

Background Materials for March 09, 2015

Due to an error in posting the agenda to the new website, the agenda did not get properly posted in a timely manner. Therefore, the only activity which is to be conducted Monday night is holding of the public hearing. However, the Board members may provide comments on the minutes previously distributed but no action will be taken until they are considered at a future, properly posted meeting

Minutes

I have distributed draft copies of the following minutes for the Board's:

- 1). April 28, 2014 Planning Board Meeting
- 2). April 28, 2014 Public Hearing - Zoning Bylaw amendments
- 3). April 28, 2014 Public Hearing - Subdivision Regulations amendment
- 4). February 10, 2015 Planning Board Meeting

ACTION NEEDED: Review and suggest edits to the minutes.

Bills and Correspondence

A list of the bills and correspondence are attached – at this time we do not have any new bills.

Public Hearing: Site Plan Review for Home Occupation II – Adam Sweet Music Studio

6:45 p.m.

Adam Sweet has submitted an application for Site Plan Review for a Home Occupation II use – a music studio – in his home at 56 Lincoln Avenue. The site is a 10,000 square foot lot situated on the southside of Lincoln Avenue. Currently, the property is zoned Residence A-2. (See map and aerial photo to the left and below).



The applicant has owned and resided in the residence for nearly 6 years. During this time, he has apparently been conducting music lessons without knowing that an approval was required and – apparently - without the Town receiving any complaints until the past several months. He had planned to have a larger music performance at the residence but cancelled that event and relocated some of the larger music lesson activities to more appropriate locations upon receiving notice that approval of the home occupation was required. A “rather large” banner-type sign which had been affixed to the front of the residence has also been removed.

Among the issues I have discussed with the applicant to address the Home Occupation II standards were:

- Client parking not being allowed on the street
- Limit on the signage
- Limits on the number of clients rehearsing at the location

A copy of the application submittal has been posted on the Town’s website – the Planning Board page at the following link:

<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1323>

Departmental Comments

Comments have been solicited from the various departments pursuant to the Planning Board’s Rules and Regulations. To date, comments/responses have been received from the DPW Superintendent, Water Superintendent for Fire District #1, SHELD Manager, Police Chief, Public Health Director, and the Conservation Commissioner Administrator indicating that they had no objections or comments or concerns. District #1 Lieutenant Jason Houle commented that “as long as the smoke and CO detectors are up to code”, he has no issues with the application. No written comments have been provided from the Building Commissioner; although she has verbally stated that she does not see any building code issues with the use.

Home Occupation II Standards

Section 7(A)5 provides the following requirements for a Home Occupation II:

A Home Occupation is allowed subject to site plan review (conducted in accordance with Section 12 of the Zoning Bylaw including, but not limited to, the conducting of the public hearing with prior notification of the certified abutters as provided in Section 12(D)) if it is carried out in compliance with the following criteria and standards:

- a) Conforms to the General Criteria and Standards applicable to all Home Occupations as provided in 7(A)3 above.*
- b) The home occupation may be conducted only by residents of the dwelling unit.*
- c) The maximum area that may be occupied by the home occupation shall be the lesser of 20% of the floor area of the primary dwelling unit or 500 square feet.*
- d) The home occupation shall not give the outward appearance of a business (signage, conducting of the business in accordance with these standards and criteria, and the incidental appearance of a vehicle allowed under Section 8(G)6 of the Zoning Bylaw to be parked in a residential district with the owner’s business name, etc. on said vehicle shall not be construed as giving the outward appearance of a business).*

- e) *Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed one square foot and must be affixed to the residence and not be free-standing. The Planning Board may approve a small (up to 0.25 square feet) name plate to be affixed to a free-standing mailbox structure as a condition of the Site Plan Review.*
- f) *Parking shall be adequate for customers or clients.*
- g) *No commercial vehicle other than Class 1 Commercial Vehicles, as defined by the Massachusetts Department of Transportation, at the DOT website (<http://www.massdot.state.ma.us/highway/TrafficTravelResources/VehicleClassTypeClassifications.aspx>) may be parked on a property in connection with a home occupation.*
- h) *Automobile and truck traffic generated shall not be greater than the volume of traffic that would normally be generated by a residential use. As such, considering the property size, location, type of business, the Planning Board may establish maximum limits as to the number of client/customer visits which may be conducted during a set period of time as a condition of the Site Plan Review. The applicant must, as part of their application, provide information as to the volume of vehicular and pedestrian traffic which is expected to be associated with the home occupation at its peak level and on a routine basis.*
- i) *There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation.*
- j) *The home occupation shall be conducted in a manner that will not interfere with the enjoyment of abutting residential dwellings by reason of noise, vibration, smoke, electrical interference, dust, odors, or heat. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited. As such, the Planning Board may, as a condition of the Site Plan Review, establish limitations as to the hours of operation of the home occupation.*

Section 7(A)3 requires all Home Occupations, regardless of their type or category shall conform to the following criteria and standards:

- a) *The home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units and does not alter the character of the neighborhood.*
- b) *More than one home occupation may be conducted on a lot, provided that the combined impact of all home occupations satisfies the criteria and standards enumerated for the appropriate level of home occupation.*
- c) *The home occupation is conducted only by residents of the dwelling unit but the business may employ other workers who do not engage in the work of the business at the site of the home occupation.*

ACTION NEEDED: The Board should conduct the public hearing. As part of the hearing, the Board could discussion any issues and conditions which should be considered in draft a decision for consideration at the March 23, 2015 meeting. It should be noted that 1 department has not – as of March 6th – provided written comments.

Development Update and Planner's Report

I will provide a report on the following items:

a. ***Development Report***

Mount Holyoke College – Verizon Cellular Application: Ellen Freyman has indicated that she will be submitting a Special Permit application for a Verizon installation on the Mount Holyoke College Clapp Laboratory Building. The application is expected to be submitted within a month.

Home Occupation – 37 Mountain Avenue: Scott Slapin and Tanya Solomon have submitted an application for Site Plan Review for a Home Occupation II – music lessons.

Annafield Estates Subdivision: This project is moving towards final completion very shortly.

Chatham Estates Subdivision: No change in the status of this development.

Mountainbrook Subdivision – Phase I: As the Board members know, this is a two-phase subdivision located off Westbrook Road and the end of Mountainview Street. Approved in 2006, the development has been much slower to be completed than anyone anticipated – largely due to the 2007-2008 downturn. At this point, only Phase 1 – approximately 33 of the subdivision's eventual 52 lots – has been “completed” and is subject of this agenda item.

I have received an email from the Manager of this development requesting release of the performance guarantee. We had previously received acceptable “As-Built” plans and a Certification of Completion from their project engineer/surveyor.

Section 5.06 of the Subdivision Regulations sets forth the procedures for requesting and acting upon Releases of the Performance Guarantee. In accordance with the procedures, I am requesting a Completion Certification from the two Water Superintendents, SHELD Manager, and DPW Superintendent. Based on prior comments from all four officials, I do not anticipate any reservations in executing the Certifications.

Two-Family Development: In 2014, Town Meeting amended the Zoning Bylaw, at the Planning Board's request, to add the following Subpart (Z) to Section 7 of the Zoning Bylaw.

(Z) Multi-Family and Multiple Dwellings

(Adopted May 10, 2014 Town Mtg.)

All multi-family developments and developments with more than one dwelling on a single parcel of land shall conform to the provisions provided below.

- 1. Allowable Unit Count. The permitted number of dwelling units in a multi-family building or development and developments with more than one dwelling on a parcel shall not exceed the number permitted utilizing the***

methodologies established in Section 7J for land located within the Residence A-1, Residence A-2, and Agricultural districts, and on the dimensional table footnotes relating to the amount of lot area per dwelling unit for special permits in all other districts. Density bonuses may not be granted unless the development conforms to the Flexible Development process, procedures, and standards.

2. *Front Entrances. Front entrances to multi-family buildings shall open onto sidewalks and streets or common public spaces and not onto parking lots. Multi-family buildings and developments shall create shared open spaces, which may be - but shall not be required to be - open to the general public, along a street or common green. Rear entrances and entrances for services and delivery may be from parking areas.*
3. *Conformity to Other Requirements. In all other respects, the layout and relationship of buildings to each other and to streets, public spaces, and parking areas shall be as provided in other applicable sections of this Bylaw as well as any design standards or guidelines adopted by the Planning Board.*
4. *Required Open Space. On parcels of at least two acres, multi-family developments and developments with more than one building for dwelling purposes on a single parcel of land shall include usable open space in the same proportion and character as required of developments under Section 7(J) of the Zoning Bylaw.*
5. *Exceptions.*
 - a. *Such uses located within the South Hadley Falls Overlay District shall not be subject to the Density or Open Space restrictions within this subpart 7(Z).*
 - b. *Developments for which a permit has been granted or which have been developed prior to May 10, 2014, shall not be subject to the provisions of this subpart 7(Z).*
6. *Parcels containing more than one building with a dwelling. A parcel may contain more than one building with a dwelling, provided the following conditions are satisfied:*
 - a. *Such use is identified as being as allowed within the subject zoning district in by Section 5(E) Use Regulations Schedule; and,*
 - b. *The parcel has sufficient acreage to comply with applicable density limitations; and,*
 - c. *The applicable density limitations are the same as what is allowed under the Flexible Development provisions in Section 7J(7) except they may not exceed the cap set forth in Section 7(Z)5d below; and,*
 - d. *In the Residence A-1, Residence A-2, and Agricultural districts, no parcel of any size may contain more than 4 dwelling units on it except pursuant to the Flexible Development provisions of Section 7J; and,*
 - e. *Such a parcel may not be later subdivided unless the subdivided lots conform to the dimensional regulations and the infrastructure including but not limited to the right of way and roadway*

improvements conform to the Subdivision Regulations in effect when the subdivision is proposed.

The intent of the amendment was to establish limits on multifamily developments and developments involving more than one building on a single parcel which is used for dwelling purposes. Multifamily developments had been redefined to mean buildings with 3 or more dwelling units located therein. However, the wording of this provision seems to apply the “density” cap standard included therein to a single duplex on a single parcel.

An individual has expressed interest in applying for a Special Permit to construct a duplex on a parcel on Lyman Street. The parcel is zoned Residence A-2 and has a total land area of 29,814 square feet which is more than double the minimum area required for a Residence A-2 lot. But, with 140 feet of frontage, while the lot is 40% wider than required for the zoning district, it lacks sufficient frontage to be made into two lots or even a flag lot. However, under the wording of Section 7(Z), it would appear that the maximum density allowed is 2 units per acre and the subject property is not even an acre in size.

Therefore, this inquiry has raised a question as to the wording of the amendment, its intent, whether it is being read and interpreted correctly, and whether the section should be amended.

b. *Pioneer Valley Planning Commission*

Housing Plan. We are waiting action on our application for a PATH grant. This grant would include undertaking an update of the Housing Production Plan (part of the Housing Chapter of the Master Plan) as well as undertake the multifamily development study.

Multifamily Development Study. In addition to the PATH grant application and request for a District Local Technical Assistance grant application to fund this study, I submitted a request for an appropriation in the FY 2016 budget for this study. The Town Administrator has suggested that the Board submit a separate warrant article for this project. I am preparing the background for that article.

c. *Meeting Schedule through June 2015*

This is to recap the meeting schedule that the Board accepted through June 30th:

- a) March 9, 2015
- b) March 23, 2015
- c) April 13, 2015
- d) April 27, 2015
- e) May 11, 2015
- f) May 27, 2015 TENTATIVE Replacement for Memorial Day
- g) June 8, 2015
- h) June 22, 2015

With the new website, the meeting schedule is no longer on the website. I am working to determine how to post a new Meeting Schedule on the Planning Board's web page.

- d. Workshops/Training Opportunities*
- e. OnLine Permitting Program*
- f. New Town Website*