

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF MARCH 6, 2023**

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman; Associate Member; Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the meeting to order at 6:30 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Open Comment Period

No comments were heard during the open comment period. Hattie Finkle, Amherst Road, had her 'hand raised' in the virtual meeting room but that was in error.

Agenda Item #2 --- Minutes

No minutes had been prepared for the Board's review.

Agenda Item #3 – Correspondence

The list of correspondence was sent to the Board prior to the meeting.

Agenda Item #4 ---- Illuminated Sign Request for new wall sign at White Wing Convenience Store and Gas Station, 568 Newton Street

The applicant's representative, Adam Niksa of Mass Signs, was present at the meeting.

An application had been received for a new illuminated sign along the canopy overhang at White Wing Convenience Store and Gas Station.

Director Capra met with the Building Commissioner to discuss the application. Under local zoning, an illuminated wall sign could only be placed on a principle structure. The Building Commission helped identify that a gas station canopy was considered a component of the primary structure. Therefore, an illuminated sign was permitted on the canopy under zoning.

The canopy has an existing illuminated sign so the Board would need to clarify if the new sign was replacing the existing sign. Sign illumination can take up no more than 10% of the face of the building. Therefore, all illuminated signage needs to be below that threshold. Members questioned if the space beneath the canopy was considered an 'opening' under zoning as it would impact how 10% of the building's face would be calculated.

In response to questions and comments from the Board, Adam Niksa clarified that the new illuminated canopy sign would replace the existing sign. The location's freestanding sign would remain and no changes were proposed to it at his time. The new canopy sign would show a static

projection of the current gasoline price and would only be illuminated during normal business hours.

The Board was inclined to continue the meeting to get clarity from the Building Commissioner on the definition of an ‘opening’ on a building face. It was also requested that the applicant provide updated renderings showing the dimensions of the sign and canopy to confirm compliance.

Motion: Vice-Chair Mulvaney moved to continue the public meeting to March 13, 2023 at 6:30 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #5 --- Discussion on referring draft Accessory Dwelling Unit bylaw to the Selectboard for placement on the May 2023 Town Meeting Warrant

At the Board’s previous meeting on February 27, a hearing was held to accept public comment on the draft Accessory Dwelling Unit (ADU) Bylaw.

Director Capra met with the Building Commissioner to discuss the draft bylaw and to incorporate his input. Many of the Building Commissioner’s comments related to the redundancies found in the bylaw. Many of the definitions and regulatory requirements were presented elsewhere in the zoning bylaw or protected under general law.

Following public hearing feedback, the definition of an ‘attached’ ADU was revised to no longer reflect the allowance for five feet of separation from the primary structure. Therefore, the definition of ‘attached’ in the ADU bylaw would be the same as underlying zoning. Members were still in favor of keeping the definitions of attached and detached in the ADU bylaw.

Chair Hutchison identified that there could be confusion as ‘accessory structures’ under zoning were handled differently than ‘accessory dwelling units’. The Board could consider how the presentation of the bylaw could be revised to avoid confusion.

Member Davis asked if a living unit required a kitchen. Under law, a living space was required to have a kitchen.

Clerk Brown felt the permitting threshold for detached ADUs should be higher. The current draft identified the use as allowable through Site Plan Review. However, she thought Special Permitting was a more appropriate requirement. She moved to change the permitting requirement for detached ADUs from Site Plan Review to Special Permit. Member Davis seconded the motion. As the motion was seconded, Chair Hutchison opened up the topic for discussion. During discussion of the motion, members were generally not supportive of creating further exclusionary hurdles in permitting detached ADUs.

Motion: Clerk Brown moved to change the permitting requirement for detached Accessory Dwelling Units under the current draft bylaw from Site Plan Review to Special Permit. Member Davis seconded the motion. One (1) out of five (5) members voted in favor of the motion

through roll call. Clerk Brown was the only member to vote in favor of the motion. The motion did not pass.

Director Capra continued to review the changes incorporated into the current drafts as presented in the Board's background materials. Initially, it was thought that requiring a deed reference to ensure homeowner occupancy would require too much administrative tracking. However, the Building Commissioner was supportive of the language so it was brought back into the draft. The requirement for future zoning conformity was removed as it legally could not be required.

Member Therien addressed a comment received from the public relating to occupancy limits. The bylaw identified that no more than 3 people could reside in an ADU but a 3-person family could easily become a 4-person family with the addition of a baby. Members decided to keep the language as it offered assurance to those concerned for the negative impacts of ADUs.

Chair Hutchison questioned if the language referencing height limitations needed additional clarity. The bylaw identified a maximum height limitation of 1 and ½ stories but he was concerned that the requirement would cause confusion. However, members indicated support for the language as the intention was that ADUs could not be two stories. The language was unchanged.

Chair Hutchison recommended that the Zoning Use Table should be amended to provide a footnote directing readers to the ADU bylaw. As 'accessory' uses were already identified in the bylaw, it could be confusing that ADUs have different requirements than other accessory uses.

Motion: Vice-Chair Mulvaney moved to accept the revisions to the draft ADU Bylaw that included adding footnotes to the use regulation schedule when an accessory use was identified to indicate that ADUs had different regulatory requirements and the ADU section of the zoning bylaw should be consulted. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Clerk Brown expressed concern that her dissenting opinions on the ADU bylaw had not been effectively represented. Director Capra stated that a report to Town Meeting would be drafted regarding the bylaw. If desired, Clerk Brown could include a comment letter in the report.

Motion: Vice-Chair Mulvaney moved to submit the current draft of the Accessory Dwelling Unit Bylaw to the Selectboard to be considered for placement on the May 2023 Town Meeting Warrant. Member Therien seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Agenda Item #6 --- Planning & Conservation Department Report on Planning Projects and Development Updates

Director Capra reviewed the following items:

- *Skinnerwoods Flexible Development*- A site visit was conducted following the issuance of an amended special permit. Rebar pins had been placed to demarcate the designated Open Space area.

- *Remote Meetings* – The provision allowing remote open meetings is set to expire on March 31. The State House and Senate were working on passing legislation but it was unknown if it would pass in time for the Board’s first meeting in April.
- *Housing Production Plan* – The Advisory Committee was currently reviewing the draft Housing Needs Assessment

Agenda Item #7 --- Other New Business

There was no new business to discuss.

Agenda Item #8 --- Adjournment

Motion: Vice-Chair Mulvaney moved to adjourn the meeting. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The meeting adjourned at 8:52 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Illuminated Sign Request	Planning Files
March 6 ADU Bylaw Working Draft	Planning Files
February 27 letter from Linda Sachs, 193 Woodbridge Street	Attached
February 27 letter from Lucia Foley, 60 Shadowbrook Estates	Attached
February 27 email from Marion Canning, Lyman Street	Attached
February 28 email from John Hine, 39 Chestnut Hill Road	Attached
March 6 letter from Preston Smith, 95 Woodbridge Street	Attached
March 6 letter from Martha Terry, 25 Brainard Street	Attached
March 5 email from Kay Clausewitz, 43 Mountain Ave	Attached