

**VIRTUAL BYLAW REVIEW COMMITTEE MEETING AGENDA  
WEDNESDAY, APRIL 9, 2025 - 5 P.M.**

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752973

*Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded.*

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

Draft minutes of Oct. 29, 2024

**Documents:**

[BRC MINUTES\\_102924\\_DRAFT.PDF](#)

**3. NEW BUSINESS**

Annual Town Meeting Bylaws

- A. Prudent Investor bylaw
- B. Affordable Housing Trust bylaw
- C. [HISTORIC DISTRICT BYLAW](#)
- D. [AMENDMENTS TO ZONING BYLAW CHAPTER 255-50 ACCESSORY DWELLING UNIT BYLAW](#)
- E. Village Center Zoning Bylaw
- F. 143 Old Lyman Road (Assessor's Map 8, Parcel 1) Zoning map amendment request
- G. Citizen petition South Hadley Welcoming Community Ordinance

**Documents:**

[A. PRUDENT INVESTMENT RULE.PDF](#)  
[B. SOUTH HADLEY MUNICIPAL AFFORDABLE HOUSING TRUST BYLAW - AHT UPDATED 2025.04.03 LLM.PDF](#)  
[C. SOUTH\\_HADLEY\\_HISTORIC\\_DISTRICT\\_BYLAW\\_2025 - BR 4.3 LLM.PDF](#)  
[D. 255-50 ACCESSORY DWELLING UNITS.PDF](#)  
[E. 2025 ZONE AMENDMENT SUBMISSION PACKET SUBMITTED 2025-03-13.PDF](#)  
[F. ZONING AMMENDMENT REQUEST - OLD LYMAN ROAD.PDF](#)  
[G. WELCOMING COMMUNITY ORDINANCE.PDF](#)

**4. ADJOURN**

Remote Bylaw Review Committee  
Meeting Minutes  
October 29, 2024

Present via Zoom: Chair David King, Jim Bosman, Ira Brezinsky, M P Chevrette, Linda Young, Town Administrator Lisa Wong.

Meeting called to order 6:07 PM

Jim B made a motion to accept the minutes of the Sept 30, 2024 meeting. The motion was seconded by Linda Y; unanimously approved.

After our meeting on Sept 30, 2024, the Select Board reviewed the Bylaws and made minor changes to 3 (three) of the bylaws that we approved. The purpose of this meeting was to approve or not approve the revised Bylaws prior to Town Meeting.

- 1) The Bylaw article numbers were changed.
- 2) The article regarding unhitched trailers was changed in format to mirror other Bylaws. The Bylaw was also updated to include Landscaping and Contractors.
- 3) The Nuisance article was changed from 1 article to 2 articles (Article 7 & 8).

A motion was made by Linda Y to approve all articles together, Jim B seconded. The motion passed 3 - 1 (M P Chevrette)

M P Chevrette made a motion to adjourn, Linda Y second, unanimously approved.

Meeting adjourned at 6:19 PM.



**Article X: Adoption of G.L. 44, Section 54(b) - Prudent Investor Rule:** This Article will allow the Town to invest its trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds under the Prudent Investor Rule. Prudent investing allows for much greater investment diversification opportunities than what is currently allowed under the MA Legal List of Investments. Where appropriate, prudent investing allows investment managers to use diversified mutual funds, ETFs, individual stocks, bonds, alternative investments, etc. Previously, these municipal funds had to adhere to a very short and restrictive list of stock and bond investments by law. Prudent investing does not inherently mean more risk in the investment portfolio, it simply means that there are greater investment options, which allows for reduced concentration risk and an overall more balanced portfolio allocation.

**PURPOSE:** The FY 24 state budget, Chapter 28 of the Acts of 2023, includes a change to the standards for investment of trust funds in municipalities. Section 26 amends G.L. c. 44, §54, to insert a local acceptance provision that allows investment in accordance with the so-called “Prudent Investment Rule” (G.L. c. 203C), which essentially allows for a broader range of investments that are consistent with investment choices allowed in the Town's other investment accounts. This would be governed by the existing Town of South Hadley’s Investment Policy and would only apply to Trust Funds. Requires a 2/3 majority vote

Voting yes for this article will allow our city/town/district to invest our trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds under the Prudent Investment Rule. Prudent investing allows for much greater investment diversification opportunities than what is currently allowed under the MA Legal List of Investments. Where appropriate, Prudent investing allows investment managers to use diversified mutual funds, ETFs, individual stocks, bonds, alternative investments, etc. Previously, these municipal funds had to adhere to a very short and restrictive list of stock and bond investments by law. Prudent investing does not inherently mean more risk in the investment portfolio, it simply means that there are greater investment options, which allows for reduced concentration risk and an overall more balanced portfolio allocation.

**VOTE:** to see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called “Prudent Investment Rule”, or take any other action relative thereto.

## **ARTICLE \_\_\_ - Affordable Housing Trust Fund**

To see if the Town will vote pursuant to the Town Meeting vote of 2013 accepting provisions of M.G.L. Chapter 44, Section 55C, to establish a trust to be known as the South Hadley Affordable Housing Trust Fund, the purpose of which shall be to provide for the creation and preservation of affordable housing in the Town of South Hadley for the benefit of low- and moderate-income households, to support efforts to improve housing affordability for the Town of South Hadley in general, and to fund community housing, as defined in General Laws Chapter 44B, and, in implementation thereof, to vote to amend the General Bylaws by adding a new Article 7-24 – South Hadley Affordable Housing Trust Fund, as follows:

### **Chapter 7-24, Affordable Housing Trust Fund**

#### **A. Name of the Trust**

Pursuant to the authority of G.L. Chapter 44, Section 55C, there is hereby created a local municipal affordable housing trust fund, which shall be called the “Town of South Hadley Municipal Affordable Housing Trust Fund” (referred to hereinafter as “the Trust”).

#### **B. Purpose**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of South Hadley for the benefit of low- and moderate-income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real property, personal property, or money, both tangible and intangible, of every sort and description; to use such property, both real and personal, and money in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property and money held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of South Hadley of affordable housing for the purposes for which this Trust was formed.

#### **C. Board of Trustees**

There shall be a board of trustees of the South Hadley Affordable Housing Trust Fund, in this section called “the Board”, which shall consist of seven Trustees as follows:

- one member of the Town’s Selectboard
- the Town Administrator or designee
- five members to be appointed by the Selectboard, with a preference for members who
- have professional expertise in fields such as real estate law, architecture, planning, banking, finance, and real estate, as well as a member who currently lives in affordable housing

Excluding the Town Administrator, only persons who are residents of the Town of South Hadley shall be eligible to hold the office of Trustee.

Trustees shall have a term of two years. Only persons who are residents of the Town of South Hadley shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Select Board. Any Trustee who ceases to be a resident of the Town of South Hadley shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument, signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Selectboard to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee

and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Nothing herein shall be construed to prevent a Trustee from being reappointed at the discretion of the Select Board.

#### **D. Declaration of Trust**

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the South Hadley Affordable Housing Trust Fund to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.



#### **Meetings of the Trust**

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Special Meetings may be called by the Chair or by two (2) Trustees. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees, qualified and present.

#### **F. Powers of Trustees**

The powers of the board of trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;



(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;


(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation

and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral; however, the Trust borrowing shall not exceed \$15,000,000 at any one time without Town Meeting approval. 

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

#### **G. Acts of Trustees**

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

#### **H. Funds Paid to Trust**

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning Bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

#### **I. Taxes**

The Trust is exempt from G.L. Chapters 59 and 62 and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

#### **J. Governmental Body**

The Trust is governmental body for the purposes of the Open Meetings Law, G.L. Chapter 30A, Sections

**K. Board of Town**

The Trust is a board of the Town of South Hadley for the purposes of G.L. Chapter 30B and Chapter 40, Section 15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments of public instrumentalities of the Town of South Hadley shall be exempt from said Chapter 30B.

**L. Compensation of Trustees**

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of South Hadley by virtue of their position as Trustee. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for each such expense prior to reimbursement by the Trust.

**M. Liability**

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

**N. Custodian of Funds**

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

**O. Amendments**

The provisions of this Trust can only be amended by a vote of the South Hadley Town Meeting.

**P. Duration of the Trust**

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

**Q. Titles**

The title to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

or take any other action thereon.

The Town of South Hadley hereby establishes the Old Firehouse Museum Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

## 1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of South Hadley, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

## 2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

**ALTERATION, TO ALTER** - The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

**BUILDING** - A combination of materials forming a shelter for persons, animals or property.

**CERTIFICATE** - A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

**COMMISSION** - The Historic District Commission as established in this Bylaw.

**CONSTRUCTION, TO CONSTRUCT** - The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

**DISPLAY AREA** - The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

**DISTRICT** - The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

**[DISTRICT AREA](#)** - [A portion of land in the Town as listed in Section 13 \(Appendices\) of this Bylaw.](#)

**EXTERIOR ARCHITECTURAL FEATURE** - Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED - The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS - Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE - A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING - A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

### 3. DISTRICT

The DISTRICT shall consist of one DISTRICT AREA as listed in Section 13 (Appendices) of this Bylaw.

### 4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven members, to be appointed by the Selectboard, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the South Hadley Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering South Hadley; one member from two nominees solicited from licensed realtors covering South Hadley; and a representative of the Old Firehouse Museum Board of Trustees appointed by the Selectboard. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Selectboard may proceed to make appointments as it desires.

4.3 The Selectboard may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote and such alternate member is designated by the Chair to act and vote in place of such regular member. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the COMMISSION shall be held at the call of the Chair, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6 Four members of the COMMISSION shall constitute a quorum.

## 5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a news source of general circulation in South Hadley such as the Town Reminder, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chair and a Vice Chair from its own number and a Secretary from within or without its number, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions **and determinations and of the vote of each member participating therein.**

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

## 6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

## 7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a news source of general circulation in South Hadley such as the Town Reminder. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement,

texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its Chair or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The

filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

## 8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

## 9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify. Consideration would be given to educational displays and resources useful for the mission of the Museum and District.

9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.1.5 The color of materials used on roofs.

9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or

STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

#### 10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a news source of general circulation in South Hadley such as the Town Reminder, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

#### 11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of South Hadley, or owner of property within South Hadley, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of South Hadley to prevent, correct, restrain or abate violations of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of \$[\_\_\_\_\_] for each offense, payable to a fund for the preservation of the DISTRICT. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of South Hadley to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

## 12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

## 13. APPENDICES

### Appendix 1:

#### South Hadley Old Firehouse Museum District

The South Hadley Old Firehouse Museum District shall be a DISTRICT AREA under this Bylaw. The Location and boundaries of the South Hadley Old Firehouse Museum District are defined and shown on the Local Historic District Map of the Town of South Hadley, which is a part of this Bylaw. Sheet 1 is based on the current Assessor's map and is current to January 1, 2023. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.



Sheet 1: Proposed boundaries of the South Hadley Old Firehouse Museum Local Historic District

, or take any other action relative thereto:

**255-50 Accessory Dwelling Units**  
**Proposed Amendment – Repeal and Replace**

**Annual Town Meeting**  
**May 14, 2025**

**A. Purpose.**

The purpose of this Section 255-50 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing greater density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

**B. Definitions.**

Refer to §255-10 Terms Defined, and 760 CMR 71.00. Any discrepancy between similar terms defined shall be resolved in favor of the definitions as contained in 760 CMR 71.00.

For the purposes of calculating allowable size of an accessory dwelling unit, **Gross Floor Area (GFA)** is defined as follows:

The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Gross Floor Area Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected ADU.

**C. Regulations**

For the purposes of this Section 255-50, the following regulations shall apply:

1. Procedural requirements.
  - a. Refer to Chapter 255, Attachment 1, Use Regulations Schedule, and Article XII, Site Plan Review for procedures for applications requiring Site Plan Review hereunder.
  - b. The Building Commissioner shall approve a building permit authorizing Protected Use ADU installation and use within or on a lot with a Principal

Dwelling in a Single-Family Residential Zoning District, including within or on a lot with a preexisting nonconforming structure, if the dimensional standards and off-street parking standards listed herein are met.

- c. For a proposed new detached accessory dwelling unit, Site Plan Review from the Planning Board is required, except that the Planning Board may not deny an application for Site Plan Review as set forth in Section 255-149(B)(2) herein but shall approve or approve with conditions but may only deny for failure to provide the required.
- d. ADUs are not eligible for Short-Term Rentals, as defined by the Town of South Hadley.

## 2. Dimensional Standards and Code Compliance

A Protected Use ADU must meet the following standards:

- a. Shall not be larger than the Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- b. Shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the State Building Code and Fire Code.
- c. Construction shall be in conformity with the State Building Code, and 310 CMR 15.00 The State Environmental Code, Title V regulations, where not serviced by a public sewer.
- d. On a lot with a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards, as defined in Dimensional Regulations Schedule, than those required for a single-family residential dwelling or accessory structure within the same zoning district, whichever results in more permissive regulation.
- e. On a lot with a principal dwelling that is not a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards than those required for a single-family residential dwelling or accessory structure, as defined in Dimensional Regulations Schedule, within the same zoning district, whichever results in more permissive regulation.

## 3. Off-Street Parking Requirements

- a. No more than one additional off-street parking space shall be required for a Protected Use ADU if the lot subject to the ADU is located outside of a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00; or,
- b. No additional on-street or off-street parking space shall be required for an ADU if any portion of the lot subject to the Protected Use ADU is located within a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00.

4. Per M.G.L. c.40A, to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the permit granting authority shall allow reasonable deviation from the stated conditions where necessary to install features and facilitate access and mobility for disabled persons.

5. Nonconformance

- a. A Protected Use ADU shall be permitted within, or on a lot with a preexisting nonconforming structure so long as the Protected Use ADU can be developed in conformance with the State Building Code and 760 CMR 71.00.
- b. A Protected Use ADU shall be exempt from any required finding under M.G. L. c.40A §6.

6. Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- b. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued the appropriate building permits. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained by the Board of Health and the proposed building and location thereof conform to the Town's bylaws. No building or ADU shall be occupied until a certificate of occupancy has been issued by the Building Commissioner, where required.
- c. The Building Commissioner may issue a cease and desist order or enforcement order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.





March 12, 2025

Ms. Andrea Miles, Chair  
South Hadley Selectboard and  
Ms. Lisa Wong, Town Administrator  
116 Main Street, Room M18  
South Hadley, MA 01075

Dear Ms. Miles and Ms. Wong,

The Village Commons has been a partner with and an asset for the Town of South Hadley for thirty-eight (38) years. We enjoy and value the working relationship with our partners. As our Village ages and market trends evolve, it's only natural that we will all experience headwinds and growth together. In preparation for the future and in hopes of maintaining exceptional mixed-use occupancy rates, relationships and opportunities, the entities must plan for those market trends and sustainability.

As we have always, the Center Redevelopment Corporation ("the Corporation") is planning for the future. To this end, we have engaged with architects, engineers, and planning consultants to assist as it prepares for the next 3 decades. Earlier this year the Corporation consolidated its multiple parcels into a single parcel as a first step in putting this planning into action.

We have identified some issues with the current myriads of zoning districts and their associated different limitations and opportunities – often times at conflict with one another in the context of a mixed-use development such as The Village Commons. Accordingly, the Corporation has prepared an approach to zoning which will provide a coordinated framework for The Village Commons as we move forward, which can also be used for similar developments of different scales where appropriate.

Therefore, pursuant to Massachusetts General Laws Chapter 40A, Section 5 and § 255-6 of the South Hadley Zoning Bylaw, the Corporation requests that the Town consider amending the South Hadley Zoning Bylaw and Zoning Map as detailed in the attached Zoning Bylaw and Map Amendment. This request relates to the below described parcel currently zoned Business A-1, Residence A-2, and Residence A-1 zoning districts. Massachusetts General Laws Chapter 40A, Section allows "an individual owning land to be affected by" enactment of a proposed zoning bylaw amendment to initiate proposals for adoption of an amendment to the Zoning Bylaw.

The Corporation affirms that it owns the subject property described below and that I, Jeffrey Labrecque as Chief Executive Officer am empowered to represent the Corporation in this matter.

The subject property is a 7.810+/- acre parcel (see Attachment A) generally referenced as “The Village Commons” and depicted on the attached ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) and more particularly described as follows:

- Bounded on the east by Hadley Street (Route 47)
- On the south by “College Street” for approximately 389 feet;
- On the south and west by parcels owned by Mount Holyoke College and depicted on Parcels 85 and 86 on Assessors Map 49 and Parcel 65 as depicted on Assessors Map 47; and,
- On the north by Parcel 64 as depicted on Assessors Map 47 and Parcels 63, 64, and 68 as depicted on Assessors Map 49.

A further description is provided in Attachment B.

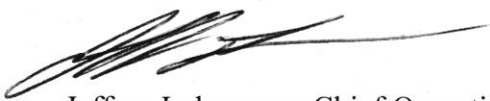
This request is to amend the Zoning Bylaw (in § 255-11, Article VII, Attachment 1, and Attachment 2) to create a new zoning district – “Village District” and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to the new “Village District” zoning district. The details of the proposed amendment are provided in Attachment C.

I respectfully request that this petition be incorporated into the May 2025 Annual Town Meeting Warrant and be processed accordingly.

I understand and acknowledge that § 255-6 of the South Hadley Zoning Bylaw provides that I, as the petitioner, am responsible for payment of the cost of notice of the public hearing. Accordingly, please have the newspaper in which the notice is published forward the bill to me.

I look forward to participating in the public hearing process upon your referral of this request to the Planning Board. If you or the Planning Department have any questions, please feel free to reach out to me at 413-532-3600 or via email [jlabrecque@thevillagecommons.com](mailto:jlabrecque@thevillagecommons.com)

Thank you for your consideration.

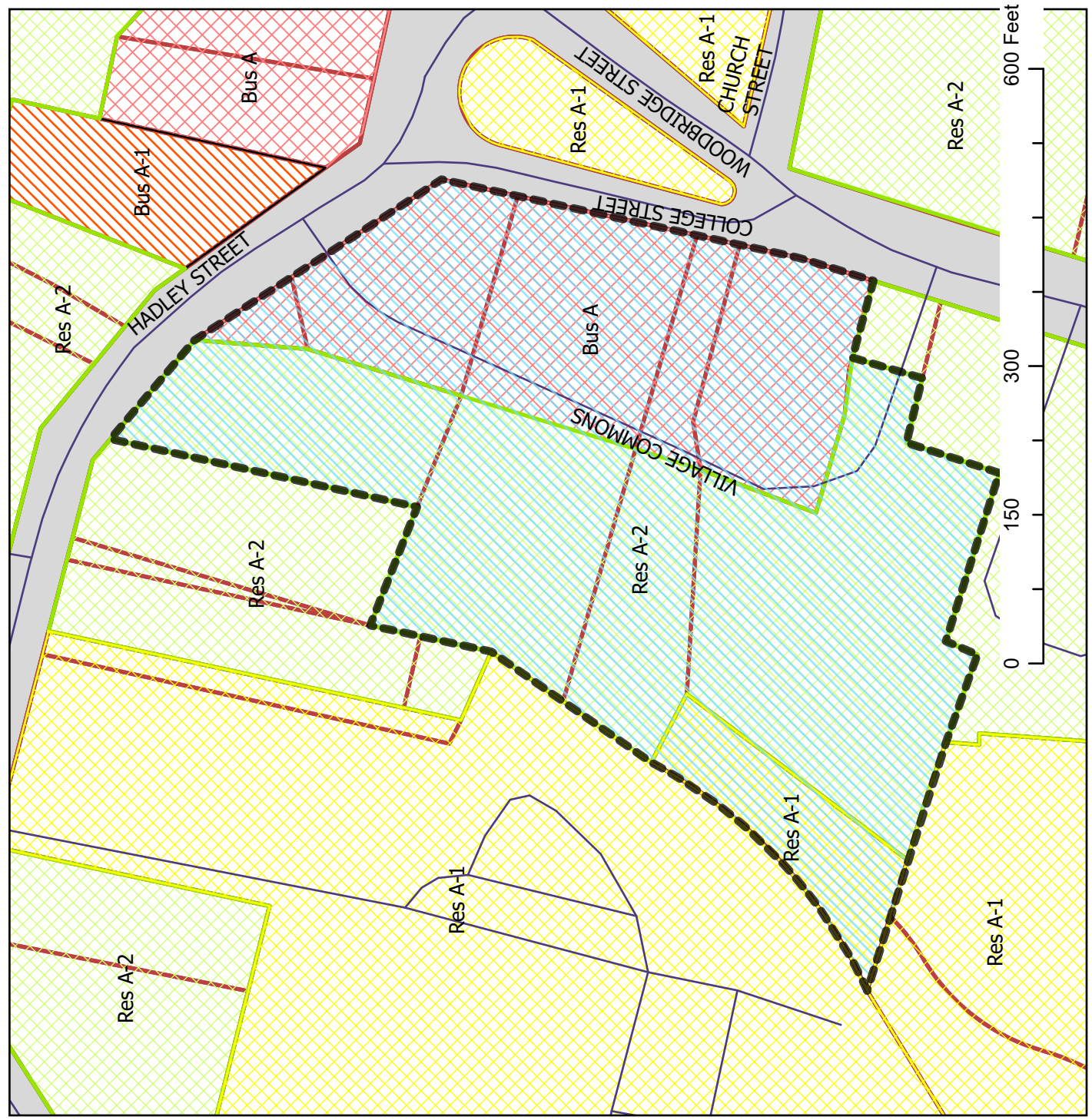
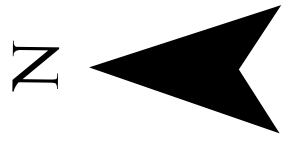


Jeffrey Labrecque, Chief Operating Officer  
Center Redevelopment Corporation

# Attachment A Proposed Village District with Existing Zoning

# Legend

- Proposed Village District
- Res A-1
  - Bus A
  - Res A-2
  - Bus A-1
  - Res B



## Attachment B

### Description of Boundaries of Proposed Village District Zoning District

- Beginning at a point at the intersection of Hadley Street (aka Route 47) and “College Street” run westerly along said “College Street” approximately 389 +/- feet;
- Thence, north 79.93 feet;
- Thence, west 101.05 feet;
- Thence, north 63.40 feet;
- Thence, west 102.95 feet;
- Thence, north 174.95 feet;
- Thence, west 40.78 feet;
- Thence, north 208.94 feet;
- Thence, west 23.14 feet;
- Thence, north 75.38 feet to a point in the center of a stream which is also a point on the southerly line of Parcel #64 as depicted on Assessors Map #47;
- Thence, easterly along the southerly line of said Parcel #64 to a point at the southwest corner of Parcel #68 as depicted on Assessors Map #49 (approximately 340 +/- feet);
- Thence, continuing easterly along the southerly lines of Parcels #68 and #64 as depicted on Assessors Map #49 (approximately 199 +/- feet);
- Thence, south along the west line of Parcel #63 as depicted on Assessors Map #49 (approximately 119 +/- feet);
- Thence, easterly along the south line of said Parcel #63 to a point on the right of line of Hadley Street (Route 47) (approximately 308 +/- feet);
- Thence, continuing easterly along the right of way line of Hadley Street (Route 47) (approximately 427 +/- feet) to the Point of Beginning.

NOTE: In the event of any conflict with or deviation from the ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) said ANR plan dimensions and courses are to be read as correct and shall apply.



## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

To see if Town Meeting will vote to amend Chapter 255 Zoning Bylaw including the Zoning Map as follows:

1. In § 255-11 “Establishment of districts.” Insert a new district as follows:

Village District (“VD”) Zoning District (Mixed-Use). The purpose of this district is to encourage mixed-use development characterized by a mix of office, retail, entertainment, and residential uses consistent with the traditional scale, density, design, and mix of uses that characterize South Hadley’s historic village centers in a manner that is pedestrian-friendly through high-quality site planning, architecture, and landscape design.

2. In Attachment 1, Use Regulations Schedule by inserting the Village District (VD) and indicate the uses which are permitted/prohibited as follows:

- a) In the “Residential Uses” category, indicate that only the following uses are permitted:

- 1) Two-family dwellings (new)
- 2) Three-family dwellings
- 3) Multifamily dwellings for more than three families/g

- b) In the “Residential Uses” category, indicate that all other uses are prohibited.

- c) In the “Residential Uses” category, insert the following footnote:

Allowed residential uses are only permitted by Site Plan Review and as part of a Mixed-Use development as detailed in § 255-52.

- d) In the “Open Space Uses” category, indicate that only “Agricultural, horticultural, or floricultural uses” exempt under MGL Chapter 40A, Section 3 are permitted.

- e) In the “Open Space Uses” category, insert the following footnote:

This restriction regarding “Agricultural, horticultural, or floricultural uses” is not to be interpreted as a prohibition on temporary, special events which may include agricultural related activities such as, but not limited to, farmers markets or outdoor concerts. Such other temporary events may be permitted in

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

accordance with the approved Mixed-Use plan and applicable Bylaws, statutes, and regulations.

- f) In the “Public and Institutional Uses” category indicate the following uses are permitted by Site Plan Review:
  - 1) Town buildings
  - 2) Public and private nonprofit educational institutions/d/f
  - 3) Structures used for religious purposes/e/f
  - 4) Federal and state government buildings
  - 5) Public playgrounds and parks
  - 6) Clubs, lodges, social and community center buildings
  - 7) Hospitals, sanitariums, and charitable services
  
- g) In the “Public and Institutional Uses” category, note that the allowed uses are only permitted by Site Plan Review.
  
- h) In the “Public and Institutional Uses” category, insert the following footnote:

Allowed uses are only permitted as part of a Mixed-Use development as detailed in § 255-52 unless they are exempt under MGL Chapter 40A, Section 3.
  
- i) In the “Business Uses” category, insert the use “Indoor Theater” and “Financial Institution including or separate ATM”
  
- j) In the “Business Uses” category indicate the following uses are permitted by Site Plan Review:
  - 1) Retail sales
  - 2) Personal, business, and professional services
  - 3) Open-air parking for 25 vehicles or fewer/d
  - 4) Public parking areas and garages (unrestricted capacity)
  - 5) Offices
  - 6) Motels – hotels
  - 7) Restaurants
  - 8) Financial Institution including ATM
  - 9) Indoor Theater
  
- k) In the “Business Uses” category, indicate that all other uses are prohibited.
  
- l) In the “Business Uses” category, insert the following footnote:

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

Allowed uses are only permitted by Site Plan Review and as part of a Mixed-Use development as detailed in § 255-52.

- m) In the “Industrial Uses” category indicate that all listed uses are prohibited.
- n) In the “Other Uses” category, indicate that only the following uses are permitted By Site Plan Review:

Accessory uses to permitted principal uses, as provided in Article VII Other earth removal, extraction, and/or fill activities/b

- o) In the “Other Uses” category, indicate that all other uses are prohibited.
- p) In the “Other Uses” category, insert the following footnote:

Allowed uses are only permitted if consistent with the Mixed-Use Development’s approved Site Plan as detailed in § 255-52.

3. In Attachment 2, Dimensional Regulations Schedule for Buildings and Structures by inserting the following table for Village District (VC) specifying the following Basic requirements for Principal Uses and Accessory Uses including the associated footnotes

Zoning District - Requirement	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Minimum Yard Setback (feet)			Maximum Height	
					Front	Side	Rear	Stories	Feet
Village Commons Zoning District									
Basic requirements:									
- Principal uses	87,120/a	50	75/a/b	85%/a/b	0/a	6/a	5/a	4/5/a	65/a
- Accessory uses/a	None	None	25/a/b	95%/a/b	0/a	6/a	5/a	4/5/a	65/a

**NOTES:**

- a. In accordance with the provisions of § 255-52.
- b. Total building coverage of principal and accessory uses shall not exceed the principal use coverage.

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

4. In Article VII Supplemental District Regulations”, insert a new §255-52 “Village District” to read as follows:

A. Purpose

The purpose of this district is to encourage mixed-use development characterized by a mix of office, retail, entertainment, and residential uses consistent with the traditional scale, density, design, and mix of uses that characterize South Hadley's historic village centers in a manner that is pedestrian-friendly through high-quality site planning, architecture, and landscape design.

- B. Uses permitted. Uses permitted Village Common District are as listed in Attachment 1, Use Regulations Schedule.

- C. Dimensional requirements. Dimensional requirements are as listed in Attachment 2, Dimensional Regulations Schedule for Buildings and Structures as supplemented and clarified upon in this § 255-52.

(1) Building Heights

- (a) The Maximum building height as provided in Attachment 2 is not to exceed 5 stories as provided below. The variable maximum height provided in Attachment 2 is permitted to reflect the variation in ground elevation and elevation of Route 116 relative to the Village District.
- (b) The variable story height limitation is to be interpreted and administered as follows:

[1] Portions of buildings occupied by dwelling units or business uses shall not exceed 5 stories. However,

[a] One story providing drive under parking and/or enclosure of building support equipment may also be provided.

[b] To enhance the aesthetic appearance of the building and/or to better enable use of the roof for solar energy collecting/generating operation, use of an enclosed “story” exclusively or primarily for housing of mechanical equipment or other facilities necessary for the building’s operation shall not be counted as one of the permitted “stories”.

[2] No building or portion thereof lying within 150 feet of Route 116 shall exceed 4 stories, except as provided in 255-52C(1)(b)[3] below.

[3] Where a building is located on grades which diminish as the site gets further away from Route 116, the building height may vary with the portion further away and not visible from Route 116 being allowed to be one story higher than the portion of the building nearest Route 116 up to the maximum height (in feet) as provided in Attachment 2.

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

[4] To accommodate screening of rooftop uses and equipment, measurement of building height shall not include such screening elements.

- D. Site Plan Review. Development in the Village District is subject to Site Plan Review as provided in Article XII of this Zoning Bylaw and as further modified herein.
- (1) Design Review is to be incorporated into the Site Plan Review process, so the integration of the uses and design are collectively reviewed.
  - (2) Once Site Plan is approved and the buildings are constructed to completion and occupancy permits have been issued, further site plan review for location of individual uses within an approved building space is not required; provided the development maintains compliance with the approved site plan and this §255-52.
    - (a) Exception. Conversion of Business Use space to a Residential Use space will require Site Plan Review.
    - (b) The Planning Board may, in their Site Plan Review Rules and Regulations provide that any “post-approval” Site Plan Reviews will be processed as “Minor Site Plan Review”.
- E. Residential Development
- (1) Dwelling units are permitted only as an integral part of a mixed-use development. The dwelling units may be provided either in a mixed-use building or a separate “residential only” building in accordance with this § 255-52.
  - (2) Density. The maximum number of dwelling units permitted shall be determined as follows:
    - (a) A minimum of 3,000 square feet of land area for each dwelling unit located thereon plus 300 square feet of land area per bedroom in each dwelling unit.
    - (b) Given the integrated design and nature of the multi-use development, calculation of the allowed number of dwelling units shall consider the entire mixed-use development site.
  - (3) Placement of dwellings. No dwelling units are to be located on first floor of any building fronting on Route 116.
    - (a) Waiver Permitted. The Planning Board may grant a waiver from this provision if the finished grade declines from the front of the building to the rear of the building by an amount of no less than eight (8) feet. In such an event, the Planning Board may permit dwelling units on the ground floor of this building provided it is located to the rear of the building and the entrance is not visible from Route 116.
  - (4) No entrance to a building or dwelling shall be greater than 100 feet from an access street or drive, or greater than 200 feet from an off-street parking area which shall be located on the same lot or tract of land.

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

#### F. Minimum Development Site

- (1) The minimum parcel size for development in the Village District must be sufficient for a mixed-used building. Therefore, the minimum parcel size in the Village District is 87,120 square feet.
- (2) This minimum parcel size does not apply to a “lease pad” which may be used for placement of equipment or “minor” facilities (such as, an ATM, walk up kiosk, etc.).

#### G. Mixed Use Development

- (1) The Village District is intended to accommodate the incorporation of buildings with an internal mix of businesses and residences as well as free standing buildings which are exclusive to business or residential uses on a single parcel. However, the intent of the Village District is to have development in which varied uses are integrated together and are mutually supportive. Applicants for Site Plan Review/Design Standards Review must demonstrate how the mixture of uses supports the Village District purpose.
  - (a) Buildings with no residential occupancy must be developed and operated in common with other mixed-used and residential-only buildings in accordance with an approved site plan and management plan.
  - (b) A schedule for development of the mixed uses is to be provided as part of the Site Plan Review submission and incorporated into the Planning Board decision.
  - (c) Infrastructure is to be provided which interconnects all of the buildings and uses areas on the development site.
  - (d) There is not a mandated ratio of residential to business square footage in the Village District; however, the Planning Board may incorporate advisory guidelines regarding such ratios into their Rules and Regulations based on robust objective research and public involvement.

#### H. Parking

- (1) All developments must conform to the requirements for off-street parking and loading areas as specified in § 255-86 of this Zoning Bylaw.
- (2) Shared Parking. Consistent with the nature of New England village centers, the purposes of this § 255-52, and § 255-86, parking provisions for mixed-use developments in the Village District are encouraged to incorporate shared-parking arrangements between uses and entities. Strict application of the “provisional standards” for each use is not appropriate. Applicants for mixed-use developments shall sufficiently demonstrate that the quantity and layout of the parking plan for the proposed development is appropriate.
- (3) Parking needs for the residential dwelling units may be partially satisfied by the parking provided for the commercial building space if the Planning Board

## Attachment C

### **Proposed Zoning Bylaw and Zoning Map Amendment**

determines that the shared parking will be sufficient to meet the needs of the residential and commercial uses.

#### I. Signs

- (1) Except as provided herein, all signs are to conform to the signage requirements as specified in § 255-85 of this Zoning Bylaw.
  - (a) Exception. As part of the Site Plan Review/Design Standards Review for a mixed-use development, applicants may submit, and the Planning Board may approve a comprehensive signage plan which ensures that signage is context sensitive to the proposed development. Applicants must demonstrate to the Planning Board's satisfaction that the variations from 255-85 are supported by the proposed designs and are in keeping with the purpose of the Village District.

#### J. Design Standards

- (1) Overview and Authorization
  - (a) The Village District is intended to be developed in an architectural and integrated style compatible with the Village Commons as it exists in 2025. This site has variable grades associated with decreasing elevations as the site departs the Route 116 roadway westerly. Recognizing the intent of the District and the existing conditions, consideration of design during the plan review process is essential.
  - (b) The Planning Board may adopt and amend, by simple majority vote, Mandatory Design Standards which shall be applicable to all Projects.
  - (c) Mandatory Design Standards must be objective and not subjective, clear but sufficiently flexible to address the needs of the project, the community, and the neighborhood consistent with the Purpose of the Village District, and may only address:
    - [1] Scale and proportions of buildings;
    - [2] Alignment, width, and grade of accessways, drives, and sidewalks;
    - [3] Type and location of publicly maintained infrastructure;
    - [4] Location of building and garage entrances, off-street parking;
    - [5] Protection of significant natural site features;
    - [6] Location and design of on-site open spaces and landscaping,
    - [7] Exterior signs; and
    - [8] Screening and Buffering in relation to adjacent properties and roadways.
  - (d) Design Standards must address the topics in the context of the purpose of the Village District.
  - (e) Advisory Design Guidelines. The Planning Board may adopt suggestive design guidelines which amplify, clarify aspects of this § 255-52J and address issues which the Planning Board determines are essential to

## Attachment C

### Proposed Zoning Bylaw and Zoning Map Amendment

achieving the purpose of the district but are not adequately addressed within § 255-52.

#### (2) Design Principles

- (a) Promote family-friendly walkable village center that predominantly serves local residents and visitors while accommodating all street users;
  - (b) Pedestrian access and safety by encouraging design strategies to reduce conflicts between drivers and pedestrians;
  - (c) Reduce negative impacts on the natural environment from stormwater overflow and lighting glare or overspill;
  - (d) Support a consistent level of design for a complementary mix of uses within the Village District;
  - (e) The public realm should be characterized by street trees, street furniture, sidewalks with ample width for diverse users, and attractive furnishings and infrastructure;
  - (f) Architectural design shall be compatible with the character and scale of buildings in the Town's traditional village centers. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings. The Planning Board may take into consideration whether exterior building facades and materials are consistent with South Hadley's character. The Planning Board may consider whether the roofline is peaked or is otherwise consistent with the Town's character.
5. On the "Zoning Map" incorporated into the Zoning Bylaw by § 255-12, change the zoning on the following parcel from Business A-1, Residence A-2, and Residence A-1 to the "Village District" zoning district:

A 7.810+/- acre parcel (see Attachment A) generally referenced as "The Village Commons" and depicted on the attached ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) and more particularly described as follows:

- Bounded on the east by Hadley Street (Route 47)
- On the south by "College Street" for approximately 389 feet;
- On the south and west by parcels owned by Mount Holyoke College and depicted on Parcels 85 and 86 on Assessors

## **Attachment C**

### **Proposed Zoning Bylaw and Zoning Map Amendment**

Map 49 and Parcel 65 as depicted on Assessors Map 47;  
and,

- On the north by Parcel 64 as depicted on Assessors Map 47 and Parcels 63, 64, and 68 as depicted on Assessors Map 49.

MAR 13 2025

10 am Time

KM

CHRISTINE J. WALTON  
143 OLD LYMAN RD  
South Hadley, MA 01075

March 12, 2025

Ms. Andrea Miles, Chair  
South Hadley Selectboard and  
Ms. Lisa Wong, Town Administrator  
116 Main Street, Room M18  
South Hadley, MA 01075

Dear Ms. Miles and Ms. Wong,

This request is initiated pursuant to MGL Chapter 40A, Section 5 and § 255-6 of the South Hadley Zoning Bylaw to amend the South Hadley Zoning Map in reference to a triangular shaped parcel described herein from its current Business C zoning district to the Residence A-1 zoning district. MGL Chapter 40A, Section 5 allows “an individual owning land to be affected by” enactment of a proposed zoning bylaw amendment to initiate proposals for adoption of an amendment to the Zoning Bylaw.

I, Christine J. Walton affirm that I own the property subject to this request. The subject property is a 1.5949+/- acres triangular shaped portion of Parcel 1 as identified on Assessors Map #8 and generally depicted on the attached map. The subject 1.5949+/- acres parcel is more particularly described as follows:

- Beginning at the southwest corner of Parcel 133 on Assessors Map #8;
- Thence, running westerly a distance of approximately 740+/- feet to a point on the west line of Parcel 1 on Assessors Map #8;
- Thence, running southerly along the west line of said Parcel 1 to a point at which the Business C and the Residence A-1 zoning districts abut (a distance of approximately 175+/- feet);
- Thence, running northeasterly along a line which marks the existing division between the Business C and Residence A-1 zoning districts to the point of beginning at the southwest corner of Parcel 133 as shown on Assessors Map #8;
- Said area being approximately 1.5949± ACRES.

Wayne Walton and Dan Luis are hereby authorized to represent me regarding this petition before any and all Town Boards and bodies. Their contact information is as follows:

Wayne Walton  
8 Prospect Street  
South Hadley, MA 01075  
[waltonexc@comcast.net](mailto:waltonexc@comcast.net)  
413-626-9723

Dan Luis  
Luis Builders, Inc.  
37 Westbrook Road  
South Hadley, MA 01075  
[Luis.builders@yahoo.com](mailto:Luis.builders@yahoo.com)  
413-246-0604

I recognize this may be a bit tight, but respectfully request that this petition be incorporated into the May 2025 Annual Town Meeting Warrant and be processed accordingly.

By way of a brief background, as will be discussed further at the Planning Board public hearing, this request is being made to enable the development of a new residential development. This will expand the Town's tax base and provide new homes for residents. The portion of land subject of this request will be added to another 4.2587 +/- acres already lying in the Residence A-1 zoning district (also a portion of said Parcel 1 as identified on Assessors Map #8 and under my current ownership) to create a 5.85+ acre development site as depicted on the attached map.

I understand and acknowledge that § 255-6 of the South Hadley Zoning Bylaw provides that I, as the petitioner, am responsible for payment of the cost of notice of the public hearing. Accordingly, please have the newspaper in which the notice is published forward the bill to me.

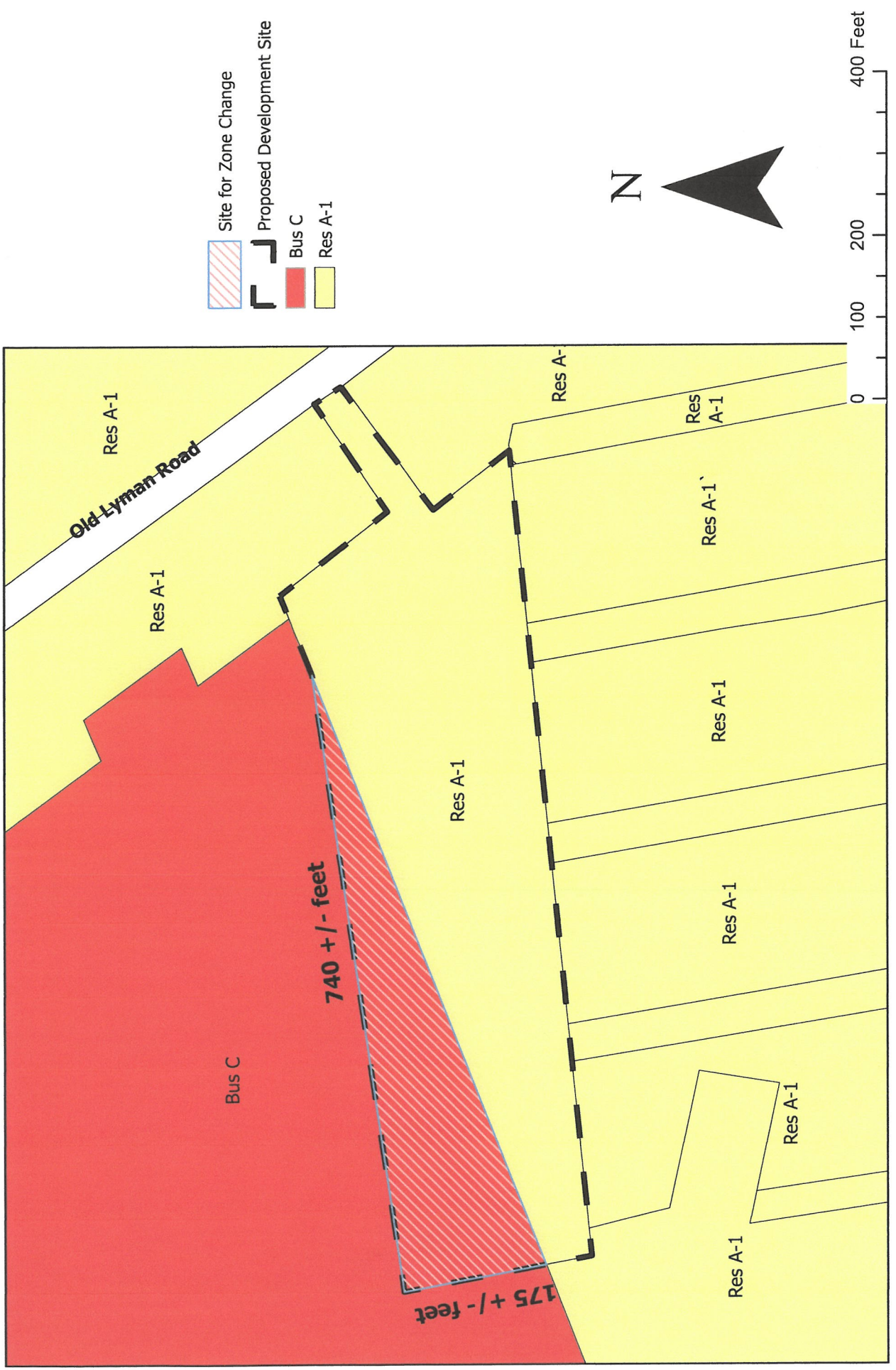
We look forward to participating in the public hearing process upon your referral of this request to the Planning Board. If you, the other members of the Selectboard, Planning Board, or the Planning Department have any questions, please feel free to reach out to either myself, Wayne, or Dan.

Thank you,



Christine J. Walton, Owner and Petitioner  
143 Old Lyman Road  
South Hadley, MA 01075

# Areas of Proposed Zone Change and Proposed Development Request by Christine Walton Change Parcel from Bus C to Res A-1



## **ARTICLE xx: CITIZEN'S PETITION -**

### **South Hadley Welcoming Community Ordinance**

I propose that the town of South Hadley adopt the following Welcoming Community Trust Ordinance:

The purpose of this ordinance is to affirm that the town of South Hadley is a welcoming community, to promote trust between community members and employees of the town of South Hadley, and to facilitate effective law enforcement and public safety policies.

Definitions:

“Town officials” refers to any South Hadley town departments and their employees and any employee of the town authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.

“Civil immigration detainer request” means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement (“ICE”) or by any other federal immigration officer or agency to a local law enforcement official either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.

“Eligible for release from custody” means that there is no judicial warrant, judicial order, or law that prevents an individual from being released from the custody of a South Hadley official.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

1. A town official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit. Nothing in this subsection shall prohibit the South Hadley Police department from using other investigatory tools to establish information about the suspect of a crime.
2. A town official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.

3. A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration **status**.
4. Equal Treatment: **South** Hadley town officials will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of South Hadley **agencies or departments**.
5. Notwithstanding sections A and C above, a person's immigration status shall not prohibit or inhibit the Town or any town official's participation in any government operation or program that confers and immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs **such as the U Visa, the T Visa, and the federal Violence Against Women Act**.
6. When an individual is eligible for release from custody, a town official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial **officer, for the individual**.
7. A town official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, of **phone number of a person in custody**.
8. To the extent permissible by law, a town official shall not perform the function of an immigration officer, whether pursuant to 8 U.S.C. section 1357(G) or any other **law, regulation, or policy, whether formal or informal**.
9. Nothing in this ordinance shall prohibit or restrain any town official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

Implementation:

1. The provisions of this ordinance shall be effective immediately upon passage.
2. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed, **promulgated, and implemented by the town and its departments**.
3. If any part of this ordinance is declared invalid for any reason, the remainder of **the ordinance shall remain in full force and effect**.

, or take any other action relative thereto: