow flexibility to build smaller units.

Councilor Perry assured people that all of their comments are being heard and processed. He reminded those listening that buildings are not the city's character; its character is determined by the people living there.

Members sought to address questions raised in public comment. Alex Bowman said his question was whether there are any other lots in the side street district that are not on side streets.

With regard to Meg Robbins' questions, Councilor Elkins said she did not think they are relevant to tonight's agenda item since they relate to a specific project.

Member Kohout said the great majority of Planning Board members visit the site before any large public hearing. They are often cautioned not to speak to abutters or property owners so they can stay impartial.

As far as Mr. Bowman's question, Councilor Elkins said part of the property is on a side street (Hawley), but she doesn't disagree that it extends a little bit down Phillips Place.

This is an issue with parcels on the edge generally, Director Misch noted. Particularly if they are large or oddly-shaped, they often project into another district. There are examples of other side street or gateway parcels that are surrounded by residential properties, she confirmed.

In 2012, the property was owned by the church, Director Misch clarified. A previous project approved for the site fell apart. As to why both weren't rezoned in 2012, at the time, CB had a different buffer zone requirement. A new [stronger] buffer zone requirement was built into the form-based code so it made sense to pull the lot in at that time. Having a single zoning designation was less cumbersome for building out the property.

As to Colin Hoffmeister's question about notification, with zoning map changes, only affected property owners are required to be notified, abutters are not.

There being no further questions, **Member Taylor moved to close the Planning Board hearing. Member Kohout seconded. The motion passed unanimously by a show of hands.**

Councilor Perry moved to close the Legislative Matters hearing. Councilor Jarrett seconded. The motion passed unanimously 3:0 by voice vote with Councilor Maiore absent.

The hearing was closed at 8:13 p.m.

Chris Tait noted that one parcel sticks into the residential zone a little more. The proposed ordinance in front of them is to change both lots back to URC, which he thinks is slightly incorrect since the other has been in the CB district since 2012. From his perspective, he could see switching the one that was URC back to URC but he wouldn't support at all switching the one that's been CB since 2012 back.

Member Taylor expressed the opinion that these types of petitions are not how good legislation is crafted. He knows this is something that was thought over for a long period of time; it didn't just come out of a vacuum. The result of voting 'yes' on petitions is what has led to the problem on King Street with the car dealership. He'd like to get rid of the ability for 10 people to sign a petition to change a law. He would vehemently vote against this petition.

Councilor Jarrett clarified that the King Street property owners have preserved the use for three years. That is not the reason they're not moving forward as he understands it.

Options for CB-side are a big change from the options for URC and can be a big change for the neighborhood, Councilor Jarrett acknowledged. City officials always have to balance the needs of the whole community and the needs of the neighborhood it affects. He recognizes the impacts this has. He highly recommends the book, "The Affordable City," by Shane Phillips. In it, he describes three different strategies for affordability: supply, subsidy and stability. Phillips argues planners need to do all three, including increasing supply so market forces are not pushing prices ever higher. The need for housing here is demonstrated every month by the higher and higher prices they are seeing. He wants to push back against the idea that more supply is raising prices; prices are going up because of enormous demand. However, increasing supply is just one piece. They also need to provide subsidies through federal, state and local grants, private donations and fundraising. If at all possible, the subsidy should be permanent such as a community land trust form with a 99-year lease. Finally, providing stability through rent stabilization, property tax exemptions, tenants' options to purchase, etc. is essential. Zoning is one tool to increase supply, but it's clear they need to do more. He supports state level change on rent stabilization and increasing subsidies for affordable housing, he confirmed.

Building densely means much less carbon emission per capita as compared to sprawling development, he continued. Looking at a map of carbon emissions, cities look terrible, but if looked at on a per capita basis, "cities are way greener." The amount of trees and green space lost to building homes on sprawling individual lots is enormous.

He thinks this lot is appropriate for CB-Side Street. It is in line with the Sustainable Northampton Plan, which, as described, was developed over decades with extensive public input. CBss characteristics include its proximity to downtown, including a short walk to public parking lots where it is possible to pay \$45 a month for parking spaces, and close proximity to regular and express bus service to Amherst. Its continuous use as a parking lot means it doesn't create an incentive to tear down existing homes. Retail or offices are allowed and expansion of those uses could create more vibrancy.

On street parking promotes traffic calming. Very real concerns about how parking is managed can be addressed with parking zone changes, time limits and residential permits. When more parking is required, the cost of housing is increased because it is required to be built whether or not it is going to be used and essentially invites people with more cars to live there.

When less parking is required, the cost of construction is less and it invites people with fewer cars to live there.

Councilor Jarrett said he does not support the proposed change. **He moved a negative recommendation to City Council. Councilor Elkins seconded.**

Going back to when she was on the Planning Board, one thing she has been consistent about as a general matter is favoring expansion of the downtown footprint, Councilor Elkins shared. She's also been heard to say that they are not going to cure a housing crisis by zoning alone but that it is one tool in the city's toolbox. On a project by project basis, she always steps back and thinks about what could be built by right as a single-family

home. Some examples of infill development are very big and built to the absolute maximum size and height. She always wants to think about that when incentivizing a builder to build that, as opposed to this.

She is not in support of this legislation. She thinks this parcel in this specific spot has shown up a friction point between the urban residential zone and the side street district. She always sees zoning as an ongoing discussion. This project has given them an opportunity to think about this friction point. A building built to the maximum height of seven stories in CBss at that location strikes her as obviously not correct. She's a 'no' tonight for some of the reasons Member Taylor gave, such as that zoning should be thought of more holistically. That said, she thinks they have had an opportunity to expose something that should be part of an ongoing conversation.

She would support taking a look at where CB-Side Street and URC come together to see if they are truly doing the best they can. The project in many ways appears to have dialed back to something in terms of density and height that could be built by right as a single-family home to the distress of neighbors without any kind of input. That's at the top end of what she thinks makes sense at the boundaries where CBss and URC meet.

She does think this conversation is going to be ongoing. It doesn't serve the whole city's needs to do something tonight that isn't likely at all to affect the project that brought this to their attention. To Alex Bowman's point, they should look at what could have been proposed, what doesn't seem to fit and make that adaptation.

Tonight, she is also in support of a negative recommendation.

Member Kohout said he remembers discussions around the form-based code. Did any of them have an image at that time of a 50-foot building with 51 apartments? He asked rhetorically. Probably not. But they did all understand that the city, especially downtown, needs to keep expanding and giving opportunities for more retail and housing. He appreciates that when they looked at Hawley Street, they really did go down the street from the lumberyard which is now the Center for the Arts to Hampshire Educational Collaborative and 111 Hawley Street.

Discussion took into account the Catholic churches that were starting to disassemble before their eyes. He doesn't want to step back from those discussions that happened at the Planning Board and City Council and at community meetings. He also would support a recommendation not to endorse this amendment. He thinks what they decided back then holds true for this parcel and for other areas of the city.

Stacey Dakai said she recognizes this is going to be a big change. She also lives in Ward 3 and a big development is proposed behind her house. She trusts the process that happened 13 years ago. Councilor Jarrett expressed a lot of the things she believes about housing and how they need to move forward with providing housing for people of different economic backgrounds. She does not think she would support the amendment.

Cameron Roach said he appreciates hearing everyone's thoughts and feelings, but he is going to agree with everyone he has heard more recently on this side and not support the proposal.

Chris Tait agreed there may be some tweaks to the side street district that the Planning Board could consider. He personally doesn't like that someone could put a six-foot fence up and reduce the buffer to 10 feet and might also support a height restriction to match the abutting zone. However, he doesn't think changing things back for one parcel affects the kind of change for the city they're looking for.

Councilor Jarrett said he appreciated the suggestion that they look at that interface because he agrees that 70' next to URC is [disproportionate].

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

Member Kohout emphasized that there will be another opportunity for public comment at City Council.

Member Taylor moved to negatively recommend/reject the proposal. Member Kohout seconded. The motion passed unanimously 5:0 by a show of hands.

4. **New Business**

None.

5. **Adjourn**

There being no other business for Legislative Matters, **Councilor Perry moved to adjourn. Councilor Jarrett seconded. The motion carried 3:0 by voice vote with Councilor Maire absent.**

The joint meeting adjourned at 8:38 p.m.

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