**Ordinance** **Committee**

Tuesday, January 23, 2024

Video of meeting can be found at <https://youtu.be/io_kWrMHR-k?feature=shared>

Members present in person: Chair Israel Rivera, Meg Magrath-Smith, David Bartley

Members present on Zoom: Vice Chair Linda Vacon, Jenny Rivera

Other councilors present: Carmen Ocasio, Kocayne Givner

Planning Board members present: Chair Mimi Panitch, Vice Chair Kate Kruckemeyer, Gurninder Dhaliwal, Rosanna Lopez, Nathan Chung

Chair I. Rivera called the meeting to order at 6:32 PM

Chair I. Rivera stated that the Planning Board would be a little delayed in joining for the public hearing items.

Councilor Bartley made a motion to suspend the necessary rules to remove items 6, 7, and 8 from the table out of order as a package. Councilor Magrath-Smith seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

Item 6: 12-19-23 ANDERSON-BURGOS — That a handicap sign be placed in front of 38 Beacon Ave. for Elijah Santos, Placard #PL5530997.

---> Approved 4-0-1

Item 7: 12-19-23 GIVNER — that a handicap sign be removed from 195 Beech St. for Wilfrin Puello.

---> Approved 4-0-1

Item 8: 12-19-23 PUELLO — That the handicap parking at 527 South Bridge street please be removed. The original applicant has moved and will be reapplying for the new location.

DISCUSSION:

Councilor Bartley asked if there was a report from the Disabilities Commission.

Chair I. Rivera stated that he had not received a report.

Councilor Bartley made a motion to lay item 6 on the table, pending a report. Councilor Magrath-Smith seconded the motion. Motion passed.

Councilor Bartley made a motion to approve items 7 and 8. Councilor Vacon seconded the motion. Motion passed.

---> Approved 4-0-1

Admin Asst Anderson-Burgos (off mic) explained that Don Welch from the Disabilities Commission communicated to him that the handicap application for 38 Beacon Ave was revised and they did approve it.

Councilor Vacon made a motion to remove item 6 from the table. Councilor Magrath-Smith seconded the motion. Motion passed.

Councilor Bartley stated that in light of the approval of the Disabilities Commission.

Admin Asst Anderson-Burgos repeated the report of the approval of Mr. Welch.

Councilor Bartley made a motion to approve item 6. Councilor Vacon seconded the motion. Motion passed.

Chair I. Rivera made a motion to take a roll call vote that for the purposes of this meeting would be applicable to all motions to remove an item from the table, place items on the table, package items together, or suspend the rules, unless there is an objection. Councilor Vacon seconded the motion. Motion passed.

(6:25)

Councilor Bartley made a motion to remove item 4 from the table. Councilor Vacon seconded the motion. Motion passed.

Item 4: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance, Section 6.4.2 Exemptions, be amended to add a letter,  
(k) Banners or signs associated with a civic or municipal program may be allowed in all districts. Community or commercial sponsorship may be displayed on said banner or sign provided that the banner or sign itself is not be greater than six (6.0) square feet. These installations must be approved by the City and by the Department of Public Works as applicable.  
\*Public hearing closed 11-28-23, tabled 12-12-23

---> Referred back to full Council without recommendation, 4-0-1 (J. Rivera)

DISCUSSION:

Chair I. Rivera stated that this was tabled at the last meeting for corrections and clarification of the language.

Councilor Magrath-Smith asked if the Law Department provided a letter defining what was meant by civic or municipal program, noting that was one of the last questions.

Chair I. Rivera stated that he had not received a communication.

Councilor Vacon stated that in addition to definitions, there was also a need for clarification on who would be authorizing the signs. She added that another concern was that this was an addition to the exemptions which were usually specific and narrow. She noted that the legal form was drawing a broad range of exemptions. She also noted that OPED Director, Aaron Vega, explained at the last meeting that this was for a program that had not started yet.

Councilor Bartley noted that the legal form led to several questions, including how long the signs could be up, what materials could be used, what was to be done if signs weren't removed, and did they have to be permitted. He suggested that this was addressing a problem that did not exist. He then suggested that this be sent to the full Council and let it figure it out, and not let it back up the committee jacket. He further suggested that the advocates for this come back with a real plan and proposal.

Chair I. Rivera expressed a preference to hear from OPED to explain what they wanted to do. He then Atty Bissonnette is he could speak more on it.

Atty Bissonnette stated that Atty Mantolesky was working on a redraft to capture everyone's concerns. He then expressed his understanding that this came out of the Tourism Advisory Committee and was related to concerns about how to promote the city's nongovernmental and nonprofit programs. He then stated that he had no issue with sending it back to the Council.

Councilor Magrath-Smith noted that the legal form named several sponsoring city departments who have to approve it depending on where a sign would be placed, including potentially the Building Department, Parks and Rec, and/or the DPW. She added that there could be more specificity.

Chair I. Rivera expressed his understanding that the committee didn't want to keep tabling the topic but wasn't willing to recommend it to the full Council due to details still needing to be hashed out. He then expressed an openness to Councilor Bartley's suggestion.

Councilor Bartley made a motion to refer item 4 to the full Council without recommendation. Chair I. Rivera seconded the motion.

Councilor Bartley emphasized that the Law Department agreed with what was suggested. He then asked if there was rationale for a seeming lack of support for that motion from the rest of the committee. He then suggested that the intent of the order wasn't needed, let alone ready to be adopted. He then expressed an expectation that the full Council would deny the order and then the matter could be taken back up by OPED and the Tourism Advisory Committee to work on something more specific and substantive.

Chair I. Rivera stated that this needed to be pushed forward within 90 days of when the public hearing closed and it likely wouldn't get done before then anyway.

Councilor Magrath-Smith noted that February 20th would be the deadline.

Chair I. Rivera stated that the administrative assistant confirmed that it could be held back for one more meeting but that would be extent of it before it passed the 90 days. He then suggested that pushing it forward would motivate them to bring new information if they had something to offer.

Councilor Magrath-Smith stated that she failed to offer a second because she was unsure why it was better to send it to Council rather than tabling it and still ask for further response from the Law Department and the Tourism Advisory Committee.

Chair I. Rivera expressed his perception that sending it to the full Council without a recommendation could motivate them to inform the Council what they wanted the language to look like.

Motion to refer to City Council passed 4-0-1.

(18:35)

Councilor Bartley made a motion to suspend the necessary rules to remove item 5 from the table out of order. Councilor Vacon seconded the motion. Motion passed.

Item 5: 5-16-23 MURPHY-ROMBOLETTI -- Ordered, that the City Council amend Ordinance 2-336(a) and (b) to reflect a streamlined process for disposition of tax title properties and other properties not needed by the City for municipal purposes and to add a new section for the creation of an Abutter Lots Sale Program.  
\*Tabled 6-27-23, 8-22-23, 9-12-23, 11-28-23, 12-12-23

---> Refer back to full Council without recommendation, 3-2 (Magrath-Smith, I. Rivera)

DISCUSSION:

Chair I. Rivera stated that this had been tabled on several occasions.

Councilor Vacon stated that the current legal form had been the second or third version. She then stated that this had been a complicated and problematic issue, with language deleted that the committee did not request. She then explained that the current form required that properties be touching the eligible lot for the abutter program. She noted that there was one objection related to concerns that the downtown area was densely populated and a lot of properties may not be touching but could be within 50 feet of a lot, and that this might be overly restrictive to someone who may need extra parking. She also noted that a legal opinion was provided by Atty Mantolesky relative to the current ordinance. She then suggested that before amending the ordinance, the city should be following its current ordinance relative to holding public auctions.

Councilor Magrath-Smith recalled that at the recent conference of the Mass Municipal Association, she spoke with the delegation from Fitchburg and heard about the success of their abutter lot program. She then emphasized that the opinion noted that Holyoke should be following M.G.L. Chapter 77B, where they should be disposed of through auction.

Councilor Bartley asked for that citation.

Councilor Magrath-Smith reiterated that Atty Mantolesky's letter referenced Chapter 77B.

Councilor Bartley asked if it was provided in the packet.

Councilor Vacon noted that it had just been received that day.

Councilor Bartley stated that real estate law may seem simple on the surface but was far from simple. He then noted that Chapter 40, Sections 15 and 15A referenced law that the city was not adhering to. He then noted that in this proposed ordinance, the draft included language which stated, "the terms of this ordinance shall be retroactively applied to all properties foreclosed on due to tax title by the city of Holyoke." He also noted that the language referenced votes by a majority of the Council when normal ordinances required two-thirds to declare a property as surplus. He then stated that while the order's intent was to make this a more efficient process, he believed it was already an efficient process. He then observed that he had only heard once from OPED in 12 years that they planned to hold an auction. He also noted that this ordinance had many iterations, which included one proposal to take away the decision of the City Council to make decisions on real property. He then suggested that this order was a solution looking for a problem that did not exist. He then questioned the perception that the City Council was the reason for any bottlenecks of properties not being handled in a timely manner, emphasizing that the committee regularly takes up orders and handles them quickly anytime they come up.

Councilor Bartley made a motion to refer item 5 back to the City Council without recommendation. Councilor Vacon seconded the motion.

Chair I. Rivera suggested tabling this one more time to allow OPED to come in and elaborate on the reasons why this has come forward.

Councilor Bartley stated that he almost always will defer to the chair in a committee if they want to table something but would prefer not to this time. He then emphasized that this order had been filed May 16th of the previous year, then taken up in June, August, September, November, and December. He suggested that holding onto it one more time was backing up the jacket.

Motion to refer to Council without recommendation passed on a call of the roll of the yeas and nays--Yeas 3--Nays 2 (Magrath-Smith, I. Rivera).

(31:40)

Councilor Bartley, noting that the Planning Board had not yet arrived, asked if the committee had to wait for them before opening the public hearing.

Chair I. Rivera deferred to Councilor Vacon on that question.

Councilor Vacon stated that both committees could meet independently and that the committees had been meeting jointly just to be customer friendly, requiring them to only need to present at one meeting instead of two. She added that in all of these items, there had been multiple public hearings.

Councilor Bartley made a motion to remove item 1 from the table and open the public hearing. Councilor Vacon seconded the motion. Motion passed.

Item 1: PUBLIC HEARING 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance, Section 7.8 WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS, be amended to include Small Wireless Facilities.  
(joint hearing with the Planning Board, continued from 4-25-23, 5-23-23, 8-22-23, 11-28-23)

--->Closed public hearing, 5-0.

DISCUSSION:

Chair I. Rivera stated that there had been several meetings on this topic, which included participation of Holyoke Gas and Electric, as well as one member of the community who presented on health issues that could come up.

Councilor Vacon suggested that as a high volume of pertinent information had come in and had been given to the Law Department, she believed that this could be moved forward with a draft if any changes needed to be made. She then expressed frustration that the Board of Health could not provide feedback on this and that the Council was prohibited by federal law from considering health considerations in the creation of the ordinance.

Chair I. Rivera agreed with the concern that it could not be regulated on those grounds based on federal law.

Councilor Bartley recalled that the advocate of this had been speaking on this to the Council going back several years. He then noted that a 123 page draft ordinance was provided. He then stated that while there were implied health issues, they were not proven. He also stated that there were several federal agencies that had not completed reports and state agencies that had not weighed in at all. He also noted that the restrictions potentially put on applicants in the city were punitive and the enforcement was complex, requiring technical expertise beyond anyone with the city. He suggested that the HG&E likely did not want to get into that. He then emphasized that while this was a problem that required a solution, the city government was likely not the proper medium for that. He suggested that the public hearing should be closed and ask that the Law Department provide a draft. He then explained that the ordinance draft appeared to open the city up to tremendous liability, including if it did not enforce certain restrictions and people were to get sick.

Councilor Vacon reiterated her belief that the committee had received all pertinent information and that it had all been provided to the Law Department for their review.

Councilor Vacon made a motion to close the public hearing. Councilor Bartley seconded the motion.

Chair I. Rivera stated that Councilor Magrath-Smith wanted to speak before voting on that motion.

Councilor Bartley withdrew his second.

Councilor Vacon noted that the public needed to have an opportunity to speak as well.

Councilor Magrath-Smith noted that the letter from the former Board of Health Director, Sean Gonsalves, included excerpts from the legal handbook from the Massachusetts Association of Health Boards. She then explained that the presented information was worrying, including a statement that "the fact that towers are ubiquitous must not be confused with the presumption that they do not present certain health risks and the FCC has preempted local government action where a local board or commission cannot deny a permit application based upon real or perceived risk. In order to effectively block the placement of a cell tower, the municipality must find other grounds than health risk and radiation exposure." She then noted that one factor that decisions can be based on was aesthetics, but not health. She then expressed concern about what that would mean when decisions get made about where towers get placed based on perceived aesthetic value. She also noted that the legal guidances also pointed to studies outside the U.S. where they did find a connection between cancer rates and people who lived within 500 feet of a small wireless facility.

Councilor Bartley emphasized that there was an issue in law known as preemption where the federal government can tell local governments they can't do something. He then expressed concern that the Law Department was being asked to look into something that the city was already preempted from doing. He also noted that the memo from Mr. Gonsalves also stated that "the issue of cell tower safety is one which is of uncertain scientific proof…conflicting studies…considerable uncertainty." He then expressed concern that a potential ordinance could bring up liabilities if someone were to get sick.

Chair I. Rivera emphasized that the city's hands were tied because it needed to come up with a policy where one did not yet exist, and the federal government would not allow the city to not do it. He then expressed a hope that the Law Department could come up with language that protects the city.

Kaylee DeGrace, 99 Meadowbrook Road, suggested that the issues were one in the same in that as a resident, she would not want to live near a cell tower both for the health risks as well as not wanting to look at one. She then suggested that residents would not want a cell tower where they live and have to look at it. She further suggested that the issues were not mutually exclusive.

Councilor Bartley clarified that ordinances already existed for siting of cell towers, emphasizing that this order was about wireless communication, with a preference for hardwired communications. He further explained that this was about doing away with all of the wireless and going to hardwired communications. He then recognized that there was reason for concern. He added that this was about allowing HG&E to place smaller communication systems onto telephone poles. He then emphasized that there were many unknowns in trying to regulate something like this.

Chair I. Rivera expressed his understanding that this was about incorporating small wireless facilities into the ordinances because something wasn't designed around that.

Councilor Bartley stated that in reading the proposed language from the advocate, the preference was to limit wireless in favor of hardwired because there were so many unknowns.

Councilor Vacon suggested that the language should include strong consideration around aesthetics because there were assumptions being made around where these would go. She also suggested that there be a public process if they would be placed within a certain amount of feet from a private residence so that the public would be aware and have the ability to weigh in.

Councilor Bartley agreed with those points. He then emphasized that the language was asking for consideration of how far away people live. He questioned if the answer was having taller telephone poles to move them higher. He also questioned if the answer was placing them away from where people were, such as at the reservoirs, which would have its own aesthetic concerns. He noted that there was a huge cell phone tower at a public park in Ward 6 that the Parks Department had been collecting rent on.

Chair I. Rivera noted that there were a variety of them up all over the city.

Councilor Vacon made a motion to close the public hearing on item 1. Councilor Bartley seconded the motion. Motion passed.

Councilor Bartley made a motion to refer the order to the Law Department to draft language.

Councilor Vacon clarified that once the committee closes its public hearing, it needed to wait for a recommendation from the Planning Board.

Chair I. Rivera noted that the Planning Board has started to arrive.

Sharon Konstantinidis stated that most would be joining on Zoom. She then stated that they would need to open their public hearing on this item.

Commissioner Kruckemeyer made a motion to open the Planning Board public hearing for item 1. Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

Commissioner Panitch stated that the Planning Board was waiting for comments from HG&E that would be incorporated into their draft of the ordinance. She added that they could then close their hearing and finalize a recommendation.

Commissioner Kruckemeyer asked Atty Mantolesky if they could take this up by their next meeting.

Atty Mantolesky stated that she was hopeful, noting that comments had come in from the HG&E but they were not finalized. She then suggested that they should have something by the first February meeting of the Planning Board.

Commissioner Kruckemeyer made a motion to continue the Planning Board public hearing to February 13th at 5:30 p.m. Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(58:40)

Councilor Vacon made a motion to remove item 2 from the table and open the public hearing. Councilor Bartley seconded the motion. Motion passed.

Commissioner Kruckemeyer made a motion to open the Planning Board public hearing for item 2. Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

Item 2: PUBLIC HEARING 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a section for Short Term Rentals, in addition to amending Section 2 DEFINITIONS, and any other sections that may apply to this use.  
(joint hearing with the Planning Board, continued from 4-25-23, 5-23-23, 8-22-23, 10-24-23)

---> Closed public hearing 5-0.

DISCUSSION:

Councilor Vacon stated that this order had left the committee a bit in the clouds because there was no specificity. She then explained that some limited feedback had come from the Planning Department staff but there had been no further clarification or insight relative to the question. She suggested this may be a cart before the horse situation. She noted that the Building Department provided feedback that the state was revising their building code and that the city should be waiting for that, but it may be a long time.

Commissioner Kruckemeyer noted that Davin Pasek from the Building Department provided an example from the Quincy ordinance, which was relatively comprehensive and looked to be a good approach. She then expressed an intent for the Planning Board to go over the Quincy ordinance to see in what ways it could be revised for use in Holyoke.

Councilor Bartley noted that this has been taken up at least 4 times in the past and all there was to show for that was a raft from Quincy, a city of 100,000 people and a much larger staff than Holyoke would to enforce things. He then expressed concern about proceeding when the building codes were going to be amended. He suggested that the public hearing be closed and that the committee could wait for an opinion from the Planning Board. He also expressed concern about the level of public input provided in the example from Quincy, which stated " Councilor notification. Upon receiving an application from a prospective operator of a short-term residential unit, the DIS shall notify the local ward councilor of the application by electronic mail." He then suggested that this was essentially going into a black hole where none of the neighbors would know about it. He then expressed frustration that this was all the committee had after multiple public hearings. He added that he did not believe this was ready and that this should wait until the building code was updated. He also emphasized that these were already happening in the city in an unregulated market. He also questioned who would be enforcing these, and if the city would be liable if through lack of enforcement, something nefarious happened at one of these locations. e

Commissioner Panitch recognized that this was taking much longer than it should and that there was information still to come in. She then suggested that the open question was if it was worth keeping this on agendas to avoid having to notice for a new public hearing. She also noted that the city would be undergoing a comprehensive plan process and it may be worth connecting this to that larger process. She also recognized that these were already happening, as highlighted by the testimony of Mary Monahan at a previous meeting when she discussed best management practices.

Chair I. Rivera stated that he understood the value of both Councilor Bartley's and Commissioner Panitch's points.

Councilor Vacon stated that she would normally support continuing this to keep it alive but believed this had been going on too long and there was no indication that there was something forthcoming from the state anytime soon. She suggested that the public hearing should be closed, and perhaps give it a leave to withdraw without prejudice so that there weren't technical hurtles when the time came to take it up again.

Commissioner Panitch asked the rest of the Planning Board had objections to closing.

Commissioner Lopez stated that she did not see the purpose in closing if these were already happening in the city and they needed to be regulated. She then stated that she understood the frustration with this being continued, being tedious, and taking a long time, but it made sense to recognize that it would have to be addressed.

Commissioner Panitch stated that the Planning Board could continue its public hearing indefinitely without it impacting the Ordinance Committee.

Commissioner Kruckemeyer stated that the Ordinance Committee could close and the Planning Board could continue to collect information and report back when it was ready.

Commissioner Chung stated that the state was already drafting their 10th edition of the building code. He suggested reaching out to the Building Department to get a rough idea on when it will be adopted. He then emphasized that once it gets adopted, there would be some level of enforcement that would be required of the Building Department and the rest of the city in terms of short term rentals.

Councilor Magrath-Smith noted that in the Quincy language, it appeared they were mostly concerned with knowing where they were in the city and registering them. She added that there did not appear to be a mechanism to require them to operate under a license. She noted that some communities had been looking at the idea of limiting the number and setting up a process for granting those licenses. She suggested looking at other communities in addition to Quincy.

Chair I. Rivera asked if the Planning Board could stay open after the Ordinance Committee closes theirs in order to continue working on the topic and keep a living document going.

Councilor Vacon stated that she would be comfortable closing the Ordinance Committee's public hearing once the public is given an opportunity to weigh in.

Commissioner Panitch stated that these were distinct hearings by two different bodies and that there was no legal impediment to one body closing their hearing.

Kaylee DeGrace, 99 Meadowbrook Road, stated that she was in favor of short term rentals and hoped that the city would avoid trying to limit them, emphasizing that people had property rights and that it was reasonable and fair that people be able to rent their homes out short term or long term.

Councilor Bartley made a motion to close the public hearing on item 2. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent.

Commissioner Kruckemeyer made a motion to continue the Planning Board hearing on item 2 to February 27th at 5:30 p.m. Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent.

Councilor Bartley made a motion to refer item 2 to the City Council without recommendation.

Councilor Vacon clarified that the committee needed to wait for a Planning Board recommendation.

(1:21:25)

Councilor Vacon made a motion to remove item 3 from the table and open the public hearing. Councilor Bartley seconded the motion. Motion passed.

Commissioner Kruckemeyer made a motion to open the Planning Board public hearing for item 3. Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

Item 3: PUBLIC HEARING 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a Section for Tiny Houses, in addition to amending Section 2 DEFINITIONS, and any other Sections that may apply to this use.  
(joint hearing with the Planning Board, continued from 4-25-23, 9-26-23, 11-28-23)

---> Closed public hearing 4-1 (I. Rivera).

DISCUSSION:

Commissioner Panitch stated that this order was much in the same position as the previous order. She then stated that this was a huge policy area with multiple potential approaches to it that would require a broad decision of the city. She also noted that densifying cities had been a priority of the current legislature and the governor, adding that a hearing had taken place the previous day with several witnesses offering testimony. She suggested that the committee take a step back and allow the Planning Board to study the issue, as well allowing time for the state government to do their work.

Councilor Vacon expressed agreement with that guidance, adding that it would be best addressed through a holistic plan for the city.

Chair I. Rivera added his agreement to that position.

Councilor Bartley suggested hearing from Mike Moriarty who was in attendance.

Commissioner Chung suggested that the bigger question was likely tied to coming up with streamlined ways to develop affordable housing of many different types and sizes. He suggested that creating two different classes of houses by defining one as tiny houses may be counterproductive in that they may get treated differently. He emphasized that many other communities allowed multifamily and detached multifamily houses on the same lot either by right or with site plan review or special permit.

Commissioner Kruckemeyer noted that their associate member, Lauren Niles, had been working hard on this topic which had led them to understand how big of an issue this was and how much it was tied to the city's approach to housing in general. She then suggested that the Planning Board would need to work on this as a long term project.

Chair I. Rivera expressed agreement that it was going to take some time, and should take the time it required to get it right. He then emphasized that one of the goals was to increase housing at a time when housing was hard to come by. He then suggested that this issue was intertwined with the previous order in that there was a greater intention to provide housing. He suggested that there could be times when someone wants to turn their tiny home into an AirBNB, and that would have to be explored to see how it works out because it could take up space for housing.

Michael Moriarty, 1 Lexington Avenue, Executive Director of OneHolyoke Community Development Corporation, stated that he had experience with tiny houses in the city which had led him to be engaged with a lot of policy people both inside and outside of the city. He then explained that there was a program at UMass Amherst that had long wanted to do a design build program with students where they would build two tiny homes that would then be gifted to OneHolyoke. He then explained that the first one they received was 250 square feet with room to expand it another 150 feet. He then emphasized that a lot of people already lives in single-room occupancy housing and it should be considered a solution for many people, especially those on the lower end of the economic ladder. He further explained that they wouldn't want to put one of these on a whole buildable lot, and that this situation coincided with the city's work on an accessory dwelling unit ordinance, which would allow them to place it in a downtown residential zone on the same site as another house. He further explained that they had a second tiny home of 600 square feet that they hoped to place it on an empty buildable lot between two apartment lots on Dwight Street but since the ADU process had not completed at that time, they sought to use a breezeway but could not do it because of fire codes. He then stated that now that the ADU ordinance was in place, they were looking to use it for rental but there was an owner occupancy requirement. He then stated that they were going to continue to look for the right site for the tiny home. He then suggested that much of the struggle was the newness of the idea. He then emphasized that getting the policy right was more important than getting it done fast. He then suggested that there could be efforts to find subsidization to help people struggling to find homes and could benefit from these places to live. He then noted that another issue to be solved was that there were some who wanted to see clusters of tiny homes and the zoning did not provide for that because of dimensional requirements. He then explained that he was invited to testify for and study a bill in the state legislature to allow for tiny homes on wheels, and that there was a lot of pushback from policymakers in many communities who believed that was a bit too far, and would amount to people having RV's in the yards. He further explained that those kinds of tiny homes would be connected to utilizes but would have the capability to be disconnected from those services. He suggested that the updated building code expected soon may contain a provision allowing for this kind of use.

Councilor Bartley stated that this issue appeared to be morphing from ADU's to tiny houses, and now tiny houses on wheels. He then expressed concern that this could sit in the committee for months waiting for regulation from the state that may or may not change this. He suggested that these kinds of things needed to move out of the jacket because this was likely going nowhere. He then noted that he spoke with the town planner in Great Barrington, learning that they had passed a tiny house on wheels ordinance but had no applications since its passage. He emphasized that this was a fairly rural area with a great deal of room for all sorts of structures. He then suggested letting the Planning Board continue to deal with this and come back when they have something.

Councilor Vacon suggested that the strategy of closing the public hearing for the Ordinance Committee and allowing the Planning Board to continue theirs may work for this.

Commissioner Panitch expressed her expectation that her members believed that they would need time to continue to work on this.

Commissioner Kruckemeyer suggested that there were a lot more substantive questions that they would need to talk to Ordinance about in a public hearing, and that the Ordinance Committee continue it out to a date 3 or 4 months later.

Commissioner Panitch expressed agreement with that suggestion. She noted that the Planning Board had often continued hearings at the last minute because an applicant did not have all materials ready, and things didn't tend to clutter up their agendas in the way they can for the Ordinance Committee.

Commissioner Dhaliwal agreed that the Ordinance Committee should consider keeping their hearing open to 3 or 4 months later, allowing the Planning Board to come back with questions.

Councilor Vacon stated that she would be okay with that but was getting a sense that this public hearing was specific to tiny houses and that a broader approach to housing may be needed.

Chair I. Rivera stated that while he understood the concern with keeping the jacket packed, the item did not necessarily need to be taken up. He then suggested keeping it open for 6 months and then closing if nothing new came in.

Councilor Bartley stated that the point of a public hearing was to hear from the public, adding that he doubted that there would be anything more comprehensive than what was provided by Mr. Moriarty. He then explained that nothing prohibited the committee from getting more information from the Planning Board after closing the hearing. He added that he did not see the point in keeping the public hearing open. He then expressed concern about allowing a tiny home one someone's lot, emphasizing that the city did not even allow RV"s or large trucks on public streets. He then stated that he did not oppose the idea in general but it was not realistic given the lack of available space in the city.

Councilor Bartley made a motion to close the public hearing. Councilor Vacon seconded the motion.

Admin Asst Anderson-Burgos noted that Ms. DeGrace had her hand up.

Councilor Bartley withdrew his motion.

Kaylee DeGrace, 99 Meadowbrook Road, stated that she while was a resident of Holyoke, she also owned a pre-owned tiny house on wheels and had also built one. She added that she also was part of an organization that helped write the bill that Mr. Moriarty spoke about earlier. She then suggested that all of these different types of housing did not need to be differentiated, as Commissioner Chung suggested earlier. She then explained that tiny houses on wheels were built to the same building codes as other homes but were just smaller and built on a different foundation. She added that the International Residential Code stated the same thing that they were the same thing from the chassis on up. She added that the Massachusetts Building Code adopted the International Residential Building Code, Appendix Q, which provided for houses under 400 square feet. She then stated that she had the space in her backyard to bring her tiny house, even while being among the larger size of tiny houses. She added that they could fit into a neighborhood's aesthetics. She added that where she works at Athol Public Schools, they had difficulties hiring teachers because of a housing shortage. She then reiterated her earlier point that people had property rights and should be able to put what they want on their property.

Councilor Bartley raised a point of order.

Chair I. Rivera asked Ms. DeGrace to offer a summary to finish up in order to recognize Councilor Bartley's point of order.

K. DeGrace stated that her final point was that it was a lot easier to put movable tiny houses in urban areas than in rural areas where there were not a lot of city services.

Councilor Bartley asked if she resided at 99 Meadowbrook.

K. DeGrave stated that she did live there.

Councilor Bartley made a motion to close the public hearing. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 1 (I. Rivera)--Absent 0.

Councilor Vacon stated that the committee would now have to wait for the Planning Board.

Commissioner Kruckemeyer made a motion to continue the Planning Board hearing on item 3 to February 27th at 5:30 p.m.

Commissioner Chung noted that Northampton allowed for multiples homes on the same lot without subdividing.

Commissioner Chung seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent.

Meeting adjourned at 8:36 P.M.