

COMMONWEALTH OF MASSACHUSETTS  
SOUTH HADLEY, MASSACHUSETTS

WARRANT  
Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the ANNUAL TOWN MEETING will be held in the TOWN HALL AUDITORIUM on Wednesday May 9, 2018 at 6:15 PM or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following articles:

ARTICLE 1. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2018, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 2. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during Fiscal Year 2019, as permitted by Massachusetts General Laws Chapter 44, Section 53 (F), or take any other action relative thereto.

ARTICLE 3. To see if the Town will vote to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2019 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Selectboard to apply for and accept such federal or state grants or monies as may be available and to authorize the Selectboard to expend any funds received there from in accordance with the terms of said grants, or take any other action relative thereto.

ARTICLE 5. To see if the Town will vote to accept a sum of money for highway improvements under the authority of Massachusetts General Laws Chapter 90 and other applicable law; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing, or by any combination of these methods; authorize the Selectboard to apply for, accept, expend and borrow in anticipation of state aid for such projects, or take any other action relative thereto.

ARTICLE 6. To see if the Town will vote to fix the salary and compensation of the following elective officers of the Town of South Hadley during fiscal year 2019 as provided by

Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectboard Members, Assessors, or take any other action relative thereto.

ARTICLE 7. To see if the Town will vote to reauthorize the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½ , to establish in the Town Treasury a revolving fund, which shall be kept separate and apart from all other monies by the Treasurer, and in which shall be deposited the receipts received that may be spent by the Selectboard or its designee, without further appropriation during fiscal year 2019 for the continued support and maintenance of Buttery Brook Park, or take any other action relative thereto.

ARTICLE 8. To see if the Town will vote to raise and appropriate and transfer from available funds the sum of \$45,120,999 or a greater or lesser sum, to constitute the Operating Budget for fiscal year 2019 as more specifically set forth in "Appendix A" as attached, or take any other action relative thereto.

ARTICLE 9; To see if the Town will vote to allow the Selectboard to enter into a contract not to exceed ten (10) years for the operation and maintenance of all services and functions of the Ledges Golf Course consistent with IRS Code 26 CFR 601.601 and all other state and federal regulations relative to municipal contracts, or take other action relative thereto.

ARTICLE 10. To see if the Town will raise and appropriate and/or transfer from Unreserved Free Cash or other available funds the sum of \$40,000 for the purpose of Phase II improvements to Canal Park/Ted Belsky Outlook, or take any other action relative thereto.

ARTICLE 11. To see if the Town will establish a by-law to annually test water in public buildings and other municipal facilities using a third party. The tests should be a sampling of appliances and systems which could likely and/or reasonably present a health consequence for the public. A report for all testing should be available on the Town of South Hadley website and a copy posted in each building participating in said test. The Health Director may re-test any appliances or system and subsequently instruct the municipal agent in control of a building or facility which does not meet the health and safety standards set forth to take immediate action to mitigate the exposure to the public. This testing should be overseen and regulations promulgated by the South Hadley Board of Health and consistent with the Massachusetts Department of Environmental Protection and as expressed in Appendix "B" or take any other action relative thereto.

ARTICLE 12. To see if the Town will raise and appropriate and/or transfer from Unreserved Free Cash or other available funds the sum of \$10,000 to be used by the Board of Health to begin tests for water in fiscal year 2019 or take any other action relative thereto.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer from Unreserved Free Cash the sum of \$42,000 to procure and purchase a Police Cruiser, or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to authorize the Selectboard to borrow \$9,800,000 for the purpose of designing and constructing a new Senior Center at 47 Dayton Street, or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from the Stabilization Fund or other available funds \$400,000 to complete a full design, bid documents and other related pre-construction costs for a Senior Center at 47 Dayton Street, or take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to increase the Board of Health from three (3) to four (4) elected members with the Health Director acting as the fifth member and by adding one member to a three year term by annual election to be held April 2019. All terms would be three year terms beyond fore mentioned annual election, unless otherwise prescribed by law, or take any other action relative thereto.

ARTICLE 17. To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Solar Photovoltaic by amending: Section 255-10, Terms Defined, to insert various new terms and their definitions and to reorder the various terms alphabetically; in Section 255-19 Use Regulations Schedule by inserting new uses related to Solar Photovoltaic Installations, and in Article VII, Supplemental District Regulations, by inserting a new Section 255-48 Solar Photovoltaic Installations as detailed in the Planning Board's Report to Town Meeting or take any other action relative thereto. (PB) Appendix "C"

ARTICLE 18. To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Renewable Energy by amending: Section 255-10, Terms Defined, to insert various new terms and their definitions and to reorder the various terms alphabetically and in Section 255-19 Use Regulations Schedule by inserting new uses related to Renewable Energy, as detailed in the Planning Board's Report to Town Meeting or take any other action relative thereto. (PB) Appendix "D"

ARTICLE 19. To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Signs by amending: Section 255-10, Terms Defined, to insert a new term "Residential Development Sign" and its definition and to reorder the various terms alphabetically and in Subsection 255-85; Subpart "B" by inserting additional paragraphs for Residential Development Signs detailing the standards and provisions for such signs as detailed in the Planning Board's Report to Town Meeting or take any other action relative thereto. (PB) Appendix "E"

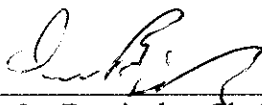
Article 20. To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in Article IV Districts, Section 255-15 Overlay Districts, by including an Overlay District entitled South Hadley Falls Smart Growth District; and Article VII Supplemental District Regulations, Section 255-23(A) General Regulations that Apply to All Smart Growth Zoning Districts by generally correcting references to Section 255-23 and its subsections and by incorporating additional language and revisions to the various subsections 255-23(A)(1) through 255-23(A)(17); and Article VII Supplemental District Regulations, Section 255-23(B) Establishment and Delineation of Smart Growth Zoning Districts in Subsection 255-23(B)(1) South Hadley Falls Smart Growth Zoning District Paragraph 255-23(B)(1)(b)[1] Allowed Uses to clarify the

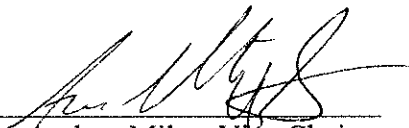
uses allowed as part of a Mixed Use Development and Paragraph 255-23(c)(3) as detailed in the Planning Board's Report to Town Meeting or take any other action relative thereto. (PB) Appendix "E".

ARTICLE 21. To see if the Town will vote to amend in the Zoning By-Law Article IV Districts Subsection 255-15 Overlay Districts, by including an Overlay District entitled Newton Street Smart Growth District; Article VII Supplemental District Regulations, Subsection 255-123 South Hadley Smart Growth Districts by inserting a new Subpart (C) Newton Street Smart Growth District, (pursuant to M.G.L. Chapter 40R and 760 CMR 59.00 and M.G.L. Chapter 40S) as detailed in the Planning Board's Report to Town Meeting or take any other action relative thereto. (PB) Appendix "G"

ARTICLE 22. To see if the Town will vote to amend the Zoning Map to delineate the boundaries of the new Newton Street Smart Growth District as detailed in the Planning Board's Report to Town Meeting, or take any other action relative thereto. (PB) Appendix "H"

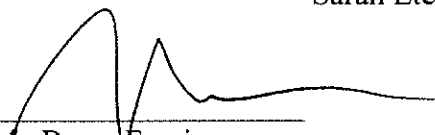
Given under our hands this 19th day of April 2018:

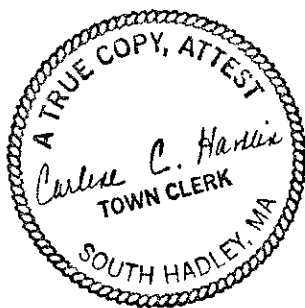
  
\_\_\_\_\_  
Ira Brezinsky, Chair

  
\_\_\_\_\_  
Andrea Miles, Vice Chair

  
\_\_\_\_\_  
Jeff Cyr, Clerk

  
\_\_\_\_\_  
Sarah Etelman

  
\_\_\_\_\_  
Bruce Forcier



**SELECTBOARD  
TOWN OF SOUTH HADLEY**

**FY2019 Summary Budget Request**

**Appendix "A"**

|   | FY16        | FY17        | FY18        | FY19       | FY19           |
|---|-------------|-------------|-------------|------------|----------------|
| Department                              | Expended    | Expended    | Budgeted    | Requested  | TA Recommended |
| <b>1220 Selectboard</b>                 |             |             |             |            |                |
| Selectboard-Personnel Services          | \$ 282,361  | \$ 283,840  | \$ 287,647  | \$ 287,145 | \$ 286,645     |
| Selectboard-Other Expenses              | \$ 55,241   | \$ 34,866   | \$ 29,900   | \$ 23,200  | \$ 23,200      |
| Total Selectboard                       | \$ 337,602  | \$ 318,706  | \$ 317,547  | \$ 310,345 | \$ 309,845     |
| <b>1250 Cable Access</b>                |             |             |             |            |                |
| Cable Access-Personnel Services         | \$ 79,000   | \$ 80,910   | \$ 87,000   | \$ 81,433  | \$ 84,933      |
| Cable Access-Other Expenses             | \$ 53,160   | \$ 25,654   | \$ 25,700   | \$ 25,700  | \$ 25,700      |
| Total Cable Access                      | \$ 132,160  | \$ 106,564  | \$ 112,700  | \$ 107,133 | \$ 110,633     |
| <b>1320 Reserve Fund</b>                |             |             |             |            |                |
| Total Reserve Fund                      | \$ 20,033   | \$ -        | \$ 20,000   | \$ 20,000  | \$ 20,000      |
| <b>1350 Accountant/Auditor</b>          |             |             |             |            |                |
| Accounting/Auditing- Personnel Services | \$ 182,092  | \$ 185,516  | \$ 193,213  | \$ 196,519 | \$ 201,619     |
| Accounting/Auditing- Other Expenses     | \$ 60       | \$ -        | \$ 160      | \$ 160     | \$ 160         |
| Total Accounting/Auditing               | \$ 182,152  | \$ 185,516  | \$ 193,373  | \$ 196,679 | \$ 201,779     |
| <b>1360 Wage and Classification</b>     |             |             |             |            |                |
| Merit Plan                              | \$ 76,545   | \$ 52,000   | \$ 96,000   | \$ 65,000  | \$ 65,000      |
| Transferred/Expended                    | \$ (66,446) | \$ (47,422) | \$ (65,523) | \$ -       | \$ -           |
| Total Wage and Classification           | \$ 10,099   | \$ 4,578    | \$ 30,477   | \$ 65,000  | \$ 65,000      |
| <b>1370 Human Resources</b>             |             |             |             |            |                |
| Human Resources Personnel Services      | \$ 43,395   | \$ 43,086   | \$ 55,994   | \$ 49,500  | \$ 49,500      |
| Human Resources Other Expenses          | \$ 46,583   | \$ 49,898   | \$ 47,900   | \$ 47,900  | \$ 50,200      |
| Total Human Resources                   | \$ 89,978   | \$ 92,984   | \$ 103,894  | \$ 97,400  | \$ 99,700      |
| <b>1410 Assessor</b>                    |             |             |             |            |                |
| Assessor-Personnel Services             | \$ 133,008  | \$ 133,714  | \$ 133,699  | \$ 133,694 | \$ 133,694     |
| Assessor-Other Expenses                 | \$ 39,774   | \$ 41,183   | \$ 41,810   | \$ 41,810  | \$ 41,810      |
| Total Assessor                          | \$ 172,782  | \$ 174,897  | \$ 175,509  | \$ 175,504 | \$ 175,504     |
| <b>1460 Collector/Treasurer</b>         |             |             |             |            |                |
| Collector/Treasurer-Personnel Services  | \$ 162,548  | \$ 193,602  | \$ 192,546  | \$ 140,102 | \$ 151,500     |
| Collector/Treasurer-Other Expenses      | \$ 41,398   | \$ 50,881   | \$ 53,750   | \$ 62,733  | \$ 62,733      |
| Total Collector/Treasurer               | \$ 203,946  | \$ 244,483  | \$ 246,296  | \$ 202,835 | \$ 214,233     |

## FY2019 Summary Budget Request

| Department                                | FY16<br>Expended | FY17<br>Expended | FY18<br>Budgeted | FY19<br>Requested | FY19<br>TA Recommended |
|---|------------------|------------------|------------------|-------------------|------------------------|
| <b>1490 Town Audit</b>                    |                  |                  |                  |                   |                        |
| Total Town Audit                          | \$ 29,000        | \$ 31,500        | \$ 32,500        | \$ 33,000         | \$ 33,000              |
| <b>1500 Town Clerk</b>                    |                  |                  |                  |                   |                        |
| Town Clerk-Personnel Services             | \$ 73,723        | \$ 76,957        | \$ 106,113       | \$ 117,613        | \$ 120,000             |
| Town Clerk-Other Expenses                 | \$ 4,936         | \$ 4,088         | \$ 6,600         | \$ 7,500          | \$ 10,000              |
| Total Town Clerk                          | \$ 78,659        | \$ 81,045        | \$ 112,713       | \$ 125,113        | \$ 130,000             |
| <b>1510 Legal Services</b>                |                  |                  |                  |                   |                        |
| Legal Services-Personnel Services         | \$ 2,600         | \$ 2,600         | \$ 2,600         | \$ 2,600          | \$ 2,600               |
| Legal Services-Other Expenses             | \$ 11,335        | \$ 33,182        | \$ 62,000        | \$ 53,500         | \$ 58,000              |
| Total Legal Services                      | \$ 13,935        | \$ 35,782        | \$ 64,600        | \$ 56,100         | \$ 60,600              |
| <b>1550 Information Technology</b>        |                  |                  |                  |                   |                        |
| Information Technology-Personnel Services | \$ 56,912        | \$ 59,339        | \$ 61,111        | \$ 61,111         | \$ 63,546              |
| Information Technology-Other Expenses     | \$ 173,200       | \$ 173,205       | \$ 224,060       | \$ 239,187        | \$ 239,187             |
| Total Information Technology              | \$ 230,112       | \$ 232,544       | \$ 285,171       | \$ 300,298        | \$ 302,733             |
| <b>1620 Elections</b>                     |                  |                  |                  |                   |                        |
| Elections-Personnel Services              | \$ 21,825        | \$ 28,302        | \$ 23,700        | \$ 31,500         | \$ 21,000              |
| Elections-Other Expenses                  | \$ 13,561        | \$ 14,799        | \$ 12,300        | \$ 18,075         | \$ 17,600              |
| Total Elections                           | \$ 35,386        | \$ 43,101        | \$ 36,000        | \$ 49,575         | \$ 38,600              |
| <b>1750 Planning Board/Conservation</b>   |                  |                  |                  |                   |                        |
| Planning Board-Personnel Services         | \$ 163,298       | \$ 164,093       | \$ 204,291       | \$ 195,541        | \$ 198,533             |
| Planning Board-Other Expenses             | \$ 2,724         | \$ 3,211         | \$ 43,535        | \$ 69,400         | \$ 32,750              |
| Total Planning Board                      | \$ 166,022       | \$ 167,304       | \$ 247,826       | \$ 264,941        | \$ 231,283             |
| <b>1920 Public Building Maintenance</b>   |                  |                  |                  |                   |                        |
| Total Building Maintenance                | \$ 206,866       | \$ 261,521       | \$ 262,430       | \$ 267,730        | \$ 267,730             |
| <b>1930 Internal Service Fund</b>         |                  |                  |                  |                   |                        |
| Total Internal Service Fund               | \$ 13,951        | \$ 9,874         | \$ 13,000        | \$ 13,000         | \$ 12,000              |

**FY2019 Summary Budget Request**

|   | <b>FY16</b>     | <b>FY17</b>     | <b>FY18</b>     | <b>FY19</b>      | <b>FY19</b>           |
|---|-----------------|-----------------|-----------------|------------------|-----------------------|
| <b>Department</b>                             | <b>Expended</b> | <b>Expended</b> | <b>Budgeted</b> | <b>Requested</b> | <b>TA Recommended</b> |
| <b>1950 Town Reports</b>                      |                 |                 |                 |                  |                       |
| Total Town Reports                            | \$ 2,171        | \$ 2,228        | \$ 2,500        | \$ 2,800         | \$ 2,800              |
| <b>2100 Police</b>                            |                 |                 |                 |                  |                       |
| Police-Personnel Services                     | \$ 2,437,249    | \$ 2,321,084    | \$ 2,419,457    | \$ 2,471,672     | \$ 2,468,772          |
| Police-Other Expenses                         | \$ 237,539      | \$ 249,135      | \$ 251,883      | \$ 259,290       | \$ 258,865            |
| Total Police                                  | \$ 2,674,788    | \$ 2,570,219    | \$ 2,671,340    | \$ 2,730,962     | \$ 2,727,637          |
| <b>2410 Inspection Services</b>               |                 |                 |                 |                  |                       |
| Inspection Services-Personnel Services        | \$ 133,849      | \$ 151,094      | \$ 162,320      | \$ 162,717       | \$ 167,222            |
| Inspection Services-Other Expenses            | \$ 2,900        | \$ 4,711        | \$ 5,100        | \$ 11,550        | \$ 11,550             |
| Total Inspection Services                     | \$ 136,749      | \$ 155,805      | \$ 167,420      | \$ 174,267       | \$ 178,772            |
| <b>2440 Weights and Measures</b>              |                 |                 |                 |                  |                       |
| Weights and Measures-Personnel Services       | \$ 6,215        | \$ 6,215        | \$ 6,215        | \$ 6,215         | \$ 6,215              |
| Weights and Measures-Other Expenses           | \$ 312          | \$ 102          | \$ 300          | \$ 360           | \$ 360                |
| Total Weights and Measures                    | \$ 6,527        | \$ 6,317        | \$ 6,515        | \$ 6,575         | \$ 6,575              |
| <b>2940 Tree Warden</b>                       |                 |                 |                 |                  |                       |
| Tree Warden-Personnel Services                | \$ 30,000       | \$ 29,982       | \$ 30,000       | \$ 30,000        | \$ 30,000             |
| Tree Warden-Other Expenses                    | \$ 58,875       | \$ 65,131       | \$ 64,800       | \$ 64,500        | \$ 64,500             |
| Total Tree Warden                             | \$ 88,875       | \$ 95,113       | \$ 94,800       | \$ 94,500        | \$ 94,500             |
| <b>4210 DPW:Administration</b>                |                 |                 |                 |                  |                       |
| DPW:Administration-Personnel Services         | \$ 184,500      | \$ 184,773      | \$ 192,714      | \$ 193,712       | \$ 193,712            |
| DPW:Administration-Other Expenses             | \$ 53,043       | \$ 65,080       | \$ 67,355       | \$ 67,355        | \$ 77,965             |
| Total DPW: Administration                     | \$ 237,543      | \$ 249,853      | \$ 260,069      | \$ 261,067       | \$ 271,677            |
| <b>4220 DPW: Construction and Maintenance</b> |                 |                 |                 |                  |                       |
| DPW: Constr and Mtce-Personnel Services       | \$ 302,006      | \$ 307,487      | \$ 357,908      | \$ 362,160       | \$ 362,160            |
| DPW:Constr and Mtce-Other Expenses            | \$ 96,043       | \$ 88,190       | \$ 105,700      | \$ 105,700       | \$ 107,900            |
| Total DPW: Construction and Maintenance       | \$ 398,049      | \$ 395,677      | \$ 463,608      | \$ 467,860       | \$ 470,060            |
| <b>4230 Snow and Ice Removal</b>              |                 |                 |                 |                  |                       |
| Snow and Ice-Personnel Services               | \$ 17,134       | \$ 60,803       | \$ 20,380       | \$ 20,380        | \$ 20,380             |
| Snow and Ice-Other Expenses                   | \$ 110,274      | \$ 300,708      | \$ 79,631       | \$ 79,632        | \$ 79,632             |
| Total Snow and Ice Removal                    | \$ 127,408      | \$ 361,511      | \$ 100,011      | \$ 100,012       | \$ 100,012            |

**FY2019 Summary Budget Request**

|                                      | <b>FY16</b>     |    | <b>FY17</b>     |    | <b>FY18</b>     |    | <b>FY19</b>      |    | <b>FY19</b>           |
|--------------------------------------|-----------------|----|-----------------|----|-----------------|----|------------------|----|-----------------------|
| <b>Department</b>                    | <b>Expended</b> |    | <b>Expended</b> |    | <b>Budgeted</b> |    | <b>Requested</b> |    | <b>TA Recommended</b> |
| <b>4240 Street Lighting</b>          |                 |    |                 |    |                 |    |                  |    |                       |
| Total Street Lighting                | \$ 105,476      | \$ | 101,917         | \$ | 103,500         | \$ | 101,000          | \$ | 101,000               |
| <b>4910 DPW: Vehicle Maintenance</b> |                 |    |                 |    |                 |    |                  |    |                       |
| DPW: Vehicle Mtce-Personnel Services | \$ 50,741       | \$ | 50,801          | \$ | 51,356          | \$ | 52,374           | \$ | 52,374                |
| DPW: Vehicle Mtce-Other Expenses     | \$ 100,868      | \$ | 99,438          | \$ | 103,000         | \$ | 103,000          | \$ | 100,000               |
| Total DPW: Vehicle Maintenance       | \$ 151,609      | \$ | 150,239         | \$ | 154,356         | \$ | 155,374          | \$ | 152,374               |
| <b>5110 Board of Health</b>          |                 |    |                 |    |                 |    |                  |    |                       |
| Board of Health-Personnel Services   | \$ 143,956      | \$ | 146,277         | \$ | 152,313         | \$ | 153,818          | \$ | 153,495               |
| Board of Health-Other Expenses       | \$ 41,924       | \$ | 34,203          | \$ | 52,950          | \$ | 56,000           | \$ | 59,010                |
| Total Board of Health                | \$ 185,880      | \$ | 180,480         | \$ | 205,263         | \$ | 209,818          | \$ | 212,505               |
| <b>5410 Council on Aging</b>         |                 |    |                 |    |                 |    |                  |    |                       |
| Council on Aging-Personnel Services  | \$ 287,799      | \$ | 263,183         | \$ | 294,153         | \$ | 314,914          | \$ | 315,099               |
| Council on Aging-Other Expense       | \$ 91,111       | \$ | 88,835          | \$ | 98,910          | \$ | 102,110          | \$ | 94,350                |
| Total Council on Aging               | \$ 378,910      | \$ | 352,018         | \$ | 393,063         | \$ | 417,024          | \$ | 409,449               |
| <b>5430 Veterans' Services</b>       |                 |    |                 |    |                 |    |                  |    |                       |
| Total Veterans' Services             | \$ 357,213      | \$ | 338,434         | \$ | 360,500         | \$ | 360,500          | \$ | 360,500               |
| <b>6100 Library</b>                  |                 |    |                 |    |                 |    |                  |    |                       |
| Library-Personnel Services           | \$ 419,259      | \$ | 422,111         | \$ | 465,247         | \$ | 465,583          | \$ | 465,583               |
| Library-Other Expenses               | \$ 197,392      | \$ | 230,394         | \$ | 244,675         | \$ | 251,050          | \$ | 246,550               |
| Total Library                        | \$ 616,651      | \$ | 652,505         | \$ | 709,922         | \$ | 716,633          | \$ | 712,133               |
| <b>6300 Recreation</b>               |                 |    |                 |    |                 |    |                  |    |                       |
| Recreation-Personnel Services        | \$ 99,742       | \$ | 111,908         | \$ | 124,700         | \$ | 124,701          | \$ | 124,701               |
| Recreation-Other Expenses            | \$ 1,201        | \$ | -               | \$ | 1,050           | \$ | 1,050            | \$ | 1,040                 |
| Total Recreation                     | \$ 100,943      | \$ | 111,908         | \$ | 125,750         | \$ | 125,751          | \$ | 125,741               |
| <b>6500 DPW:Parks</b>                |                 |    |                 |    |                 |    |                  |    |                       |
| DPW:Parks-Personnel Services         | \$ 272,305      | \$ | 284,164         | \$ | 291,234         | \$ | 257,781          | \$ | 257,781               |
| DPW:Parks-Other Expenses             | \$ 126,988      | \$ | 133,479         | \$ | 138,085         | \$ | 138,085          | \$ | 138,085               |
| Total DPW: Parks                     | \$ 399,293      | \$ | 417,643         | \$ | 429,319         | \$ | 395,866          | \$ | 395,866               |

**FY2019 Summary Budget Request**

| <b>Department</b>                     | <b>FY16</b>     | <b>FY17</b>     | <b>FY18</b>     | <b>FY19</b>      | <b>FY19</b>           |
|---------------------------------------|-----------------|-----------------|-----------------|------------------|-----------------------|
|                                       | <b>Expended</b> | <b>Expended</b> | <b>Budgeted</b> | <b>Requested</b> | <b>TA Recommended</b> |
| <b>6510 Canal Park Committee</b>      |                 |                 |                 |                  |                       |
| Total Canal Park Committee            | \$ 870          | \$ 741          | \$ 2,500        | \$ 2,500         | \$ 2,500              |
| <b>6710 Old Firehouse Museum</b>      |                 |                 |                 |                  |                       |
| Total Old Firehouse Museum            | \$ 5,838        | \$ 5,071        | \$ 7,680        | \$ 6,335         | \$ 6,335              |
| <b>7110 Retirement of Debt</b>        |                 |                 |                 |                  |                       |
| Total Principal: Long-Term Debt       | \$ 2,905,159    | \$ 2,911,471    | \$ 2,911,406    | \$ 2,137,486     | \$ 2,137,486          |
| <b>7510 Interest: Long-Term Debt</b>  |                 |                 |                 |                  |                       |
| Total Interest: Long-Term Debt        | \$ 1,297,005    | \$ 1,247,636    | \$ 978,283      | \$ 988,540       | \$ 988,540            |
| <b>7520 Interest: Short-Term Debt</b> |                 |                 |                 |                  |                       |
| Total Interest: Short-Term Debt       | \$ 9,146        | \$ 163,396      | \$ 336,861      | \$ 51,992        | \$ 51,992             |
| <b>9110 Retirement</b>                |                 |                 |                 |                  |                       |
| Total Retirement                      | \$ 2,503,500    | \$ 2,674,901    | \$ 2,787,457    | \$ 2,869,344     | \$ 2,869,344          |
| <b>9130 Unemployment Compensation</b> |                 |                 |                 |                  |                       |
| Total Unemployment Insurance          | \$ 107,251      | \$ 81,979       | \$ 110,000      | \$ 100,000       | \$ 100,000            |
| <b>9140 Group Health Insurance</b>    |                 |                 |                 |                  |                       |
| Total Group Health Insurance          | \$ 3,683,632    | \$ 3,956,824    | \$ 4,452,000    | \$ 4,476,800     | \$ 4,738,800          |
| <b>9160 Fica/Medicare</b>             |                 |                 |                 |                  |                       |
| Total Fica/Medicare                   | \$ 325,713      | \$ 341,500      | \$ 340,000      | \$ 390,000       | \$ 375,000            |
| <b>9450 Liability Insurance</b>       |                 |                 |                 |                  |                       |
| Total Liability Insurance             | \$ 238,323      | \$ 266,494      | \$ 271,000      | \$ 272,360       | \$ 270,360            |
| <b>2950 Ct. River Channel Marker</b>  |                 |                 |                 |                  |                       |
| Total Ct. River Channel Marker        | \$ 3,500        | \$ 3,500        | \$ 3,500        | \$ 3,500         | \$ 3,500              |
| <b>4340 DPW: Landfill</b>             |                 |                 |                 |                  |                       |
| DPW:Landfill-Personnel Services       | \$ 108,536      | \$ 92,720       | \$ 92,365       | \$ 96,925        | \$ 94,162             |
| DPW:Landfill-Other Expenses           | \$ 1,013,701    | \$ 896,116      | \$ 925,378      | \$ 936,378       | \$ 920,678            |
| Total DPW: Landfill                   | \$ 1,122,237    | \$ 988,836      | \$ 1,017,743    | \$ 1,033,303     | \$ 1,014,840          |

**FY2019 Summary Budget Request**

|   | FY16          | FY17          | FY18          | FY19          | FY19           |
|---|---------------|---------------|---------------|---------------|----------------|
| Department                              | Expended      | Expended      | Budgeted      | Requested     | TA Recommended |
| <b>4360 DPW:Sewerage</b>                |               |               |               |               |                |
| TOTAL DPW:Sewerage                      | \$ 53,871     | \$ 57,686     | \$ 57,400     | \$ 57,400     | \$ 57,400      |
| <b>4430 DPW:Water Pollution Control</b> |               |               |               |               |                |
| DPW:WWTP-Personnel Services             | \$ 388,956    | \$ 394,653    | \$ 404,521    | \$ 451,237    | \$ 451,237     |
| DPW:WWTP-Other Expenses                 | \$ 599,374    | \$ 719,495    | \$ 752,950    | \$ 752,950    | \$ 753,300     |
| Total DPW: Water Pollution Control      | \$ 988,330    | \$ 1,114,148  | \$ 1,157,471  | \$ 1,204,187  | \$ 1,204,537   |
| <b>6800 Ledges Golf Course</b>          |               |               |               |               |                |
| Ledges-Personnel Services               | \$ 141,113    | \$ 138,443    | \$ 122,500    | \$ 104,000    | \$ 60,000      |
| Ledges-Other Expenses                   | \$ 812,622    | \$ 788,626    | \$ 782,034    | \$ 796,618    | \$ 489,800     |
| Total Ledges Golf Course                | \$ 953,735    | \$ 927,069    | \$ 904,534    | \$ 900,618    | \$ 549,800     |
| <b>6810:Valley View @ Ledges</b>        |               |               |               |               |                |
| Valley View @ Ledges-Personnel Services | \$ 114,243    | \$ 141,075    | \$ 124,000    | \$ 119,000    | \$ 71,000      |
| Valley View @ Ledges-Other Services     | \$ 150,495    | \$ 155,136    | \$ 146,550    | \$ 148,550    | \$ 108,400     |
| Total Valley View @ Ledges              | \$ 264,738    | \$ 296,211    | \$ 270,550    | \$ 267,550    | \$ 179,400     |
| <b>SCHOOL</b>                           |               |               |               |               |                |
| Personnel                               | \$ 15,329,975 | \$ 15,576,286 | \$ 15,898,661 | \$ -          | \$ -           |
| Expense                                 | \$ 4,806,273  | \$ 4,841,845  | \$ 4,589,116  | \$ -          | \$ -           |
| Tuitions                                | \$ 386,011    | \$ 359,198    | \$ 426,290    | \$ -          | \$ -           |
| <b>Total School</b>                     | \$ 20,522,259 | \$ 20,777,329 | \$ 20,914,067 | \$ 21,251,924 | \$ 21,251,924  |
| <b>Conservation Land Fund</b>           |               |               |               |               |                |
| Conservation Land Fund                  | \$ 94         | \$ -          | \$ 5,000      | \$ 5,000      | \$ 5,000       |
| <b>Workers' Compensation</b>            |               |               |               |               |                |
| Total Workers' Compensation             | \$ 181,600    | \$ 154,020    | \$ 200,000    | \$ 150,000    | \$ 150,000     |
| <b>Injured on Duty</b>                  |               |               |               |               |                |
| Total Injured on Duty                   | \$ 59,361     | \$ 55,292     | \$ 40,000     | \$ 70,000     | \$ 70,000      |
| <b>Stabilization</b>                    |               |               |               |               |                |
| Total Stabilization                     | \$ -          | \$ -          | \$ 150,000    | \$ 100,000    | \$ 100,000     |
| <b>Capital Stabilization</b>            |               |               |               |               |                |
| Total Capital Stabilization             | \$ -          | \$ -          | \$ 200,000    | \$ 100,000    | \$ 100,000     |

## FY2019 Summary Budget Request

| Department                         | FY16<br>Expended     | FY17<br>Expended     | FY18<br>Budgeted     | FY19<br>Requested    | FY19<br>TA Recommended |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|------------------------|
| <b>OPEB</b>                        |                      |                      |                      |                      |                        |
| Total OPEB                         | \$ -                 | \$ -                 | \$ 480,000           | \$ 100,000           | \$ 100,000             |
| <b>Senior Center Stabilization</b> |                      |                      |                      |                      |                        |
| Total Sr. Ctr Stabilization        | \$ -                 | \$ -                 | \$ 200,000           | \$ 200,000           | \$ 200,000             |
|                                    |                      |                      |                      |                      |                        |
| <i>Total General Fund</i>          | \$ 18,967,205        | \$ 19,782,280        | \$ 20,699,159        | \$ 19,900,019        | \$ 20,134,598          |
| <i>Total Misc. Trust</i>           | \$ 241,055           | \$ 209,312           | \$ 1,275,000         | \$ 725,000           | \$ 725,000             |
| <i>Total Receipts Reserved</i>     | \$ 3,500             | \$ 3,500             | \$ 3,500             | \$ 3,500             | \$ 3,500               |
| <i>Total DPW: Landfill</i>         | \$ 1,122,237         | \$ 988,836           | \$ 1,017,743         | \$ 1,033,303         | \$ 1,014,840           |
| <i>Total DPW: WWTP</i>             | \$ 1,042,201         | \$ 1,171,834         | \$ 1,214,871         | \$ 1,261,587         | \$ 1,261,937           |
| <i>Total Ledges</i>                | \$ 1,218,473         | \$ 1,223,280         | \$ 1,175,084         | \$ 1,168,168         | \$ 729,200             |
| <i>Total School</i>                | <u>\$ 20,522,259</u> | <u>\$ 20,777,329</u> | <u>\$ 20,914,067</u> | <u>\$ 21,251,924</u> | <u>\$ 21,251,924</u>   |
|                                    | <b>\$ 43,116,930</b> | <b>\$ 44,156,371</b> | <b>\$ 46,299,424</b> | <b>\$ 45,343,501</b> | <b>\$ 45,120,999</b>   |

## **Appendix B**

### **Chapter; TBD Subsection TBD Municipal Property Water Testing for Lead and Copper**

#### **A. Scope**

It is the intention of the South Hadley Board of Health to monitor and qualify water quality in municipal buildings, including schools, and facilities to assure compliance with Massachusetts Department of Environmental Protection standards for allowable levels of lead and copper, as accepted by the South Hadley Board of Health.

#### **B. Protocol**

The municipal agent in control of a building or facility shall cooperate to have the water tested by a laboratory certified by the state of Massachusetts to test water for lead and copper, under the direction of the South Hadley Board of Health, to ensure that health and safety standards are met.

Each water source to be tested in the building will be specified by the Board of Health (BOH). The drawing of the water samples to be tested shall be done in a manner and by personnel specified and approved by the Board of Health. The testing of water outlets will be conducted in accordance with the protocol recommended by the state of Massachusetts for testing school drinking water for lead and copper. The same protocol will be used to test water in other municipal buildings and facilities.

#### **C. Enforcement**

Enforcement of this regulation shall be by the South Hadley Board of Health or its designated agent(s) or contractor.

Any person who desires to register a complaint or concern pursuant to the regulation may do so by contacting the South Hadley Board of Health or its designated agent(s) or contractor and the BOH shall investigate.

#### **D. Severability**

If any provision or part of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

May 9, 2018 Annual Town Meeting

## Article 17

## SOLAR PHOTOVOLTAIC INSTALLATIONS

**Article 17.** To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Solar Photovoltaic by amending: Section 255-10, Terms Defined, to insert various new terms and their definitions and to reorder the various terms alphabetically; in Section 255-19 Use Regulations Schedule by inserting new uses related to Solar Photovoltaic Installations, and in Article VII, Supplemental District Regulations, by inserting a new Section 255-48 Solar Photovoltaic Installations as detailed in the Planning Board's Report to Town Meeting or take any other action thereto.

The proposed changes are as follows:

**1. Amend Section 255-10 of the South Hadley Zoning Bylaw by adding the following:**

***As-of-Right Siting:*** The siting of a development may proceed without the need for a special permit or other discretionary approval. However, development shall be subject to site plan review to determine conformance with local zoning ordinances, bylaws, federal and state building codes, and to protect the public health, safety and welfare. Siting of projects cannot be prohibited, but can be reasonably regulated by the Planning Board as the Site Plan Review Authority.

***Institutional Building:*** A building not used either as a principal accessory use to a commercial, industrial or residential use; generally used for a municipal, educational or religious purpose.

***Municipal Properties:*** As used in this Chapter, municipal properties shall be interpreted to mean any land or property owned in fee by either the Town of South Hadley (including semi-autonomous entities such as the South Hadley Electric Light Department), South Hadley Fire District #1, or South Hadley Fire District #2.

***Project Proponent:*** The applicant, property owner, installation developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this By-Law.

***Rated Nameplate Capacity:*** The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

***Residential Subdivision:*** A subdivision as defined in Chapter 41, Massachusetts General Law which was approved by the Planning Board and is used exclusively for residential purposes. Plans endorsed pursuant to Chapter 41, Section 81P, Massachusetts General Law are not deemed to be subdivisions.

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

***Solar Photovoltaic Installation:*** An active solar energy system that converts solar energy directly into electricity.

***Solar Photovoltaic Installation, Canopy Mounted:*** A solar photovoltaic system that is structurally mounted on a canopy over a parking area.

***Solar Photovoltaic Installation, Ground Mounted:*** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted.

***Solar Photovoltaic Installation, Roof Mounted:*** A solar photovoltaic system that is structurally mounted on the roof of a building.

***Solar Photovoltaic Installation, Large-Scale:*** A solar photovoltaic system that has a rated nameplate capacity greater than 250 KW DC.

***Solar Photovoltaic Installation, Medium-Scale:*** A solar photovoltaic system that has a rated nameplate capacity of more than 10 KW DC but not more than 250 KW DC.

***Solar Photovoltaic Installation, Small-Scale:*** A solar photovoltaic system that has a rated nameplate capacity of 10 KW DC or less.

- 2. Amend Section 255-19 Use Regulations Schedule by inserting the following new uses related to Solar Photovoltaic Installations into the Business Use Classification and indicate how they are to be permitted or prohibited and insert the footnotes as noted below.**

**Uses to be Inserted:**

- Solar Photovoltaic, Large-Scale
- Solar Photovoltaic, Medium-Scale
- Solar Photovoltaic, Small-Scale

**Where/How Permitted:**

Large-scale Solar Photovoltaic Installations to be noted as permitted by Site Plan Review in all zoning districts but subject to the following restrictions which are to be included in footnotes to be inserted:

- a) Large-Scale ground mounted, canopy, and roof installations are only permitted on municipally-owned properties except for the following:
  - 1) Canopy Installations on non-municipal land may only be placed in existing parking lots in the Industrial or Business zoning districts and the entire array must be located over a single, contiguous parking area.
  - 2) Roof mounted on non-municipal land may be placed on industrial, commercial, or institutional buildings if the entire generating array is located on a single-building.

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- 3) Ground mounted Installations on non-municipally-owned land may be placed only on a site previously utilized as sand/gravel pits and/or landfill as part of a reclamation/reuse plan.
- 4) Subject to the provisions of Section 255-48

Large-scale Solar Photovoltaic Installations to be noted as permitted by Special Permit in the Agricultural, Residence A-1, and Residence A-2 zoning districts on land other than municipal land which has not previously been utilized as sand/gravel pits and/or landfill subject to the following restrictions which are to be included in footnotes to be inserted:

- b) Situated no less than one hundred (100) feet from any lot created as part of a Residential Subdivision.
- c) In the Residence A-1 and Residence A-2 zoning districts, the parcel must be at least 25 acres in size and the solar photovoltaic installation may not occupy more than 50% of the site
- d) Subject to the provisions of Section 255-48

Medium-scale Solar Photovoltaic Installations to be noted as permitted only by Special Permit in all districts unless they meet the same criteria as Large-Scale ground mounted, canopy, and roof installations. The following restriction on Medium-scale Solar Photovoltaic Installations is to be included in footnotes to be inserted:

- e) Medium-scale Solar Photovoltaic Installations whether ground mounted, canopy, or roof installations are permitted on municipally-owned properties subject to Site Plan Review.
- f) Medium-scale Solar Photovoltaic Installations which are to be canopy installations and not located on municipal land are permitted by Site Plan Review only if they are placed in existing parking lots in the Industrial or Business zoning districts and the entire array must be located over a single, contiguous parking area.
- g) Medium-scale Solar Photovoltaic which are to be roof mounted installations and not located on municipal land are permitted by Site Plan Review only if they are placed on existing industrial, commercial, or institutional buildings in which case they may be approved in any zoning district by Site Plan Review.
- h) Medium-scale Solar Photovoltaic Installations to be permitted if accessory to another principal use on the same parcel by Site Plan Review in all districts (however, if the principal use is only allowed by Special Permit, the Solar Photovoltaic Installation may be only permitted by Special Permit.)
- i) Subject to the provisions of Section 255-48

Small-scale Solar Photovoltaic installations to be permitted As-Of-Right in all zoning districts subject to the following restriction which is to be included as a footnote:

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- j) Only if accessory to another principal use on the same parcel or on municipally owned property are to be permitted by As-Of-Right in all zoning districts.
- k) Subject to the provisions of Section 255-48

All other Small-scale Solar Photovoltaic installations require a Special Permit.

**3. Amend Article VII, Supplemental District Regulations, by inserting a new Section 255-48 Solar Photovoltaic Installations**

**255-48 Solar Photovoltaic Installations**

- A. Purpose - The purpose of this Section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Ground Mounted and Canopy Mounted Solar Photovoltaic Installations, as permitted in Chapter 255-Attachment 1 “Use Regulations Schedule”, that address public safety and minimize impacts on scenic, natural and historic resources.
- B. Applicability - This Section applies to all Solar Photovoltaic Installations, as permitted in Chapter 255-Attachment 1 “Use Regulations Schedule”, proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- C. As-Of-Right Siting
  - 1). Solar Photovoltaic Installations, in many instances are permitted As-Of-Right in many zoning districts in the “Use Regulations Scheduled” (Chapter 255-Attachment 1). In most cases, these are still subject to Site Plan Review in accordance with requirements below and Article XII of Chapter 255 of the Town Code (the Zoning Bylaw).
- D. Special Application/Plan Requirements - Special Permits & Site Plan Review - All applications for which a Special Permit or Site Plan Review are required, in addition to the requirements of Chapter 255-Article IX and Chapter 255-Article XII of the Town Code (and Planning Board Regulations adopted pursuant to), shall also include and comply with the following:
  - 1). Plans shall include an analysis of the proposed cut and fill for the site.
  - 2). Required Documents:
    - (a) A site plan showing:
      - 1) Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
      - 2) One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- Code compliant disconnects and overcurrent devices;
- 3) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- 4) Name, address, and contact information for proposed system installer;
- (b) Stormwater management plan and assessment including an analysis as to the impact that the installation might have on the patterns and rate of stormwater runoff.
- (c) Erosion & sediment control plan
- (d) Documentation of actual or prospective access and control of the project site
- (e) An operation and maintenance plan including a schedule for revisions to the plan
- (f) Utility Notification evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation Project Proponent's intent to install an interconnected customer owned generator.
  - 1). Exception: Off grid systems shall be exempt from this requirement.
- (g) Vegetative analysis and planting plan which identifies the extent to which existing vegetation will be removed, particularly native trees of a caliper of 10" or more and plans to replant the area and meet the screening requirements.
- (h) Vegetative management plan. This plan is to address maintenance of the vegetation on the entire site with particular attention to vegetation under the ground mounted solar photovoltaic installations and methods taken to preclude any impact on adjacent and nearby properties.
- (i) Landscaping and Screening Plan. This plan is to particularly focus on replacement of the native trees and screening from view of the roadway and adjacent and nearby residential properties.
- (j) Abandonment & Decommissioning Plan
- (k) Wildlife analysis including a description as to how the development has been designed to minimize adverse impacts on wildlife.

## E. General Requirements:

- 1). Special Mount Holyoke Range Siting Restriction – No Medium or Large scale Installations are to be located in the area bounded as follows: the Towns of Hadley and Amherst to the north; the Town of Hadley and Route 47 to the west; Route 47, Pearl Street, and Elmer Brook to the south; and Route 116 (north of Pearl Street) and the Town of Granby to the east.
- 2). Dimension Requirements
  - (a) Ground Mounted Solar Photovoltaic Installations, except as provided elsewhere in Chapter 255, shall comply with the same dimension requirements required of principal buildings in the underlying district, except that for medium and large-scale installations the

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

following shall apply:

- 1). Front, rear and side yard setbacks shall be a minimum 50 feet
- 2). Access roads or driveways shall be setback at least 25 feet from side and rear lot lines.
- 3). Where Site Plan Review or a Special Permit is required, the Planning Board may impose a greater setback if they determine that a greater setback is essential to address the criteria for granting such approval and will not unduly restrict the installation and operation of the installation.
  - a. Exception: Ground Mounted Solar Photovoltaic Installations shall not be subject to the Maximum Lot Coverage limitations unless the area under the Panels is paved or made otherwise less pervious for the Installation.
  - (b) Canopy Mounted Solar Photovoltaic Installations shall comply with the same dimension requirements required in the underlying district for parking lots. However, if such Installations are not to be installed over pre-existing parking lots, the Planning Board may consider them to be Principal Structures and require them to meet the corresponding setback requirements.
  - (c) Ground Mounted Solar Photovoltaic Installations when combined with other developments on the parcel, are not to exceed the maximum allowed Impervious Surface of the zoning district; except where the Planning Board finds unique conditions which deem such higher levels of impervious surface to be appropriate and fulfill the purpose of the Zoning Bylaw.
- 3). Structures - All structures for Ground Mounted and Canopy Mounted Solar Photovoltaic Installations including all appurtenant structures (such as, but not limited to, equipment shelters, storage installations, transformers, and substations) shall be architecturally compatible with each other.
- 4). Visual Impact Mitigation - The plan for Ground Mounted Solar Photovoltaic Installations shall be designed to maximize the preservation of on-site and abutting natural and developed features.
  - (a) In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible.
  - (b) In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties.
  - (c) Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other.
  - (d) Vegetation shall be of varieties native to New England and a mix of deciduous and evergreen species.

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- (e) Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation.
  - (f) The mature height of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public road (or on a residential lot situated within 300 feet of the installation's structures) and viewing the installation from a height of 10 feet.
  - 1). Exception: The Planning Board may grant an exception to this provision where topographic conditions of the site make compliance with this restriction impractical or would unduly restrict the installation. Where an exception is made, the Planning Board may establish alternative vegetative requirements.
  - (g) Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.
- 5). Design Standards
- (a) Projects shall be designed to:
    - 1). minimize the volume of cut and fill, the number of removed trees 10" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution
    - 2). maximize pedestrian and vehicular safety both on the site and entering and exiting the site and on roadways adjoining the site;
    - 3). minimize obstruction of scenic views from publicly accessible locations;
    - 4). minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
    - 5). minimize glare from headlights and light trespass onto adjoining residential properties;
    - 6). preclude glare impacts on motorists on adjacent and nearby roadways;
    - 7). Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage.
  - (b) Site Lighting - Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. All lighting associated with the facility shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
  - (c) Signage – No signage on solar photovoltaic installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

- (d) Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (e) Fencing – It is anticipated that Solar Photovoltaic Installations (especially Ground Mounted Medium and Large Scale Installations) will be enclosed by fencing. Any fencing installed for a Medium or Large Scale Installation shall be designed to minimize impacts on wildlife movements and aesthetics. Accordingly, such fencing is to leave a gap of no less than 6 inches between the ground and the bottom of the fencing. Further, such fencing is to be of a color and texture so as to blend into the background.
- (f) Screening – Medium and Large Scale Ground Mounted Solar Photovoltaic Installations shall be screened from view from adjoining and nearby residential properties and from adjoining roadways. This screening is to be incorporated into the landscaping plan and should, to the extent appropriate, include a combination of fencing and vegetation.
- (g) Impact on Wildlife – Medium and Large-Scale Solar Photovoltaic Installations shall be designed and constructed, to the extent reasonable, so as not to have adverse impacts on wildlife habitats and behavior patterns. Project Proponents are to demonstrate how they have taken this into consideration in planning their development.

#### 6). Safety and Environmental Standards

- (a) Emergency Services - Project Proponents shall provide whatever materials (such as, a copy of the project summary, electrical schematic, and site plan) and contact information are requested by the Fire Chief and other appropriate authorities. Project Proponent shall cooperate with local emergency services in developing an emergency response plan.
- (b) Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for solar photovoltaic installations shall contain land requiring clearing of forest.

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- (c) No topsoil shall be removed from the land parcel under consideration for solar photovoltaic installations. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such time earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.
- (d) Impact on Agricultural and Environmentally Sensitive Land – Solar Photovoltaic Installations and Agricultural usage of the properties should be mutually supportive and the Solar Photovoltaic Installation is to be designed and installed to reflect this principal. Accordingly, Medium and large scale solar photovoltaic installations shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50-percent of the total land area proposed for the solar photovoltaic installation may be occupied by the solar panels, with the remainder of the land remaining as open space either in its natural state, developed as community recreation, agricultural use, or similar state as approved by the Planning Board.
- (e) Vegetation Management - Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the ground mounted solar photovoltaic installation. Low growing herbaceous ground cover underneath the solar array is encouraged wherever possible.

Generally, land associated with the ground mounted solar photovoltaic installation shall be covered and grown in natural vegetation. Ground surface areas beneath solar arrays and setback areas, to a reasonable extent shall be pervious to maximize on-site infiltration of stormwater. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources is prohibited. Herbicides shall be applied only by properly licensed personnel in conformance with all applicable state regulations.

- (f) Stormwater – The Installation shall be designed and maintained to have no net impact on the pre-existing Stormwater Runoff either in rate or discharge point
- (g) The cumulative amount of native trees of a caliper of 10” or more which are to be removed for the installation and operation of a medium or large scale solar photovoltaic installation shall be

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

replaced by a total amount of such trees with the minimum planting size of 5” caliper.

- 7). Abandonment & Decommissioning Plan (Medium and Large Scale Solar Photovoltaic Installations) – Medium and Large Scale Ground Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned (i.e. when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

The Abandonment & Decommissioning Plan, at a minimum, shall include a detailed description of how all of the following will be addressed:

- (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (d) Financial surety for decommissioning - Proponents shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the town’s estimated costs associated with removal and full decommissioning of the installation and site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation at the end of the installation’s useful life. Said estimated cost shall not include or deduct the value of material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the commencement of construction.
- (e) All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.

- 8). Monitoring and Maintenance

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- (a) Solar Photovoltaic Installation Conditions - Project Proponents shall maintain the installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief. The Project Proponent shall be responsible for the cost of maintaining the solar photovoltaic installation
  - (b) Modifications – Any changes to the plans approved by the Planning Board shall be submitted to the Town Planner/Planning Director for determination if further Planning Board review is warranted prior to issuance of the building permit. If further Planning Board review is deemed warranted, such further review and approval by the Planning Board shall be obtained prior to issuance of the building permit.
  - (c) Updating – Project Proponent shall be responsible for updating the Operations and Maintenance Plan a) whenever personnel with responsibilities identified in the plan change and b) no less than every 5 years.
- 9). Outside Consultant Fees – In addition to the normal filing fee, the Planning Board can charge the applicant with a fee to hire “outside consultants” to assist the Board in administering and reviewing applications.
- 10). Waivers - The Planning Board may, upon the prior written request of the applicant, waive any of the requirements of this sub-section, but must state their reasons for doing so in writing as part of their decision.

**OBJECTIVES:** The objectives of this article are to 1) provide for the development and use of solar photovoltaic installations as an element of becoming a Green Community; 2) Minimize the potential for converting natural land into renewable energy sources; and 3) help meet the SHELD objectives of providing viable renewable energy as part of their production portfolio.

**SUMMARY:** This article mirrors, in some respects, the model bylaw provided by the state. However, it has been adapted to fit South Hadley’s unique needs and environment. The regulatory framework proposed by this article provides for development of solar photovoltaic installations at a range of sizes with a variety of locations. The larger installations would be more restricted in their possible locations, particularly in regards to proximity to residential subdivisions. Some medium and large scale installations would be allowed subject only to Site Plan Review due to their locating on municipal land and on sites already developed or “degraded” (such as, parking lots, roofs, former sand/gravel pits, landfills, etc.). By doing so, this bylaw expands the public benefit of the large installations while minimizing the potential loss of our natural resources.

**BACKGROUND:** The Town is intending to seek approval as a Green Community. One of the criteria for being a Green Community is to have “As of Right” siting for at least one of the following:

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

- Renewable or alternative energy generating facilities, or
- Renewable or alternative energy research & development facilities, or
- Renewable or alternative energy manufacturing facilities

While the Town may be able to demonstrate that the South Hadley Zoning Bylaw meets the requirements under the second or third option (passage of Article 18 will help in this regard), there are obstacles including the lack of or limited amount of space which might be available for such use and the vagueness of the Zoning Bylaw in terms of industrial uses. Additionally, meeting the first option makes the Town eligible for a potential incentive bonus when it comes to Green Communities grants.

In the course of developing this proposal, the Town learned that SHELD, under pressure from the State, is seeking to develop renewable energy generating facilities as part of its supply portfolio. The only way this can reasonably be achieved is through amendment of the Zoning Bylaw to make commercial operation of such facilities permissible. The SHELD Manager and Engineer have been consulted on this proposed Bylaw and changes were made prior to the public hearing to incorporate much of their comments.

The Planning Board originally intended to present an article to allow for Solar Photovoltaic installations at the January 2018 Special Town Meeting. However, due to concerns raised by SHELD, that article was pulled from consideration. Over the past 3-1/2 months, the Planning Director and the Planning Board have been working with the SHELD Manager and SHELD Engineer to develop a proposed amendment which addresses their desire to have more opportunities available for development of Medium and Large Solar Photovoltaic Installations while also protecting the natural resources and residential areas which are of a primary concern.

In the course of this bylaw development process, the Planning Director and Planning Board learned that a major concern in regards to the previous draft of the article was the limited sites which would be available and feasible under the January 2018 draft. If SHELD were tasked to develop installations itself, only sites within a 1 mile radius of the Pine Street substation might be deemed feasible. In this instance, only the Ledges facility would qualify under the prior draft of the article (see the attached map). Due to different investment considerations, a private developer might consider a 3 mile radius feasible – most of South Hadley is within a 3-mile radius.

Based on this information, the Planning Director and Planning Board considered and discussed to what extent the opportunities to develop medium and large scale installations should be expanded. To meet SHELD's needs it was clear that location of large-scale ground-mounted installations on privately-owned land needed to be accommodated. The framework for allowing expanded Solar Photovoltaic Installation opportunities embodied in this article includes:

- 1) Encouragement to locate on lands owned by a public entity and lands already degraded by use as a landfill, gravel or sand excavation, etc. (this "encouragement" is in the form of allowing the use by Site Plan Review).

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- 2) Requirement that medium and large scale installations are not to be located adjacent to residential subdivisions (a substantial setback – 100 feet - is required).
- 3) Restrictions on the placement of large scale installations in the Residence A-1 and Residence A-2 districts (minimum parcel size of 25 acres and maximum coverage of the site by the installation is limited to 50% - “parcel” could be interpreted to be multiple, contiguous lots under one ownership which aggregate to at least 25 acres).
- 4) Restriction on location of installations in the Mount Holyoke Range.
- 5) A Special Permit would be required for large scale installations in most instances.

While the proposal is more flexible than what was to be considered in January 2018, it does not allow for uncontrolled development of Solar Photovoltaic Installations. The number of “feasible” sites not in municipal ownership is still rather limited. It is our understanding that though the proposal is not as “flexible” as SHELD officials would have preferred, they are supportive of this article.

**RELATIONSHIP TO MASTER PLAN:** The Master Plan, adopted in 2010, was based on four core Plan Principles including “Sustainability”:

Promoting policies and actions that will meet the needs of the present without compromising the ability of future generations to meet their own needs. Sustainability should be understood broadly to include maintaining a long-range focus for Town actions and investments as well as the stewardship of the Town’s natural lands, parks, and public buildings. Sustainability also implies renewed attention to efficiency, or making the most of what we have, whether measured in infrastructure, energy, money, or time, or in natural resources like land and water.

Renewable energy and energy conservation measures are essential to being sustainable. This proposed amendment is aligned with the Core Principle of the Master Plan. The proposed amendment is structured so as to encourage the retention of natural lands and areas while accommodating development of renewable solar energy sources.

**PUBLIC HEARING:** The Planning Board discussed the potential amendment including several drafts over the course of several meetings during 2017 and held a public hearing on an earlier version of the proposed Zoning Bylaw amendment on Monday, December 4, 2017. A number of persons (in addition to the Planning Board members and Planning Director) were in attendance at this hearing.

Comments made during the December 2017 public hearing were generally supportive of the proposed amendment as drafted. The South Hadley Electric Light Department (SHELD) engineer indicated that SHELD might want to undertake a large solar facility on leased land and suggested that the proposed amendment be revised to accommodate that approach. There was discussion of options as to how this could be accommodated; however, the Board determined that it would leave the proposal as written. It was suggested that if SHELD developed a more specific plan for a large facility on leased land, they could come forward with a proposal to amend the Zoning Bylaw at that time (with a 3-6 month lead time before the Town Meeting.

## FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

Other comments questioned whether a solar installation would be too much for the carrying capacity of a roof. It was noted that would need to be addressed in the building permit process as well as Site Plan Review/Special Permit based on a specific project and specific building.

A comment was made as to the aesthetics of a solar photovoltaic installation – some people like them and some don't. But, it was suggested that some facilities are necessary even though they may not be aesthetically appealing.

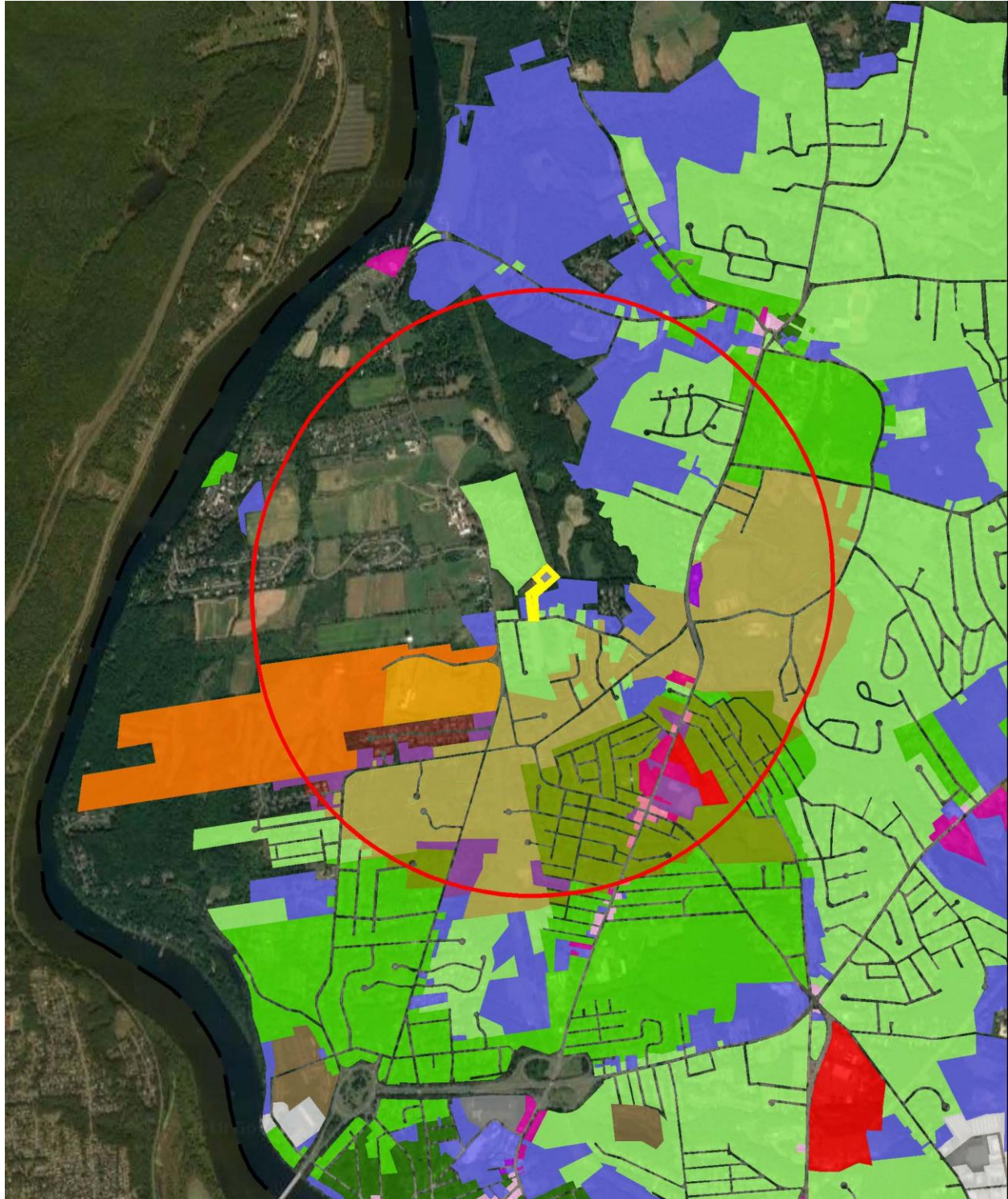
After revising the January 2018 proposal, the Planning Board conducted a new public hearing on the current proposal on March 26, 2018. During this public hearing, the Planning Director presented a number of photos of large Solar Photovoltaic Installations located in the region (photos were provided by the SHELD Engineer) – a few of which are attached to this report. Several persons attended the public hearing. While questions were asked, no one expressed opposition to the proposal as drafted. Questions asked at the March 26, 2018 public hearing included:

- Is there a minimum acreage size in the Agricultural district;
- What is the minimum if the parcel is in a “mixed zone district”?
- Why are there not any pictures of the Route 116/Bay Road installation?
- Where is the 100 foot buffer required?
- Inquiry about the technical issues associated with locating an installation relative to the Pine Street substation
- What is the physical dimension of a small installation? A large installation?

**RECOMMENDATION:** The Planning Board, at their March 26, 2018 meeting, voted to recommend approval of this article as presented. At their, April 30, 2018 meeting, the Planning Board reaffirmed their recommendation and approved this report.

FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

**One-Mile Radius of the Pine Street Substation**



FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

**Examples of Existing Large Solar Photovoltaic Installations**

*Pendleton Avenue; Chicopee*



FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

*Congamond Road; Southwick*



FINAL REPORT OF PLANNING BOARD ON PROPOSED SOLAR BYLAW AMENDMENT

*378 Main Street; Agawam*



FINAL REPORT OF PLANNING BOARD ON PROPOSED RENEWABLE &  
ALTERNATIVE ENERGY BYLAW AMENDMENT (Article 18)

May 9, 2018 Annual Town Meeting

Article 18

RENEWABLE AND ALTERNATIVE ENERGY

**Article 18.** To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Renewable Energy by amending: Section 255-10, Terms Defined, to insert various new terms and their definitions and to reorder the various terms alphabetically and in Section 255-19 Use Regulations Schedule by inserting new uses related to Renewable Energy, as detailed in the Planning Board's Report to Town Meeting or take any other action thereto. (PB) Appendix "D"

The proposed changes are as follows:

**1. Amend Section 255-10 of the South Hadley Zoning Bylaw by adding the following:**

Alternative Energy: Includes Combined Heat and Power, Electric- and hydrogen-powered vehicles and associated technologies (including advanced batteries and recharging stations).

As-of-Right/By-Right Siting: Means that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to non-discretionary site plan review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right development projects that are consistent with zoning bylaws and with state and federal law cannot be prohibited.

Manufacturing Facilities: Facilities used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

Renewable Energy: Includes Solar - photovoltaic (PV) and thermal, Wind, Biomass power conversion or thermal technologies (including R&D related to, or the manufacture of, wood pellets), ultra-low emissions high efficiency wood pellet boilers and furnaces, Low Impact Hydro-electric and kinetic, Ocean thermal/wave/tidal, Geothermal, Landfill Gas, Fuels Cells that use Renewable Energy, Advanced biofuels.

Research and Development Facilities: Facilities are used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

FINAL REPORT OF PLANNING BOARD ON PROPOSED RENEWABLE &  
ALTERNATIVE ENERGY BYLAW AMENDMENT (Article 18)

2. **Amend Section 255-19 Use Regulations Schedule by inserting the following new uses related to Renewable Energy into the Industrial Use Classification and indicate how they are to be permitted or prohibited and insert the footnotes as noted below.**

Uses to be Inserted:

Research, development and manufacturing facilities of products that generate renewable or alternative energy

Where/How Permitted:

To be noted as permitted by “Site Plan Review” in the Industrial A, Industrial B, and Industrial Garden District zoning districts.

To be noted as prohibited in all other zoning districts.

**OBJECTIVES:** To make clear that research, development, and manufacturing facilities associated with products that generate renewable or alternative energy do not require a Special Permit under the Zoning Bylaw.

**SUMMARY:** This amendment follows the guidance from the State as to what qualifies a community for meeting one of the criteria for the Green Community program.

**BACKGROUND:** The Town is intending to seek approval as a Green Community. One of the criteria for being a Green Community is to have “As of Right” siting for at least one of the following:

- Renewable or alternative energy generating facilities, or
- Renewable or alternative energy research & development facilities, or
- Renewable or alternative energy manufacturing facilities

While the Town’s Zoning Bylaw already allows research and development facilities and manufacturing facilities (as long as the manufacturing is “*not commonly considered hazardous or noxious*”), the State’s Green Community program guidance suggests that the Zoning Bylaw must be clear. Therefore, the Town has been advised that it needs to incorporate the proposed provisions into the Zoning Bylaw. The proposed use “Research, development and manufacturing facilities of products that generate renewable or alternative energy” is proposed to be allowed by Right in the same zoning districts as it is presently allowed. The term “As of Right” makes clear that Site Plan Review may be required; therefore, it is proposed that the use be subject to Site Plan Review as opposed to either Special Permit or Permitted by Right without Site Plan Review.

**RELATIONSHIP TO MASTER PLAN:** The Master Plan, adopted in 2010, was based on four core Plan Principles including “Sustainability”:

FINAL REPORT OF PLANNING BOARD ON PROPOSED RENEWABLE &  
ALTERNATIVE ENERGY BYLAW AMENDMENT (Article 18)

Promoting policies and actions that will meet the needs of the present without compromising the ability of future generations to meet their own needs. Sustainability should be understood broadly to include maintaining a long-range focus for Town actions and investments as well as the stewardship of the Town's natural lands, parks, and public buildings. Sustainability also implies renewed attention to efficiency, or making the most of what we have, whether measured in infrastructure, energy, money, or time, or in natural resources like land and water.

Renewable energy and alternative energy are essential to being sustainable. Participation in the Green Community program is one of the strategies recommended for implementation of the Master Plan. This proposed amendment is aligned with the Core Principle of the Master Plan.

**PUBLIC HEARING:** The Planning Board conducted a public hearing on this article on Monday April 30, 2018. No comments or questions were voiced regarding this Article.

**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, unanimously voted to approve this report and voted unanimously to recommend adoption of this Article as presented.

**ANNOTATED VERSION OF EXISTING USE REGULATIONS SCHEDULE –  
INDUSTRIAL USE CLASSIFICATION**

Provided on the following page.



## Use Regulations Schedule (Continued)

**NOTES:**

- a. Provided that not more than one person shall be employed for each seventy (70) square feet for floor area and in no case shall a total of more than seven-thousand (7,000) square feet of the premises be devoted to such use.
- b. Subject to the criteria and provisions specified in Subsection 255-51 and also (when the activity is located within the Water Supply Protection District) subject to the criteria and provisions contained in Subsection 255-35.
- c. Both uses are subject to the provisions of Subsection 255-40 of the Zoning By-Law and include any and all equipment (including Equipment Shelters), cable, and related fixtures.
- d. The Wireless Communications Antennas' use only applies to such antennas and related equipment (including Equipment Shelters), cable, and related fixtures to be affixed to existing structures not primarily erected or used for wireless communications purposes. If such antennas are to be affixed to structures the use is to be considered as requiring a Special Permit approved by the Planning Board.
- e. Such a facility is only permitted in an Agricultural District if it is on site of the landfill generating the gas being processed. All Gas to Energy Facilities are subject to the provisions of Subsection 255-44 and the Special Permit granted by the Planning Board.
- f. Whether a Site Plan Review or Special Permit is required depends upon whether the parcel abuts property used for residential purposes and the distance between the building housing the MMCPF and the residence as specified in Subsection 255-46.
- g. Subject to the provisions of Subsection 255-49.

FINAL REPORT OF PLANNING BOARD ON PROPOSED RESIDENTIAL  
DEVELOPMENT SIGNS BYLAW AMENDMENT (Article 19)

**May 9, 2018 Annual Town Meeting**

**Article 19**

**RESIDENTIAL DEVELOPMENT SIGNS**

**Article 19.** To see if the Town will vote to amend Chapter 255 (Zoning) of the Town's Code in regard to Signs by amending: Section 255-10, Terms Defined, to insert a new term "Residential Development Sign" and its definition and to reorder the various terms alphabetically and in Subsection 255-85; Subpart "B" by inserting additional paragraphs for Residential Development Signs detailing the standards and provisions for such signs as detailed in the Planning Board's Report to Town Meeting or take any other action thereto. (PB) Appendix "E"

The proposed changes are as follows:

**1. Amend Section 255-10 of the South Hadley Zoning Bylaw by adding the following:**

Residential Development Signs – Part of a landscape element of an approved townhouse, multifamily, and/or Flexible Development which identifies said townhouse, multifamily, and/or Flexible Development.

**2. Amend Section 255-85 Signs; Subpart "B" Signs in Residence and Agricultural Districts by inserting the following additional paragraphs:**

(5) One Residential Development Sign may be permitted in any zoning district provided the development and the sign conform to the following:

- (a) The development consists of no less than 10 residential dwellings.
- (b) If the development is undertaken in multiple phases, the total development shall only be permitted to have one Residential Development sign.
- (c) The approved access within the development is not a Town-accepted public way.
- (d) Removal of the sign will be required prior to the access becoming a Town-accepted right-of-way.
- (e) The sign shall be located on private property and set back at least ten (10) feet from any street lot line.
- (f) The maximum surface area of each side of the sign shall be at the discretion of the Planning Board but shall not exceed sixteen (16) square feet.
- (g) The sign shall not have more than two sides.
- (h) The top of the sign shall not rise more than five (5) feet above the ground or sidewalk within five (5) feet of the sign.
- (i) The sign must be incorporated into and be an integral part of the landscaping for the development.

FINAL REPORT OF PLANNING BOARD ON PROPOSED RESIDENTIAL  
DEVELOPMENT SIGNS BYLAW AMENDMENT (Article 19)

- (j) The materials used for construction of the sign and the design of the sign are to be reflective of the materials and character of the development to the extent feasible.

**OBJECTIVES:** The objective of this article is to allow signs which are part of the landscaping elements which “identify” a residential development.

**SUMMARY:** This article is based on research in other communities which have provisions allowing for residential development signs. Such signs are not intended to replace a street sign or to serve a single residences or a duplex. Rather, they can be a benefit to a larger development by providing an attractive “signature” element for the development.

**BACKGROUND:** Over the past several years, there have been inquiries as to whether a “sign” could be included as part of a residential development. The Zoning Bylaw is very clear s to what signs are allowed within a Residential or Agricultural Zoning District:

- a) Signs for home occupations, as provided in § 255-22 of this bylaw.
- b) A single sign, not more than four square feet in area, located flat on a building or dwelling in a Residence C District, identifying the name of the building. Any illumination of such sign shall be continuous indirect lighting.
- c) Real estate signs having an area of not more than five square feet advertising the sale, rental or lease of the premises on which they are maintained.
- d) To provide for the identification of public facilities, to convey activities and events associated with such facilities, and temporary and emergency messages, one freestanding sign may be permitted on a parcel occupied by a municipal (Town of South Hadley, South Hadley Fire District Number One, and/or South Hadley Fire District Number Two), state, or federal facility. Said sign shall be located at least 30 feet from an adjoining lot line and 10 feet from the street line and shall not exceed an area of 0.75 square foot for each four lineal feet of lot frontage occupied by the premises, or 20 square feet, whichever is smaller. Further, the height of such signs shall not exceed six feet at any point.

While the above four signs are specific to the Residential or Agricultural Zoning Districts, the Zoning Bylaw also makes provisions for the following:

- Political signs
- Temporary control signs
- Directional signs

Item “d” above was added a number of years ago to accommodate the need for signs for public facilities, specifically at the request of the District 2 Fire Department as they wanted to install a public information sign at their Fire Station.

There are a number of existing developments in the Residence A-1 and Residence A-2 which have signs similar to what is proposed under this Article. Some of these locations include:

FINAL REPORT OF PLANNING BOARD ON PROPOSED RESIDENTIAL  
DEVELOPMENT SIGNS BYLAW AMENDMENT (Article 19)

- Alvord Place Community
- Center Edge Estates
- The Mill at StoneyBrook
- Pine Grove Condominiums

How they were permitted or allowed to remain is not clear. However, in the past 18+ years, neither the Planning Board nor the Planning Director has received any complaints or criticisms of these signs. They appear to serve a purpose of directing people to these developments which are like small neighborhoods and are tastefully done. This Article would allow these signs to remain and provide an opportunity for similar places to incorporate such signs into their landscaping elements.

**RELATIONSHIP TO MASTER PLAN:** There is not a clear relationship between this article and the 2010 Master Plan. However, it does seek to update how signs are regulated in regards residential developments. As such, it is more closely aligned with the objective of a more updated regulatory structure which is an objective within the Master Plan. Therefore, it would appear that this amendment is consistent with the Master Plan.

**PUBLIC HEARING:** The Planning Board conducted a public hearing on this article on Monday April 30, 2018. No comments or questions were voiced regarding this Article. However, there was a question/comment about the need to clean up the older commercial signs along the Town's major corridors. Additionally, the comment was made that there are many more residential developments (The Villages at Shadowbrook Estates, Strong Farm, Loomis Village, Fallswoods, Hillcrest Park, etc.) with the type of signs proposed by this Bylaw than is listed in this report.

**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, unanimously voted to approve this report and voted unanimously to recommend adoption of this Article as presented.

**ANNOTATED VERSION OF EXISTING SECTION 255-85 B:**

- B. Signs in Residence and Agricultural Districts. All signs are prohibited in Residence and Agricultural Districts, except the following:
- 1) Signs for home occupations, as provided in § 255-22 of this bylaw.
  - 2) A single sign, not more than four square feet in area, located flat on a building or dwelling in a Residence C District, identifying the name of the building. Any illumination of such sign shall be continuous indirect lighting.
  - 3) Real estate signs having an area of not more than five square feet advertising the sale, rental or lease of the premises on which they are maintained.
  - 4) To provide for the identification of public facilities, to convey activities and events associated with such facilities, and temporary and emergency

FINAL REPORT OF PLANNING BOARD ON PROPOSED RESIDENTIAL  
DEVELOPMENT SIGNS BYLAW AMENDMENT (Article 19)

messages, one freestanding sign may be permitted on a parcel occupied by a municipal (Town of South Hadley, South Hadley Fire District Number One, and/or South Hadley Fire District Number Two), state, or federal facility. Said sign shall be located at least 30 feet from an adjoining lot line and 10 feet from the street line and shall not exceed an area of 0.75 square foot for each four lineal feet of lot frontage occupied by the premises, or 20 square feet, whichever is smaller. Further, the height of such signs shall not exceed six feet at any point.

- 5) ***One Residential Development Sign may be permitted in any zoning district provided the development and the sign conform to the following:***
- a) ***The development consists of no less than 10 residential dwellings.***
  - b) ***If the development is undertaken in multiple phases, the total development shall only be permitted to have one Residential Development sign.***
  - c) ***The approved access within the development is not a Town-accepted public way.***
  - d) ***Removal of the sign will be required prior to the access becoming a Town-accepted right-of-way.***
  - e) ***The sign shall be located on private property and set back at least ten (10) feet from any street lot line.***
  - f) ***The maximum surface area of each side of the sign shall be at the discretion of the Planning Board but shall not exceed sixteen (16) square feet.***
  - g) ***The sign shall not have more than two sides.***
  - h) ***The top of the sign shall not rise more than five (5) feet above the ground or sidewalk within five (5) feet of the sign.***
  - i) ***The sign must be incorporated into and be an integral part of the landscaping for the development.***
  - j) ***The materials used for construction of the sign and the design of the sign are to be reflective of the materials and character of the development to the extent feasible.***

FINAL REPORT OF PLANNING BOARD ON PROPOSED REORGANIZATION  
AND CLARIFICATION OF SECTION 255-23 SUBPARTS A & B – SMART GROWTH  
ZONING DISTRICTS (Article 20)

May 9, 2018 Annual Town Meeting

Article 20

SMART GROWTH DISTRICT – SECTION 255-23 SUBPARTS A AND B

**Article 20.** To see if the Town will vote to amend Chapter 255 (Zoning) of the Town’s Code in Article IV Districts, Section 255-15 Overlay Districts, by including an Overlay District entitled South Hadley Falls Smart Growth District; and Article VII Supplemental District Regulations, Section 255-23(A) General Regulations that Apply to All Smart Growth Zoning Districts by generally correcting references to Section 255-23 and its subsections and by incorporating additional language and revisions to the various subsections 255-23(A)(1) through 255-23(A)(17); and Article VII Supplemental District Regulations, Section 255-23(B) Establishment and Delineation of Smart Growth Zoning Districts in Subsection 255-23(B)(1) South Hadley Falls Smart Growth Zoning District Paragraph 255-23(B)(1)(b)[1] Allowed Uses to clarify the uses allowed as part of a Mixed Use Development and Paragraph 255-23(c)(3) as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The changes to be made in the Zoning Bylaw are as follows:

**1. Amend Section 255-15 of the South Hadley Zoning Bylaw by adding the following:**

D. South Hadley Falls Smart Growth District. The purposes of this district are as stated in Section 255-23.

**2. Amend Section 255-23 Smart Growth Zoning Districts; Subpart “A” A. General Regulations that apply to all Smart Growth Zoning Districts as detailed below (an annotated version of Subpart A is at the end of this report):**

(1) Purposes

(a) In item “(g)”, insert the word “the” after “and limit” and insert the phrase “of surface parking” after “expansion”

(2) Definitions

(a) Insert the following the second sentence in the first paragraph:

Where, for readability or other reasons, the terms defined in Article III, the PAA Regulations or the Enabling Laws, appear without capitalization, such use shall nevertheless be presumed to have the same meaning as defined in Article III, the PAA Regulations or the Enabling Laws, as applicable, unless it is obvious from the context that the common law definition applies. Common law definitions shall apply to all other terms not defined in Article III, the PAA Regulations or the Enabling Laws.

FINAL REPORT OF PLANNING BOARD ON PROPOSED REORGANIZATION  
AND CLARIFICATION OF SECTION 255-23 SUBPARTS A & B – SMART GROWTH  
ZONING DISTRICTS (Article 20)

- (b) Change the heading of the definition of Administrative Regulations by adding “or PAA Regulations” to the term “Administrative Regulations”
- (c) In the Definition of Administrative Regulations, in the second sentence, insert the phrase “, Project application form(s), any other application requirements” after “Such rules and regulations” and the term “thereof” after “subsequent amendments”.
- (d) In the definition of “Design Standards”, change SHFSGD to SGZD and delete the phrase “that are subject to Plan Review by the Planning Board”.
- (e) In the definition of “Parking (Off-Street)”, insert the phrase “For purposes of this Section 255-23(6),” at the beginning of the definition.
- (f) In the definition of “Plan”, add “255-23” at the end of the definition.
- (g) Delete the definition of “Principal Building” in its entirety and insert in its place the following:

“Principal Building -- One or more buildings/structures serving the primary use to which the premises are devoted, and the main purpose for which the premises exist.”

- (h) Delete the definition of “Project” in its entirety.

(3) Scope and Authority

- (a) Delete the word “Article” and Insert “Section 255-23” in its place following the phrase “of this” wherever it exists.

(4) Performance Standards

- (a) In paragraph 4(b) replace the reference to “the District” with “the SGZD”
- (b) In paragraph 4(c), replace the date “September 18, 2015” with the date “September 8, 2015”
- (c) In paragraph 4(c), delete the portion of the second sentence following the phrase “has qualified” and replace the deleted words with the following:

“for one or more density bonus payments under 760 CMR 59.06(2) corresponding to a number of Bonus Units that is equal to or greater than the minimum number of Incentive Units associated with any Zoning Incentive Payment received for a given SGZD established under this Section 255-23, any subsequent amendments to Stormwater Management Bylaw shall not apply to Development Projects in such the SGZD until DHCD has received written notice of such amendment(s) and determined that such amendment(s) does not Unduly Restrict development within the such SGZD as per 760 CMR 59.02.”

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(5) Mixed-Use Development

- (a) Restructure the second sentence by ending said sentence after the phrase “portions of the Building”.
- (b) Restructure the third sentence by beginning said sentence with the phrase which was previously part of the second sentence “Where that portion of the Building fronts on a public way”

(6) Off-Street Parking and Loading

- (a) In the table in paragraph (a), insert the word “Other” in front of the last “USE”, said use begins with the phrase “Non-Residential, 2,000 square feet or more”
- (b) In paragraph (c) – ‘Location of Parking’, delete the phrase “the required front yard setbacks” at the end of the paragraph and replace the phrase with “any applicable restricted Front Setback area”.
- (c) In paragraph (d) – ‘Waiver of Parking Requirements’, in the first sentence delete the phrase “making such modifications in” and replacing it with the phrase “providing such relief from”.
- (d) In paragraph (d) – ‘Waiver of Parking Requirements’), add the following to the last sentence:

“, provided that the particular use and occupancy were voluntarily proposed by the applicant and any such conditions are expressly approved in writing by DHCD and any such conditions are expressly approved in writing by DHCD and would not impair the development of housing within the District which is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.”

- (e) In paragraph (g) – ‘Parking Design’, insert the phrase “state or federal” between the words “applicable” and “disability”.

(7) Open Spaces and Recreational Areas

- (a) No changes are proposed

(8) Affordable Housing

- (a) Delete the first paragraph under subpart (8)(a) in its entirety and insert the following in its place

“The monthly rent payment for an Affordable Rental Unit, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit

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plus one, unless another methodology for determining the target household size has been approved by DHCD.”

- (b) In the second paragraph under subpart (8)(a) insert the phrase “and parking” between the words “insurance,” and “shall”.
- (c) In subpart 8(e) – ‘Unit Mix’ – delete the word “is” and insert “are a” in front of the last word “part”.
- (d) In the first sentence of the first paragraph under subpart 8(f) – Affordable Housing Restriction – insert the phrase “Initial unit designations” after “overall quantity”.
- (e) In the second sentence of the first paragraph under subpart 8(f) – Affordable Housing Restrictions - insert the word “Project” after the phrase “a rental Development”.
- (f) Delete the last four words of the first paragraph under subpart 8(f) – Affordable Housing Restrictions - “without specific unit identification” and insert the following

“Project with the designated Affordable Rental Units initially identified in the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and able to float on a limited basis, as necessary, subject to specific approval by DHCD in accordance with the AFHMP and DHCD’s AFHMP guidelines”.

- (g) In the second paragraph under subpart 8(f) – Affordable Housing Restrictions – insert the phrase “, as further specified in the PAA’s Plan Approval decision,” after the phrase “allowed by law”.
- (h) In the second sentence of the fourth paragraph under subpart 8(f) – Affordable Housing Restrictions – insert the phrase “for the corresponding Project or phase(s) therein,” following the phrase “pursuant to 40R”
- (i) In the tenth paragraph under subpart 8(f) – Affordable Housing Restrictions – delete the last word “affordability” and insert the following

“compliance with the Affordable Housing Restriction and AFHMP.”

- (j) In the twelfth paragraph under subpart 8(f) – Affordable Housing Restrictions – delete the last word “affordability” and insert the following

“compliance with the Affordable Housing Restriction and AFHMP.”

- (k) In the first paragraph under subpart (8)(h) insert the phrase “under this Section 255-23 and the Enabling Laws.” at the end of the paragraph.

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(9) Plan Approval Procedures

- (a) In the second paragraph under subpart 9(b) – Application Procedures – Submittal - delete the sentence beginning with the phrase “Massing perspective sketches” and ending with “its context” and replace said sentence with the following

“Massing perspective sketches or renderings illustrating the key elements of the proposed development Project within its context.”

- (b) Delete the paragraph under subpart 9(b) – Application Procedures – regarding “Circulation to Other Boards” in its entirety and insert the following in its place:

“In accordance with the Administrative Regulations, the Planning Board shall provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions and Officials as determined by the Planning Board and to the Monitoring Agent. Subject to the requirements under 9(b)[4] below, these entities shall provide any written comments within 60 days of the filing plan and application with the Town Clerk.”

- (c) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Approval”, insert the phrase “255-23” between the words “Section and “applicable”.

- (d) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Approval”, add the following to the end of the second criteria

“, and shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.”

- (e) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Denial”, insert the phrase “255-23” between the words “Section and “applicable”.

(10) Waivers

- (a) In the second sentence (beginning with “Notwithstanding”), insert the phrase “Section (255-23) or the” before the phrase “Zoning Bylaw”.
- (b) In the second sentence (beginning with “Notwithstanding”), insert the phrase “of South Hadley” after the phrase “Zoning Bylaw”.

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- (c) In the second sentence (beginning with “Notwithstanding”), delete the word “of” and insert the phrase “that comprise” before “Section A(8)”; and insert “255-23” in front of “A(8)”
  - (d) In the second sentence (beginning with “Notwithstanding”), add the phrase “without the express written approval of DHCD” following the phrase “shall not be waived”.
- (11) Plan Changes After Approval by Planning Board
    - (a) In the first paragraph, delete the word “affordability” and insert the phrase “Affordable Housing” between the words “or” and “features” at the end of the first sentence.
  - (12) Fair Housing Requirement
    - (a) No changes are proposed
  - (13) Project Phasing
    - (a) In the last sentence, delete the word “district” before the phrase “as a whole” and insert the word “Project” in its place.
    - (b) In the last sentence, add the phrase “under Section 255-23A(8)(b) after the phrase “as a whole”.
  - (14) Decisions
    - (a) No changes are proposed
  - (15) Date of Effect
    - (a) In the first sentence, insert “SGZD” following the fifth word.
    - (b) Insert “Section 255-23” following “Bylaw” wherever it exists in this section.
    - (c) Insert “as amended May 9, 2018” in front of the phrase “shall be the date on which”
  - (16) Severability
    - (a) No changes are proposed
  - (17) Design Standards
    - (a) Delete the last 8 words of the first sentence “subject to Plan Approval by the Planning Board”

**3. Amend Section 255-23 Smart Growth Zoning Districts; Subpart “B” B. Establishment and Delineation of Smart Growth Zoning Districts; Subsection (1) South Hadley Smart Growth Zoning District as detailed below (an annotated version of Subpart B is at the end of this report)::**

- (1) In paragraph (b)[1] entitled “Allowed Uses”, make the following changes:
  - (a) Delete the word “article” wherever it exists and insert in its place the phrase “Section 255-23.

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- (b) Delete uses “[b] through [f] and insert in its place, the use “Mixed-Use Development Project” with the following uses listed as being allowed as part of a “Mixed-Use Development Project” (some of the uses being noted as only being allowed as part of a Mixed-Use Development Project):
- [b-1] Multi-Family Dwelling
  - [b-2] Single-Family, Two-Family and Three-Family Dwelling\*
  - [b-3] Office \*
  - [b-4] Retail \*
  - [b-5] Restaurant (excludes drive-through windows)\*
  - [b-6] Institutional \*
  - [b-7] Consumer Service \*
- (c) Retain the note that exists regarding the “asterisk”

- (2) In paragraph (b)[3] entitled “Age Restricted Housing Units”, insert “255-23” following the word “Section”.::

**EXISTING PROVISIONS:** The proposed amendments seek to make non-substantive revisions to Section 255-23 Subsections (A) and (B) as approved at the January 2018 Special Town Meeting. An annotated version of the existing provisions of Section 255-23, Subsections (A) and (B) is provided on pages 9-31. Letters and words proposed to be deleted are identified with “~~strike through~~ markings“ while letters and words proposed to be inserted are identified as “*italicized, underlined*”.

**OBJECTIVE:** The objective of this article is to maintain the simplification of the provisions for Smart Growth Districts in the event that more than one district is created while incorporating edits which the DHCD have identified should be made in the reorganized Section.

**SUMMARY:** This article makes changes in Section 255-23 as identified by the DHCD staff in their review of the Town’s proposed reorganization of the Smart Growth Zoning District provisions. Generally, the changes are of an editorial nature and do not substantively change the provisions which were previously approved by Town Meeting.

**BACKGROUND:** The Town will consider creating another Smart Growth District as a means to help implement our Housing Production Plan and support objectives of the 2010 Master Plan. This amendment will satisfy the State’s requirements and enable the Town’s consideration of any such Smart Growth District much less confusing by eliminating duplicative provisions.

**RELATIONSHIP TO MASTER PLAN:** There is not a clear relationship to the Master Plan, adopted in 2010. The Master Plan promotes sustainable development and mixed-use development as means for revitalization of commercial core areas. Smart Growth Districts are a means of achieving this objective as well as implementing the Housing Production Plan. However, this amendment focuses on streamlining the Smart Growth District Zoning Bylaw provisions. As such, it is more closely aligned with the objective of a more updated regulatory structure which is an objective within the Master Plan. Therefore, it would appear that this

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amendment is consistent with the Master Plan in that it seeks to streamline or update the regulatory structure associated with the Smart Growth Zoning District provisions.

**PUBLIC HEARING:** The Planning Board conducted a public hearing on this article on Monday April 30, 2018. No comments or questions were voiced regarding this Article.

**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, unanimously voted to approve this report and voted unanimously to recommend adoption of this Article as presented.

**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, is scheduled to take a vote on making a recommendation on this Article. This Report will be updated regarding the Planning Board recommendation following the April 30th meeting.

**ANNOTATED VERSION OF EXISTING SECTION 255-23 A AND 255-23 B**  
Provided on pages 9 through 31 as follows.

FINAL REPORT

## 255-23 Smart Growth Zoning Districts (SGZD)

### A. General Regulations that apply to all Smart Growth Zoning Districts

#### (1) Purposes - The purposes of the Smart Growth Zoning Districts are:

- (a) To provide an opportunity for residential development and to especially encourage mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of South Hadley.
- (b) To promote continuing development and redevelopment in South Hadley that is pedestrian friendly and consistent with South Hadley history and architecture.
- (c) To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of South Hadley and provides an environment with safety, convenience and amenity.
- (d) To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including affordable housing and other housing types that meet the needs of the Town's population.
- (e) To generate positive tax revenue for the Town, and to benefit from the financial incentives provided by Massachusetts General Law Chapter 40R, while providing the opportunity for new business growth and additional local jobs.
- (f) To encourage preservation and rehabilitation of historic structures and buildings.
- (g) To promote efficient use of land and existing parking supply and limit **the expansion of surface parking** within the district by encouraging shared parking.
- (h) To encourage adoption of energy efficient building practices and sustainable construction methods.
- (i) To ensure compliance with the Massachusetts Department of Environmental Protection stormwater management policies and practices.

- (2) **Definitions** - For purposes of this Section 255-23, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Article III, or as set forth in the PAA Regulations. ***Where, for readability or other reasons, the terms defined in Article III, the PAA Regulations or the Enabling Laws, appear without capitalization, such use shall nevertheless be presumed to have the same meaning as defined in Article III, the PAA Regulations or the Enabling Laws, as applicable, unless it is obvious from the context that the common law definition applies. Common law definitions shall apply to all other terms not defined in Article III, the PAA Regulations or the Enabling Laws.*** To the extent that there is any conflict between the definitions set forth in Article III or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Accessory - A structure, building or use which:

- (a) is subordinate in function to and serves a principal building or principal use;
- (b) is subordinate in area or extent to the principal building or principal use served;
- (c) contributes to the comfort, convenience, or necessity of occupants or the principal building or use; and
- (d) is located on the same lot as the principal building or use.

Administering/Monitoring Agent – An entity designated by the South Hadley Board of Selectmen, which may be the South Hadley Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this section related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the SGZD (See Section A(8))

Administrative Regulations **or PAA Regulations** – Administrative rules and provisions relative to Plan Approval that are adopted by the Planning Board pursuant to 40R and in its capacity as the 40R Plan Approval Authority under Section A(8). Such rules and regulations **Project application form(s), any other application requirements** and any subsequent amendments **thereof** must be approved by the Department of Housing and Community Development.

Affordable Homeownership Unit - A Dwelling Unit required to be sold to an Eligible Household per the requirements of this Section.

Affordable Housing – Housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - A deed restriction of an Affordable Unit meeting statutory requirements in Massachusetts General Law Chapter 1A(8)4 Section 31 and the requirements of Section A(8) of this Article.

Affordable Rental Unit - A Dwelling Unit required to be rented to an Eligible Household per the requirements of Section A(8).

Affordable Unit - The collective reference to Affordable Homeownership Units and Affordable Rental Units.

Allowed Use – A Principal, Accessory or other permitted Use listed under Section 255-23(B.). A Use that is not prohibited under Section 255-23(B.).

Annual Update - A list of all approved and currently proposed Smart Growth Districts within the Town of South Hadley and other associated information, to be filed on or before July 31<sup>st</sup> of each year with the Massachusetts Department of

Housing and Community Development pursuant to Massachusetts General Law Chapter 40R and applicable regulations (760 CMR 59.07(1)).

Applicant - A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this Section.

Area-wide Median Income - The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

As-Of-Right or As-Of-Right Development - A use or Development Project allowable under this Section without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section shall be considered an As-Of-Right Development.

Building - A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition “roof” shall include awning or any similar covering, whether or not permanent in nature. The word “building” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

Business - The transacting or carrying on of a trade or commercial enterprise with a view to profit or for livelihood.

Commercial - Any use classified under the category “Business Uses” in Section B.

Condominium - A system of ownership of real estate, including commercial, industrial, and attached and detached residential dwelling units, established pursuant to the Condominium Act of the Commonwealth of Massachusetts, Chapter 1A(8)3A of the Massachusetts General Laws, in which the apartments or dwelling units are individually owned and the land and common areas are owned in common. A condominium is not a use or a building type; rather it is a form of ownership that can apply to any use or building type.

Consumer Services - A barber shop, dry cleaning or laundry establishment, photographer's shop or studio or similar business where service is provided directly on the premises.

Density - The number of dwelling units per acre of land.

Department or DHCD – the Massachusetts Department of Housing and Community Development.

Design Standards – Provisions adopted in accordance with Section B., that shall be applicable to all Development Projects within the **SGZD** that are subject to Plan Review by the Planning Board.

Development Project Or Project - A residential or mixed use development undertaken under this Section. A Development Project shall be identified as such on the Plan which is submitted to the Planning Board for Plan Review.

Dwelling - A building occupied exclusively as a residence for one or more families.

Dwelling - Single-Family - A detached dwelling containing one dwelling unit.

Dwelling - Two-Family - A dwelling containing two dwelling units.

Dwelling - Three-Family - A dwelling containing three dwelling units.

Dwelling - Multi-Family - A dwelling containing four or more dwelling units.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include house trailers or recreational vehicles.

Eligible Household - An individual or household whose annual income is below eighty percent (80%) of the areawide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws – M.G.L. Chapter 40R and 760 CMR 59.00

Family - One or more persons occupying a dwelling unit and living as a single housekeeping unit. For purposes of this Section 255-23:

- (a) a family shall not exceed four (4) persons not related by blood or marriage, or
- (b) notwithstanding the above, a family shall be deemed to include a Group Residence, Limited, further defined as a premises licensed, regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

Floor Area - The sum of the areas of habitable or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, including habitable finished basements but excluding cellars or unfinished basements.

Frontage - The length of a front lot line adjacent to a street, provided however that the minimum frontage required by this By-Law shall be satisfied by a continuous, uninterrupted segment of such frontage.

Height - The vertical distance between the highest point of the roof of a building and the average finished grade of land on which the building is located. For purposes of this Section 255-23, the term “height” shall not apply to chimneys, steeples, flag or radio poles, antennas, aerators, required bulkheads, elevator penthouses, or other equipment appurtenances necessitated by the permitted use to which a building is put. In addition, the term, “height” shall not apply to solar energy collectors and equipment used for the mounting or operation of such collectors, provided however that such collectors or equipment shall not impair solar access of other building or other solar installations.

Institutional Use - A non-profit or quasi-public use or institution, such as a church, library, public or private school, municipally owned or operated building, structure or land, used for public purpose.

Loading Space - Off-street space logically and conveniently located for bulk pickups and deliveries by truck, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - A parcel of land which is or may be occupied by a principal building and its accessory buildings, together with such open yard areas as are required under the provisions of this Section 255-23. To be used for building purposes, such lot must have frontage on a street as defined below, excepting only a preexisting lot exempted by the provisions of Section 6 of Chapter 40A of the Mass. General Laws. A lot line is a boundary of a lot.

Master Plan - The South Hadley Master Plan adopted by the South Hadley Planning Board as amended.

Mixed-Use Development Project - A Development Project containing a mix of residential uses and non-residential uses as specified in Section 255-23(5) and subject to all provisions of this Section 255-23.

Non-Residential Use - Office, Retail, Restaurant, Service or Institutional Use, inclusive, or some combination of the same.

Office - A workplace used for the transaction of business or non-profit functions, excluding as principal uses manufacturing, retail construction, and warehousing and including but not limited to professional offices and offices that support or manage on-site or off-site manufacturing, retailing, construction, and warehousing, as well as research laboratories and other facilities in which research activities are conducted. An office that is operated as part of another

primary use on the use table shall be considered accessory to that primary use and not a separate use.

Parking (Off-Street) - **For purposes of this Section 255-23(6)**, an off-street parking space shall consist of an area for parking an automobile with room for opening doors on both sides, together with properly related access to a street and sufficient maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Plan - A plan depicting a proposed Development Project for all or a portion of the SGZD and which is submitted to the Planning Board for its review and approval in accordance with the provisions of this Section **255-23**.

Plan Approval - The Planning Board's authorization, acting as the Plan Approval Authority (PAA) per the Enabling Laws, for a proposed Development Project based on a finding of compliance with this Section and Design Standards after the conduct of a Plan Review.

Plan Approval Authority (PAA) - The South Hadley Planning Board authorized under Article XI to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGZD.

Plan Review - The review procedure established by this Article and administered by the Town of South Hadley Planning Board acting as PAA.

~~Principal Building - The primary use to which the premises are devoted, and the main purpose for which the premises exist.~~

**Principal Building – One or more buildings/structures serving the primary use to which the premises are devoted, and the main purpose for which the premises exist.**

Principal Use - The primary use to which the premises are devoted, and the main purpose for which the premises exist.

~~Project - A Residential Project or Mixed Use Development Project undertaken in accordance with the requirements of Section 255-23.~~

Residential Project – A Project that consists solely of residential, parking and accessory uses as defined in Section 255-23(B).

Residential Use - A building or part of a building containing Dwelling Units as defined herein above and parking that is accessory to the Dwelling Units.

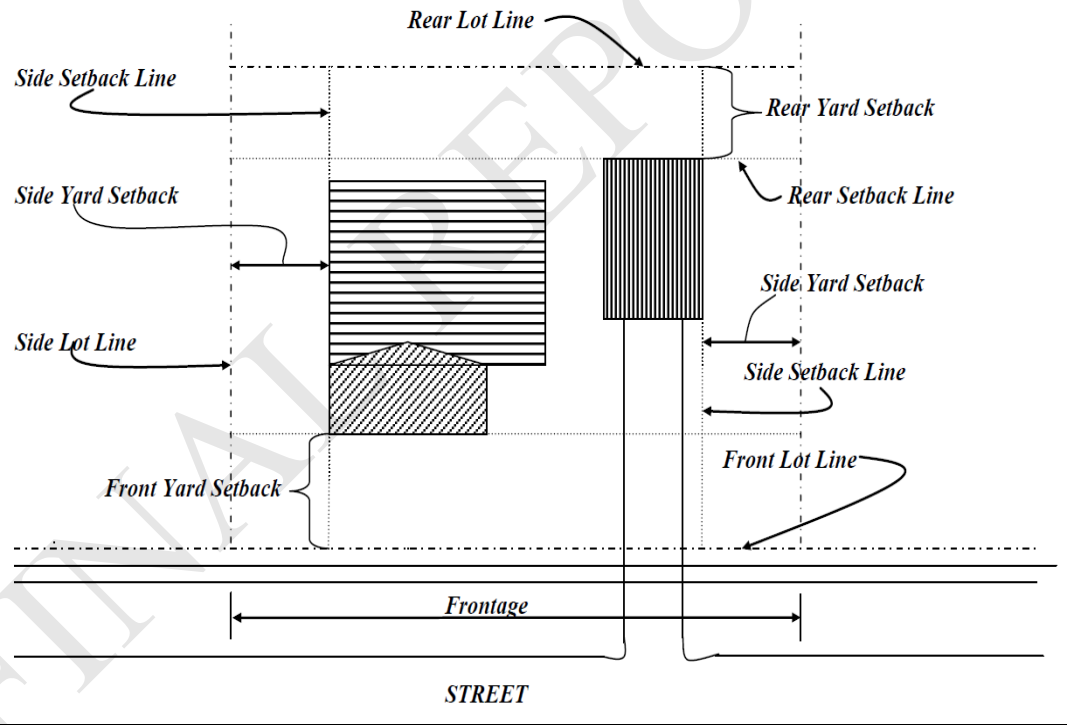
Restaurant - A commercial establishment in which the primary activity consists of the preparation and serving of food for consumption on the premises or as take-out, including a bar or pub or other establishment that sells food and alcoholic beverages for on-premises consumption, excluding catering businesses and retail uses that sell prepared food.

Retail/Retail Sales - An establishment selling goods directly to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drug store, florist, grocer, hardware store, liquor store, newsstand, shoe store, stationery store, convenience store, and variety store, excluding a restaurant.

School - A building devoted to the instruction or education in primary, secondary, high school, or post-high school grades.

Service - The performance of any act for the benefit of another with a view to profit or for a livelihood.

Setback - The minimum required unoccupied space or distance between lot line, and any part of a principal or accessory building nearest such lot line, such unoccupied space or area extending the entire distance across the lot. Front, side and rear setback lines are identified in accordance with the diagram below:



Smart Growth Zoning District (SGZD) - An Overlay Zoning District adopted pursuant to Massachusetts General Law Chapter 40R, in accordance with the procedures for zoning adoption and amendment as set forth in Massachusetts General Law Chapter 40A and approved by the Department of Housing and Community Development pursuant to Massachusetts General Law Chapter 40R and applicable regulations.

Street - A way, whether public or private, set aside for the passage of persons, animals or vehicles, and which is:

- (a) a public way accepted by the Town or a way which the Town Clerk certifies is maintained and used as a public way; or
- (b) a way shown on a plan approved and endorsed by the Planning Board in accordance with Chapter 41 of the Mass. General Laws (Subdivision Control Law); or
- (c) a way in existence when said Subdivision Control Law became effective in South Hadley having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and having sufficient and adequate municipal services to serve such land and the buildings erected or to be erected thereon.

Structure - A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, tower, fence, sign, pole, mast, or the like. The word “structure” shall be construed, where the context allows, as though followed by the words “or part or parts thereof.”

Underlying Zoning - The zoning requirements adopted pursuant to Massachusetts General Law Chapter 40A that are otherwise applicable to the geographic area in which the SGZD is located, as said requirements may be amended from time to time.

Unrestricted Unit - A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

Use - The purpose for which land or a building or structure is arranged, designed, intended or erected, or for which land or a building or structure is or may be occupied.

- (3) Scope and Authority** - The Smart Growth Zoning District is established pursuant to the Enabling Laws, and shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of South Hadley, as amended. The Underlying Zoning shall remain in effect, and the Applicant shall have the option of applying for Plan Approval pursuant to the zoning controls set forth in this Article **Section 255-23** or complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of South Hadley for the underlying district(s) or for other overlay zoning that may be therein defined. Development Projects proceeding under this Article **Section 255-23** shall be governed solely by the provisions of this Article **Section 255-23** and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and other overlay provisions, including limitations upon the issuance of building permits for residential uses related to a rate of

development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

**(4) Performance Standards** – All permitted uses must comply with the following:

- (a) Does not regularly emit noxious odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (b) Does not present a danger to persons within or outside the **SGZD** by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
- (c) Complies with the town Stormwater Management Bylaw as provided to DHCD on September 1A(8)8, 2015, regardless of the amount of area being disturbed. Until such time that the Town of South Hadley has qualified for a density bonus payment under 760 CMR 59.06(2) for one or more 40R bonus units permitted within the SHFSGD, any subsequent amendments to Stormwater Management Bylaw shall not apply to Development Projects in the SGZD until DHCD has received written notice of such amendment(s) and determined that such amendment(s) does not Unduly Restrict development within the SGZD as per 760 CMR 59.02. **for one or more density bonus payments under 760 CMR 59.06(2) corresponding to a number of Bonus Units that is equal to or greater than the minimum number of Incentive Units associated with any Zoning Incentive Payment received for a given SGZD established under this Section 255-23, any subsequent amendments to Stormwater Management Bylaw shall not apply to Development Projects in such the SGZD until DHCD has received written notice of such amendment(s) and determined that such amendment(s) does not Unduly Restrict development within the such SGZD as per 760 CMR 59.02.**

- (5) **Mixed-Use Development** - Development Projects may include a portion not to exceed 50% of the total gross floor area to be used for non-residential uses including Office, Retail, Restaurant, Service or Institutional Uses. Residential units must generally be located above the first-floor but may be permitted in first floor portions of the building. ~~where~~ **W**here that portion of the building fronts on a public way, the Planning Board must determine that it is principally a residential street or that such first floor residential use would be in keeping with the character of the adjoining land uses.

**(6) Off-Street Parking and Loading**

- (a) **Off-Street Parking** - Retail stores, offices and Consumer Service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempt from off-street parking requirements. In all

other cases, off-street parking shall be provided to meet the following minimum requirements:

| USE   | Number of Parking Spaces |
|---|--------------------------|
| Retail or Restaurant  | 0                        |
| Office and Institutional  | 2 per 1,000 square feet  |
| Residential Units   | 1.25 per unit            |
| Other Non-Residential, less than 2,000 square feet  | 0                        |
| <b>Other</b> Non-Residential, 2,000 square feet or more leasable space in excess of 2,000 square feet | 1 per 2,000 square feet. |

As indicated above, off-street parking is not required for Other Non-Residential uses in the district unless such use exceeds 2,000 square feet of net floor area.

- (b) Off-Street Loading & Delivery - Off-street loading spaces shall be provided to meet or exceed the following minimum requirements:

| Use   | Number of Parking Spaces      |
|---|-------------------------------|
| Restaurant - leasable space in excess of 2,000 square feet                  | 1 space per 2,000 square feet |
| Other allowed Secondary Use - leasable space in excess of 2,000 square feet | 1 space per 5,000 square feet |

The Planning Board may waive the loading space requirement if the Applicant provides a plan proving that the loading space is not needed or can be shared.

- (c) Location of Parking - Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a building, relative to any public right-of-way, public open space, or pedestrian way. In no case shall surface parking for new construction be permitted within the required front yard setbacks ***any applicable restricted Front Setback area***.
- (d) Waiver of Parking Requirements - The Planning Board may grant a Plan Approval ~~making such modifications in~~ ***providing such relief from*** the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the SGZD. The Planning Board may impose conditions of use or occupancy appropriate to such modifications, ***provided that the particular use and occupancy were voluntarily proposed by the applicant and any such conditions are expressly approved in writing by DHCD and any such conditions are expressly approved in writing by DHCD and would not impair the development of housing within the District which is appropriate for diverse populations.***

**including households with children, other households, individuals, households including individuals with disabilities, and the elderly.**

- (e) **Shared Use of Required Parking** - Shared use may be made of required parking spaces by intermittent use establishments, for example, churches, assembly halls or theaters, whose peak parking demand is only at night or on specific days of the week; by other uses whose peak demand is only during the day; or in public parking lots. At the time of application, a formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement.
- The applicant shall demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other industry established studies on shared parking).
- (f) **Cooperative Establishment and Operation of Parking Areas** - Required spaces for any number of uses may be provided in a combined lot or lots (public or private), provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 600 feet of the principal buildings served.
- (g) **Parking Design** - Parking shall be designed and constructed to comply with all applicable **state or federal** disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and 521 CMR.
- (7) **Open Spaces and Recreational Areas** - The site design for Development Projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Plan Approval within the SGZD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Planning Board shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the Planning Board, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development. Upon consideration of the above information, the Planning Board may approve a waiver as provided for in Section 255-23(10) for a front setback to allow for common open space or facilities.

(8) **Affordable Housing**

- (a) **Affordable Units** shall comply with the following requirements:

~~[1] The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the~~

maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section A(8) voucher in which case program rent limits shall apply.

**[1] The monthly rent payment for an Affordable Rental Unit, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless another methodology for determining the target household size has been approved by DHCD.**

[2] For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, **and parking**, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one.

[3] Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

- (b) Number of Affordable Units - Twenty percent (20%) of all Dwelling Units and twenty-five percent (25%) of all rental Dwelling Units constructed in a Development Project shall be Affordable Units; Provided however, for Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the dwelling units are rental units or ownership units.
- (c) Fractional Units - When the application of the percentages specified in Section A(8)(a) results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
- (d) Design and Construction - Affordable Units must be dispersed equitably and proportionately throughout a Development Project, including, where applicable, across all buildings, floors and unit types. Affordable Units must be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

- (e) Unit Mix - The total number of bedrooms in the Affordable Units shall be at least proportionate to the total number of bedrooms in all units of the Project of which the Affordable Units is **are a** part.
- (f) Affordable Housing Restriction - Each Affordable Unit shall be subject to an Affordable Housing Restriction approved by DHCD, pursuant to 40R, and recorded with the County Registry of Deeds or Land Court Registry District of the County. All Affordable Housing Restrictions must include, at minimum, the following:
- [1] A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, **initial unit designations**, and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development or portion of a Development which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development **Project** or the rental portion of a Development ~~without specific unit identification~~ **Project with the designated Affordable Rental Units initially identified in the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and able to float on a limited basis, as necessary, subject to specific approval by DHCD in accordance with the AFHMP and DHCD's AFHMP guidelines.**
  - [2] The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law, **as further specified in the PAA's Plan Approval decision**, but shall be no less than thirty (30) years.
  - [3] The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.
  - [4] Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, pursuant to 40R, **for the corresponding Project or phase(s) therein**, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
  - [5] A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled In accordance with the housing marketing and selection plan.

- [6] Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
- [7] A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.
- [8] Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.
- [9] Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town of South Hadley, in a form approved by municipal counsel and DHCD pursuant to the Enabling Laws, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
- [10] Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the provisions of this Section 255-23(A)(8)) and containing such other information as may be reasonably requested in order to ensure affordability ***compliance with the Affordable Housing Restriction and AFHMP.***
- [11] Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town of South Hadley, in a form approved by municipal counsel and DHCD pursuant to the Enabling Laws, and shall limit rental and occupancy to an Eligible Household.
- [12] A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability ***compliance with the Affordable Housing Restriction and AFHMP.***
- [13] Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
- (g) Administration - The Monitoring Agent shall ensure the following (See Section 255-23(A)(2) Definitions):
- [1] Prices of Affordable Homeownership-Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
- [2] Income eligibility of households applying for Affordable Units is properly and reliably determined.

[3] The housing marketing and resident selection plan has been approved by DHCD pursuant to the Enabling Laws, conforms to all requirements and is properly administered.

[4] Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.

[5] Affordable Housing Restrictions meeting the requirements of this section are recorded with the Hampshire County Registry of Deeds or Land Court. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Planning Board or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the South Hadley Board of Selectmen.

- (h) Costs of Housing Marketing and Selection Plan - The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the Monitoring Agent and the owner shall pay reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements **under this Section 255-23 and the Enabling Laws**.

In combination, the various documentation required under Section A(8), to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

- (9) **Plan Approval Procedures** - The Planning Board shall adopt and file with the Town Clerk Administrative Regulations relative to the application requirements and contents for Plan Review, subject to approval by the Massachusetts Department of Housing and Community Development. Plan approval procedures shall be as follows:

- (a) Pre-Application Requirements - Prior to the submittal of a Plan for Plan Approval, a "Concept Plan" may be submitted to help guide the development of the definitive submission for project build out. Such Concept Plan shall reflect the following:

[1] Overall building envelope areas

[2] Open space and natural resource areas

[3] General site improvements, drainage plans, groupings of buildings and proposed land uses

[4] Anticipated parking spaces and locations

[5] Site vehicular access

The Concept Plan is intended to be used as a tool for both the Applicant and the Planning Board to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGZD.

(b) Application Procedures - All Projects are subject to Plan Approval.

[1] Submittal

[a] An application for Plan Approval shall be submitted in accordance with the requirements herein and further specified in the SGZD Administrative Regulations, on the form provided by the PAA along with the application fees set forth in the Administrative Regulations. The application shall be accompanied by such plans and other documents as required by the Administrative Regulations required to verify compliance with any of the provisions of this Section in a manner that, as defined in 760 CMR 59.02, does not Unduly Restrict development within the SGZD. In addition to the submission requirements of Administrative Regulations, an application for Plan Approval shall also include all of the following:

- Development narrative including all uses, breakdown of square footage for each use, number of housing units and zoning summary.
- Photos of adjacent properties and other properties impacted by the development project.

[b] All plans shall be prepared by certified architects or engineers as required by the Massachusetts Building Code and shall include all of the following:

- Building plans – all levels including roof
- Building elevations – all sides including courtyards and interior lot elevations
- ~~Massing perspective sketches or renderings illustrating the key elements of the development proposal within its context~~
- **Massing perspective sketches or renderings illustrating the key elements of the proposed development Project within its context**

- Proposed exterior lighting plan with photometric information
- Proposed stormwater management plan with rainwater calculations in accordance with the town's Stormwater management Bylaw regardless of the size of the land area being disturbed. However, this is not required if the Planning Board as the Stormwater Management Permitting Authority determines that the area of disturbance is so de minimis as to render calculations insignificant.
- The documents shall clearly differentiate between existing and proposed work by use of screened lines or color. Changes and revisions to subsequent submittals shall be prominently noted.

[c] An application for Plan Approval shall be filed by the Applicant with the Town Clerk. A copy of the application, including the date of filing certified by the Town Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the Planning Board. Application submissions must include a hard copy as well as an electronic copy in PDF and CAD format. Said filing shall include any required forms provided by the Planning Board. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Planning Board and the Monitoring Agent:

- Evidence that the Development Project complies with the cost and eligibility requirements of Section A.(8);
- Development Project plans that demonstrate compliance with the design and construction standards of Section A.(8)(d); and
- A form of Affordable Housing Restriction that satisfies the requirements of Section A.(8)(f).
- Review Fees: The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town of South Hadley in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Planning Board in reviewing the Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

~~[2] Circulation to Other Boards — In accordance with the Requirements of Article XII Site Plan Review, the Planning Board shall provide a copy of the application materials to all relevant municipal Boards, Departments,~~

~~Commissions and Officials as determined by the Planning Board and, if the project is subject to Affordability requirements, the Monitoring Agent. These entities shall provide any written comments within 60 days of receipt of the plan and application.~~

- [2] ***In accordance with the Administrative Regulations, the Planning Board shall provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions and Officials as determined by the Planning Board and to the Monitoring Agent. Subject to the requirements under 9(b)[4] below, these entities shall provide any written comments within 60 days of the filing plan and application with the Town Clerk.***
- [3] Public Hearing and Time Limits - The Planning Board shall hold a public hearing and review all applications according to the procedure specified in Massachusetts General Law Chapter 40A Section 11.
- [4] The decision of the Planning Board shall require a majority vote of the board's members and be made, and written notice of the decision filed with the Town Clerk within 120 days of receipt of the Application by the Town Clerk. This time may be extended by mutual agreement between the Planning Board and the Applicant by written agreement filed with the Town Clerk. Failure of the Planning Board to take action within said 120 days or the extended time shall be deemed an approval of the Plan Approval application.
- [5] Criteria for Plan Approval - The Planning Board shall approve the Development Project upon all of the following findings:
- The Applicant has submitted the required fees and information as set forth in the SGZD Administrative Regulations
  - The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section ***255-23***, applicable Design Standards and the SGZD Administrative Regulations, or a waiver has been granted there from ***and shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.***
  - Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.
  - ~~Projects subject to Affordable Housing requirements, compliance with Condition b. above shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.~~

[6] Criteria for Plan Denial - A Plan Approval application may be disapproved only where the Planning Board finds that:

- The applicant has not submitted the required fees and information as set forth in the SGZD Administrative Regulations; or
- The Project as described in the application does not meet all the requirements and standards set forth in this Section **255-23**, applicable Design Standards and the SGZD Administrative Regulations, or that a required waiver there from has not been granted; or
- It is not possible to adequately mitigate significant project impacts on nearby properties by means of suitable conditions.

**(10) Waivers** - Upon request of the Applicant, the Planning Board may waive dimensional and other requirements, including design standards, with conditions, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGZD and the South Hadley Master Plan, and if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowed under this Section. Notwithstanding anything to the contrary in this **Section 255-23 or the Zoning Bylaw of South Hadley**, the Affordable Housing provisions of **that comprise** Section **255-23** A(8) shall not be waived without the express written approval of DHCD. The Planning Board will also take into consideration the following items when considering a waiver:

- (a) High performance energy efficient buildings and construction methods.
- (b) Projects with publicly accessible open space.
- (c) Projects that include retail and restaurants located on street level.
- (d) A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.
- (e) The preservation or rehabilitation of historic properties or other buildings considered significant to the Town.

**(11) Plan Changes After Approval by Planning Board**

- (a) **Minor Plan Changes** - After Plan Approval, an Applicant may apply to make minor changes in a Development Project that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability **Affordable Housing** features. Such minor changes must be submitted to the Planning Board on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Planning Board. The Planning Board may

authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Planning Board shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

(b) Major Plan Changes - Those changes deemed by the Planning Board to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Planning Board as a new application for Plan Approval pursuant to this Section.

- (12) **Fair Housing Requirement** - All Development Projects within the SGZD shall comply with applicable federal, state and local fair housing laws.
- (13) **Project Phasing** - The Planning Board may allow a Project to be phased at the request of the applicant or to mitigate any extraordinary adverse impacts on nearby properties and provided that the submission shows the full build-out of the Project and all associated impacts as of the completion of the final phase and subject to approval of the Planning Board. For projects that are approved and developed in phases, the proportion of Affordable units shall be no less than the minimum percentage required for the district **Project** as a whole **under Section 255A(8)(b)**.
- (14) **Decisions** - The Planning Board shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the Town Clerk. If 20 days have elapsed after the decision has been filed with the Town Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, or if a plan is approved by reason of the failure of the Planning Board to timely act, the Town Clerk shall so certify on a copy of the decision. A copy of said decision shall be filed with the Registry of Deeds.

A Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate an appeal and which time shall be extended if the project proponent is actively pursuing other required permits or there is other good cause for failure to commence.

The Planning Board may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the applicant's control, for a period longer than one year.

- (15) **Date of Effect** - The effective date of this **SGZD** Bylaw **(Section 255-23) as amended May 8, 2018**, shall be the date on which such adoption is voted upon

by Town Meeting pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw **(Section 255-23)** prior to the receipt of final approval of this Bylaw **(Section 255-23)** and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.

- (16) **Severability** - If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town's Zoning Bylaw.
- (17) **Design Standards** - The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all Projects ~~subject to Plan Approval by the Planning Board~~. Such Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.
- (a) Before adopting any Design Standard, the Planning Board shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk.
- (b) An application for Plan Approval that has been submitted to the Town Clerk pursuant to this Section shall not be subject to any Design Standard that has not been approved by DHCD.

## **B. Establishment and Delineation of the Smart Growth Zoning Districts**

- (1) South Hadley Falls Smart Growth Zoning District (SHFSGZD)
- (a) **Establishment and Delineation of the SHFSGZD** - The SHFSGZD is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "South Hadley Falls Smart Growth Zoning District" on the Official Zoning Map of the Town of South Hadley on file in the office of the Town Clerk, said map hereby made a part of the South Hadley Zoning Bylaw.
- (b) **Allowed and Prohibited Uses** - Any use not listed herein as an Allowed Use is deemed prohibited.

[1] **Allowed Uses** - The following uses shall be permitted As-Of-Right in the SHFSGD upon Plan Approval pursuant to the provisions of this article **Section 255-23:**

[a] Multi-Family Dwelling

**[b] Mixed-Use Development Project**

**[b-1] Multi-Family Dwelling**

[b-2] Single-Family, Two-Family and Three-Family Dwelling\*

[b-3] Office \*

[b-4] Retail \*

[b-5] Restaurant (excludes drive-through windows)\*

[b-6] Institutional \*

[b-7] Consumer Service \*

\*Only as part of a Mixed-Use Development; see Section 255-23(A)(5)

In addition to the Allowed Uses listed above, the following uses are permitted As-Of-Right for Development Projects within the SHFSGZD subject to the requirements of this Article **Section 255-23:**

[g] Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking

[h] Accessory uses customarily incidental to any of the above permitted principal uses

(c) **Dimensional and Other Requirements** - Applications for Plan Approval shall be governed by this Section and the Design Standards for the SHFSGZD.

| <b>Dimensional Requirement</b>   |          |
|--|----------|
| Maximum Floor Area Ratio (FAR) (Gross Floor Area / Lot Size)             | 3        |
| Maximum Building Height  | 45 feet  |
| Minimum Lot Frontage   | 50 feet  |
| Maximum Lot Coverage   | N/A***   |
| Minimum Lot Area   | N/A***   |
| Number of Buildings per lot  | N/A***   |
| Maximum Building Frontage  | 300 feet |
| Minimum Front Setback*   | 0 feet   |
| Maximum Front Setback*   | 10 feet  |
| Minimum Side/Rear Setback** abutting a Residential Zone                  | 15 feet  |
| Minimum Side/Rear Setback** in SHFSGD or abutting Business-B             | 0 feet   |
| Interior Setback (between buildings on same lot)                         | 15 feet  |
| *See 7.1.1 of the Design Standards for front facade setback requirements |          |
| **See 7.1.2 of the Design Standards for building step-back requirements  |          |

\*\*\*No requirement or limitation applies

- [1] Residential Density Allowances - The minimum Multi-Family Residential density shall be 20 units per acre and the maximum Multifamily Residential Density shall be 24 units per acre for all lots and all buildings. The Single-Family Residential Density shall be a maximum of up to A(8) units/acre and Two-Family and Three-Family Residential Density shall be a maximum of up to 12 units/acre.
- [a] The Planning Board may provide a waiver, including permitting a density of less than 20 units per acre for Multi-Family, as specified in Section A(10) to promote the renovation or adaptive reuse of existing buildings.
- [2] Contiguous Lots - In the SHFSGZD, where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and Dwelling Units per acre.
- [3] Age-Restricted Housing Units - An Applicant may propose a Residential or Mixed-Use Development Project in which all Dwelling Units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this **Section 255-23** and the Design Standards.

FINAL REPORT OF PLANNING BOARD ON PROPOSED NEWTON STREET SMART  
GROWTH DISTRICT – TEXT AMENDMENTS (Article 21)

**May 9, 2018 Annual Town Meeting**

**Article 21**

**SMART GROWTH DISTRICT – NEWTON STREET SGZD**

**Article PB 21:** To see if the Town will vote to amend in the Zoning By-Law Article IV Districts Subsection 255-15 Overlay Districts, by including an Overlay District entitled Newton Street Smart Growth District; Article VII Supplemental District Regulations, Subsection 255-123 South Hadley Smart Growth Districts by inserting a new Subpart (C) Newton Street Smart Growth District, (pursuant to M.G.L. Chapter 40R and 760 CMR 59.00 and M.G.L. Chapter 40S) as detailed in the Planning Board’s Report to Town Meeting or take any other action relative thereto. (PB) Appendix “G” (also available in the Planning Department Office).

The changes to be made in the Zoning Bylaw are as follows:

**1. Amend Section 255-15 of the South Hadley Zoning Bylaw by adding the following:**

E. Newton Street Smart Growth District. The purposes of this district are as stated in Section 255-23.

**2. Amend Section 255-23 Smart Growth Zoning Districts; by inserting the following Subpart (C) “(C) Newton Street Smart Growth District (NSSGD) to read as follows:**

**C. Newton Street Smart Growth Zoning District (NSSGZD)**

**(a) Establishment and Delineation of the NSSGZD** - The NSSGZD is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "Newton Street Smart Growth Zoning District" on the Official Zoning Map of the Town of South Hadley on file in the office of the Town Clerk, said map hereby made a part of the South Hadley Zoning Bylaw.

**(b) Allowed and Prohibited Uses** - Any Use not listed herein as an Allowed Use is deemed prohibited.

**[1] Allowed Uses** - The following Uses shall be permitted As-Of-Right in the NSSGZD upon Plan Approval pursuant to the provisions of this Section 255-23:

[a] Multi-Family Dwelling

[b] Mixed-Use Development Project

[b-1] Multi-Family Dwelling

[b-2] Single-Family, Two-Family and Three-Family Dwelling\*

[b-3] Office \*

[b-4] Retail \*

[b-5] Restaurant (excludes drive-through windows)\*

[b-6] Institutional \*

FINAL REPORT OF PLANNING BOARD ON PROPOSED NEWTON STREET SMART GROWTH DISTRICT – TEXT AMENDMENTS (Article 21)

[b-7] Consumer Service \*

\*Only as part of a Mixed-Use Development; see Section 255-23(A)(5)

In addition to the Allowed Uses listed above, the following Uses are permitted As-Of-Right for Development Projects within the NSSGZD subject to the requirements of this Section 255-23:

[g] Parking Accessory to any of the above permitted Uses, including surface, garage-under, and structured parking

[h] Accessory Uses customarily incidental to any of the above permitted Principal Uses

(c) **Dimensional and Other Requirements** - Applications for Plan Approval shall be governed by this Section and the Design Standards for the NSSGZD.

| <b>Dimensional Requirement</b>   |  |
|--|--|
| Maximum Building Height  | 4 stories or 65 feet, whichever is less  |
| Minimum Lot Frontage   | N/A***   |
| Maximum Lot Coverage   | N/A***   |
| Minimum Lot Area   | N/A***   |
| Number of Buildings per Lot  | N/A***   |
| Maximum Building Frontage  | 300 feet   |
| Minimum Front Setback  | N/A***   |
| Minimum Side/Rear Setback abutting a Residential Zone                                    | 20 feet  |
| Minimum Side/Rear Setback when abutting a parcel with an existing Single Family Dwelling | 20' for that portion of a Structure not exceeding two (2) stories<br>50' for that portion of a Structure exceeding two (2) stories |
| Minimum Side/Rear Setback in NSSGZD or abutting Business-A                               | 20 feet  |
| ***No requirement or limitation applies  |  |

[1] Residential Density Allowances - The minimum Multi-Family Residential density shall be 20 units per acre and the maximum Multifamily Residential Density shall be 24 units per acre for all Lots and all Buildings. The Single-Family Residential Density shall be a maximum of up to 8 units/acre and Two-Family and Three-Family Residential Density shall be a maximum of up to 12 units/acre.

[a] The Planning Board may provide a waiver, including permitting a density of less than 20 units per acre for Multi-Family, as specified in Section A(10) to promote the renovation or adaptive reuse of existing Buildings.

[2] Contiguous Lots - In the NSSGZD, where two or more Lots are contiguous or are separated by a right-of-way, such Lots may be considered as one Lot for the

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purpose of calculating maximum Lot coverage; parking requirements; minimum useable open space; and Dwelling Units per acre.

- [3] Age-Restricted Housing Units - An Applicant may propose a Residential or Mixed-Use Development Project in which all Dwelling Units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Section 255-23 and the Design Standards.

### EXISTING PROVISIONS

There are no existing provisions being revised. Rather, as noted above, the new overlay district and its purpose is being added to Subsection 255-15 and a new Subpart (C) is being inserted into Subsection 255-15.

**OBJECTIVE:** The objectives of article are

- 1) To encourage development of new housing units and mixed-use developments in South Hadley supportive of the Town's housing and economic redevelopment efforts.
- 2) Further the Town's efforts to promote sustainable development consistent with the Town's Master Plan.
- 3) Promote development of a diversified housing supply.

**SUMMARY:** This article fulfills the objectives stated above by establishing the Town's second "Smart Growth District" under the State's Chapter 40R program.

**BACKGROUND:** The amendment proposed in this warrant article is a continuation of the Town's efforts to facilitate revitalization of our commercial core areas and implementing our adopted housing strategies. And, it is yet another result of several years of work with the Pioneer Valley Planning Commission dating back to early 2013. As with the Town's first Smart Growth District, the basis for the proposal dates back to the 2010 Master Plan which identified "Invest in the Route 116/Route 33 Commercial Focus Area as a mixed-use center" as one of the plans Five Core Initiatives and Sustainability as one of the plan's Guiding Principles (see section "Relationship to Master Plan" below).

#### Benefits of a Smart Growth Zoning Overlay District

As noted in 2015 when Town Meeting approved the South Hadley Falls Smart Growth District, there are a variety of reasons to develop and adopt a Smart Growth Zoning Overlay District approved under the 40R program. Among the benefits are:

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- o Sustainable development: Encouraging development where infrastructure already exists is a sustainable approach to development.
- o Development guidance: Tells developers where the community wants more intense residential development.
- o Revitalization: Supports downtown and commercial center revitalization and redevelopment.
- o Grants: Smart Growth Districts are given points on various grant applications.
- o Financial: The State provides financial incentives for adopting a Smart Growth Zoning Overlay District in the form of a one-time payment upon final approval of the district by the State and Incentive Payments for every dwelling unit permitted under the Overlay District. The One-Time payment has been estimated to be \$350,000 for South Hadley.
- o 40B Safe Harbor: Communities with less than 10% of their housing supply considered “affordable” under the State’s Subsidized Housing Inventory list are subject to private developers applying for a Comprehensive Permit which could ignore the local zoning and other regulations. The state has rejected some requests for Project Eligibility Letters from such developers where the community has adopted a Smart Growth Overlay District and is showing activity to develop housing in the district.

Smart Growth Zoning Overlay District Act – 10 years of experience

The Smart Growth Zoning Overlay District Act was enacted by the State in 2004 to encourage communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations. Since the program was developed, many communities across the Commonwealth have created these Smart Growth Overlay Districts and utilized the tools they offer to facilitate the type of development they desire to occur in places they want it occur.

At least 33 communities (including South Hadley) across the state have created and obtained State approval of Smart Growth Overlay Districts under the Chapter 40R program. Several communities have created at least two such districts. To date, over 2,400 dwelling units have been permitted under the Smart Growth Zoning Districts.

In addition to the South Hadley Falls Smart Growth District, additional Smart Growth Overlay Districts in the Pioneer Valley Region include districts in Chicopee, Easthampton, Holyoke, Ludlow, Northampton, and Westfield. So, this is not a new program. Rather, it is a program with some history and solid experience – both with the region and across the State.

Criteria for a Smart Growth Overlay District

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To be approvable, overlay Districts must be located near transit stations, in existing city and town centers, commercial districts, and other Areas of Concentrated Development, and in other eligible Smart Growth locations. A “transit station” includes a bus stop. After thorough analysis of the South Hadley Falls area and a site visit by representatives of the Department of Housing and Community Development, a portion of the South Hadley Falls area was determined to be eligible for designation due to its proximity to transit service and the concentrated area of development standards.

Process for Obtaining Approval of a District

Creation of a Smart Growth Overlay Zoning District under Chapter 40R, MGL requires planning and lots of data analysis. Thus, the Town utilized the services of the Pioneer Valley Planning Commission (PVPC) under a Technical Assistance Grant to undertake this effort. The steps in this process are as follows:

- 1). The “chief executive” of the Municipality or designee must hold a public hearing on whether the provisions of the proposed Smart Growth Zoning shall be adopted by the Municipality.
- 2). The town then submits its SGZ Application to DHCD for their “Preliminary Determination of Eligibility” (an informal, non-adjudicatory procedure). The process can take up to 90 days.
- 3). Once DHCD has given their final approval - for the Preliminary Determination of Eligibility” - the town then goes through the normal zoning adoption process.
- 4). Once adopted by Town Meeting, the town submits proof of adoption to DHCD (including showing any changes required in their Letter of Eligibility).
- 5). DHCD reviews the submission and issues its final approval (a non-expiring Letter of Approval).

Thus, before the first step – the hearing by the “chief executive” – a draft proposal for a district needed to be developed. During 2016-2017, the PVPC staff, Planning Director, and Planning Board developed such a proposal.

The Town Administrator, as Chief Executive of the Town, held public hearings on July 11, 2017 and August 31, 2017. Notices of the August 31, 2017 public hearing were mailed to each of the abutters and owners of the proposed included properties as well as the required publishing and posting of the notice. Both public hearings were very well attended with many persons asking questions and making comments regarding the proposal. As a result of comments received during the July 11, 2017 public hearing, the boundaries of the proposed district were reduced.

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The application for a Preliminary Determination of Eligibility was submitted to the DHCD in December 2017. Over the course of the past four months, the Planning Director and the staff of the PVPC worked with the DHCD staff to make revisions to the submittal to address the statutory requirements and the DHCD staff concerns and comments. This process involved review of the details of the proposed Zoning Bylaw amendment as well as further analysis of the individual parcels within the proposed district boundaries.

A Preliminary Determination of Eligibility for the proposed Newton Street Smart Growth Zoning District was issued by the DHCD on April 5, 2018 (see attached letter). Subsequently, the Planning Board, PVPC staff, and Planning Director began the third step in the process – the normal zoning adoption process. A public hearing will be held on April 30, 2018.

If Town Meeting approves the proposed amendment, the Newton Street Smart Growth District could receive final State approval by this Fall.

*Proposed Zoning Bylaw Amendment*

As noted in 2015, a Smart Growth Zoning Overlay District must be an all-inclusive zoning provision to be approved under Chapter 40R procedures. By this, we mean that it cannot rely upon any provision outside of the Smart Growth Overlay District provisions. Therefore, all the definitions, development standards, use allowances, etc. applicable to development under the Overlay District must be contained within the specific section of the Zoning Bylaw.

With the action taken by Town Meeting in January 2018 and proposed under Article 20 of the May 2018 Annual Town Meeting, all of the “Generally applicable” provisions for a Smart Growth District have already been adopted and incorporated into a separate section of the Zoning Bylaw (Section 255-23). Therefore, the amendment needed for the Newton Street Smart Growth District is much less cumbersome than it was for the South Hadley Falls Smart Growth District and only has three parts:

- Establishment of the district
- Regulation of uses
- Dimensional requirements

Below is a brief synopsis of the three elements of the proposed Subsection 255-23(C):

Delineation of the NSSGD. This section provides that the district is as delineated on the map. Under Article #22 of the May 2018 ATM warrant, Town Meeting will set the boundaries of the district.

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Allowed Uses. Multifamily development at densities of 20 units or more per acre is at the cornerstone of the development incentive offered by a Smart Growth Zoning District under Chapter 40R. Thus, Multifamily housing is allowed by right exclusively. The following uses are also allowed by right when part of a mixed-used development:

- Multi-Family Dwelling
- Single-Family, Two-Family and Three-Family Dwelling
- Office
- Retail
- Restaurant (excludes drive-through windows)
- Institutional
- Consumer Service

Parking and accessory uses are also permitted by right as part of a Development Project under the District provisions.

Density and Dimensional Standards. Smart Growth Zoning Overlay Districts approved under 40R must allow, by right (or subject to review similar to Site Plan Review but not Special Permit or Variance), residential developments with the following minimum densities:

- Single-Family: 8 units per acre
- Two- & Three-Family: 12 units per acre
- Multi-Family: 20 units per acre

The proposed amendment utilizes these minimum density standards. However, unlike the State provisions, it sets a cap on the number of multi-family units per acre at 24. The reason for setting a cap at this level is to make clear that there is a limit to the allowed density but to also allow applicants some flexibility in design without asking for a waiver of the cap.

Similarly, the amendment provides dimensional requirements specific to the Overlay District. While these dimensional standards have some similarity to some of those of the underlying zoning, they generally vary from the underlying zoning, in part due to the Overlay District requirements being subject to supplemental standards and a Design Review process – similar to Site Plan Review.

**RELATIONSHIP TO 2010 MASTER PLAN:** There are a number of aspects of the Master Plan

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Revitalization of South Hadley’s commercial core areas is a major focus of the 2010 Master Plan – several of the Core Initiatives. Similarly, the need for more housing across all affordability tiers is the focus of an entire chapter in the Master Plan. The first and third Plan Principles and the Second and Fifth Core Initiatives relate directly to this amendment:

***Managing towards our Shared Vision:***

*Coordinating Town actions, regulations, and investments consistently towards achieving the community's objectives and goals. This principle envisions efforts to manage town programs, budgets, and actions in a proactive way that is intentionally and thoughtfully directed towards achieving specific outcomes, and applies both to overall planning and policy and to specific actions of town departments. For example, a goal of developing a number of parcels of open space over time might suggest the coordination of complementary economic incentives, zoning bylaws, and infrastructural improvements.*

***Sustainability:***

*Promoting policies and actions that will meet the needs of the present without compromising the ability of future generations to meet their own needs. Sustainability should be understood broadly to include maintaining a long-range focus for Town actions and investments as well as the stewardship of the Town’s natural lands, parks, and public buildings. Sustainability also implies renewed attention to efficiency, or making the most of what we have, whether measured in infrastructure, energy, money, or time, or in natural resources like land and water.*

The Second Core Initiative is to “Invest in the Route 116/Route 33 Commercial Focus Area as a mixed-use center” and the Fifth Core Initiative regarding “Updating the Regulatory Infrastructure to Support the Community’s Desired Outcomes” are both furthered by adopting the 40R Smart Growth District.

***Core Initiative 2: Invest in the Route 116/Route 33 Commercial Focus Area as a mixed-use center***

***Goal:*** *Actively promote redevelopment of the Route 116 / Route 33 commercial focus area as an attractive, economically vital, livable, and walkable mixed-use center for the Town, integrating residential and commercial uses.*

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*Route 116 forms South Hadley's north/south spine. The Route 116/Route 33 intersection is at the center of this corridor and has emerged as a key focal point for the Town's economic activity and future development. This area functions as an important hub of commercial activity and offers substantial potential for future reinvestment in housing, mixed-use development, traffic and landscaping improvements, and pedestrian facilities that can better connect the area to the rest of South Hadley. The desire is to create a visually appealing, walkable mixed-use center that offers business opportunities and pathway connections to surrounding neighborhoods and centers.*

***Core Initiative 5: Updating the Regulatory Infrastructure to Support the Community's Desired Outcomes***

***Goal:*** *Develop and adopt a modern, efficient and effective regulatory infrastructure that creates a framework for enhancing South Hadley's community, economy, and aesthetic quality.*

*To accomplish the Town's many goals, the Town's zoning bylaw, subdivision regulations, zoning map, and review procedures need to be reviewed and revamped to help enable desirable development, improve the business environment, allow for housing diversity, and improve the aesthetic quality of South Hadley. Updated community standards that flow from the principles, goals and recommendations of this Plan will*

- help improve housing quality and options;*
- provide consistency and transparency to the development review process;*
- promote infill and development that meets emerging economic models;*
- enact design and landscaping standards that ensure that new investments improve the quality and function of South Hadley's landscapes; and*
- provide historic resource standards that ensure the future of South Hadley's iconic buildings and neighborhoods.*

In regard to these two Core Initiatives, the Plan suggests some strategies. The following suggested strategies are directly implemented by adopting this Smart Growth District:

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- *Work with the Newton Street Big Y commercial center and other existing commercial establishments to encourage visually appealing and pedestrian-friendly improvements to these sites.*
- *Review and revise zoning in the target development area to encourage high density mixed use development.*
- *Encourage high-density residential development in the district, developed in a manner that encourages walking and biking to the commercial areas and onto adjacent paths and trails.*
- *Update the Zoning Bylaw*

This amendment seeks to provide another tool to make appropriate locations in South Hadley attractive for residential and mixed-use investors while ensuring development reflects the heritage of the neighborhood. Similarly, by enacting a more modern approach to permitted development, the amendment will update the Regulatory Infrastructure applicable to this portion of the Town.

The Land Use and Community Design Chapter of the Master Plan also described the area of Route 116 from Cumberland Farms to Route 33 (inclusive of all four corners) as a commercial center with a few residences interspersed. It noted that the

*“Big Y Shopping Center is the dominant commercial center in this corridor. However, it has underutilized spaces and should be examined as to possible changes in the uses of the site. In addition to retail, this shopping center could also include mixed use development of residences and office space to enhance pedestrian traffic similar in concept to the Village Commons. Careful planning and design would be essential to making it attractive for investment.”*

Additionally, it suggested that

*“updating of the Big Y Shopping Center’s site amenities and design should make the site more pedestrian-friendly by incorporating more green space, landscaping, walkability and connectivity and less of an expansive asphalt character would offer substantial benefits. Enhanced signage and lighting could also reduce light glare and light trespass.”*

The proposal put forth by this Article would facilitate development consistent with the above considerations including a design review process for developments utilizing the Smart Growth District, ensuring that development under the Smart Growth District

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complements the character of the area, and promotes mixed-used development along the principal roadways.

The Housing Chapter of the 2010 Master Plan would also be furthered by adoption of this Smart Growth District. A sustainable approach to development and a mixture of housing types across all markets is recommended in this chapter (Housing Objective 2-1, Housing Goal H-5, for examples):

Housing Objective: 2-1: Housing developments with diversity of prices and types.  
Housing Goal H-5: Sustainable housing development.

**PUBLIC HEARING:** The Planning Board conducted a public hearing on this article on Monday April 30, 2018. There were comments questions raised about this particular to this article but also in the context of the boundaries and the adjoining developments as covered in Article 22. Regarding this particular article, the questions/comments focused on the following aspects:

Height limits – there were questions/concerns regarding the height limits. It was noted that the amendment requires buildings over 2 stories adjacent to existing single family dwellings to be setback at least 50 feet and the Design Review provides the Town with the opportunity to ensure that the buildings do not overshadow smaller residential structures and do not present a solid tall wall. Additionally, the 4 story matched with the 65 foot height limit provides greater opportunity to design the buildings in a New England design as opposed to an institutional flat roof approach. It was also noted that the height limits are the maximums – the Design Review can result in staggering of the heights and reductions to mitigate concerns regarding impacts on the neighborhood.

Design Review – there were questions/comments about the status of the Design Guidelines and opportunities for the Community to be involved. It was noted that the Town has the South Hadley Falls Guidelines as a starting point. If Town Meeting approves the Newton Street SGZD the Planning Board can develop the appropriate guidelines while the Attorney General's Office is reviewing the Bylaw amendment – during June through August. The Planning Board always holds public hearings on these matters and will do so in this instance. Additionally, the proposal will be posted on the website for the community to review and comment upon.

Purposes – there was a question raised as to the purposes. It was noted that the Zoning Bylaw (Section 255-23A) has a statement of SGZD purposes. However, the Design

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Guidelines will begin with the design objectives which are generally to have a mixed use New England style center.

Noise pollution – a comment was made about the noise pollution created by the operation of the shopping center and concern that the scale of the redevelopment could be an issue for neighbors. It was noted that the Design Review allows the Town to address these concerns better than the SPR for a standard commercial building.

Support – several persons expressed support for this amendment.

**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, unanimously voted to approve this report and voted unanimously to recommend adoption of this Article as presented.

FINAL REPORT

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GROWTH DISTRICT – MAP AMENDMENT (Article 22)

**May 9, 2018 Annual Town Meeting**

**Article 22**

**SMART GROWTH DISTRICT – NEWTON STREET SGZD  
MAP AMENDMENT**

**Article 22.** To see if the Town will vote to amend the Zoning Map to delineate the boundaries of the new Newton Street Smart Growth District as detailed in the Planning Board’s Report to Town Meeting, or take any other action relative thereto. (PB) Appendix “H” (also available in the Planning Department Office).

This article is a companion to Article 21. In this article, the change is to apply the South Hadley Falls Smart Growth District to the Zoning Map.

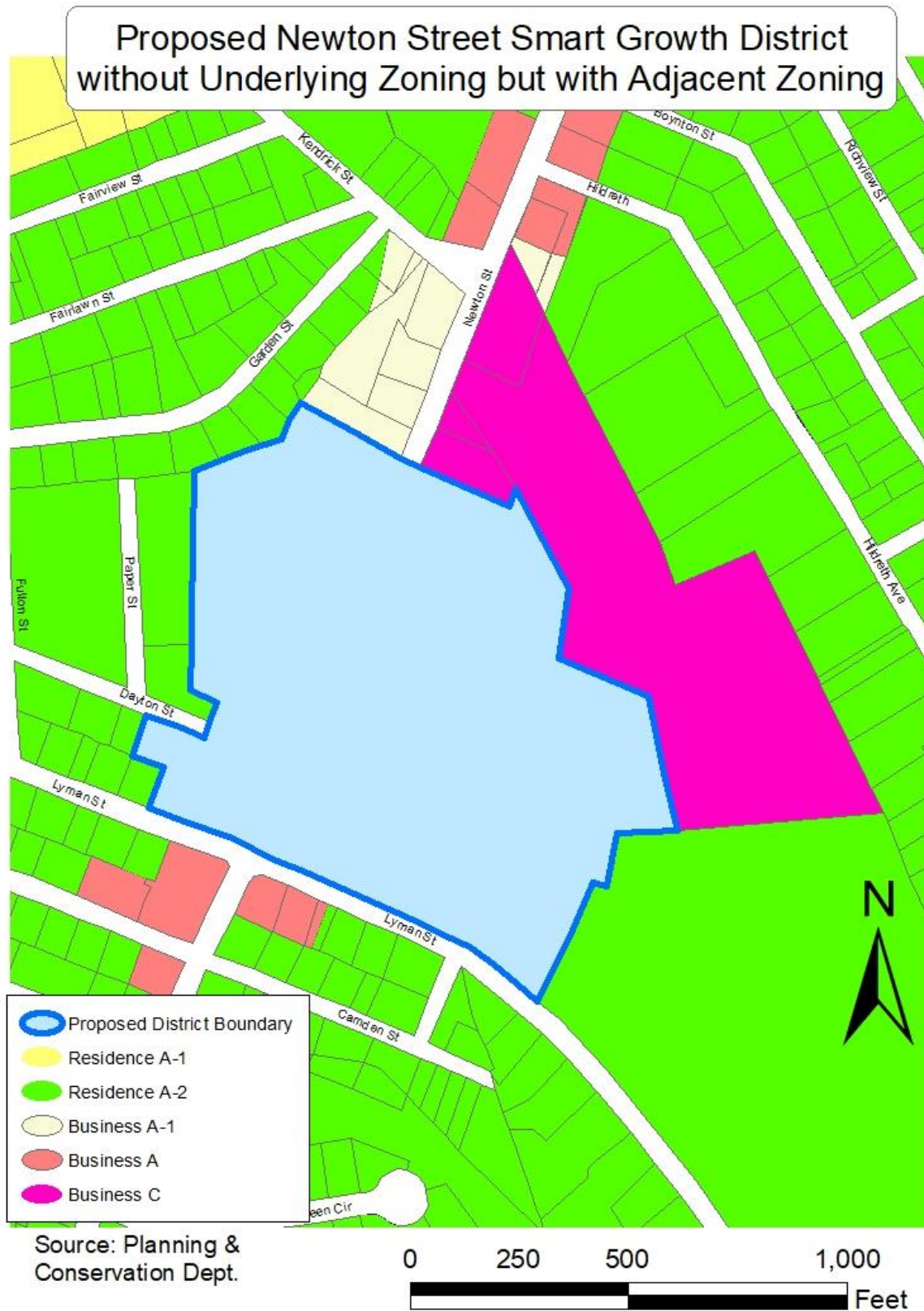
The following two pages provide:

- 1) An excerpt of the Zoning Map depicting the proposed boundaries for the Newton Street Smart Growth District without the underlying zoning depicted; and,
- 2) An excerpt of the Zoning Map depicting the proposed boundaries of the Newton Street Smart Growth District with the underlying zoning showing.

**PUBLIC HEARING:** The Planning Board conducted a public hearing on this article on Monday April 30, 2018. As noted in the Report on Article 21, this article was generally discussed in the context of Article 21. The only questions specific to the boundaries related to the underlying zoning and the residentially zoned properties in the southwest corner of the proposed district. It was noted that the boundaries were initially broader – included the Senior Center property and some parcels south of Lyman Street. However, following the initial public hearing by the Town Administrator in July 2017, the boundaries were constricted 1) to use Lyman Street as the southern limit, 2) exclude the Senior Center, 3) not to divide any parcel, and 4) not to divide the ownership of multiple parcels. The last point was to ensure that anyone owning multiple contiguous parcels would not find some parcels in the district and some outside. It was noted that the southwest corner properties are all owned by the same person/entity. The northern boundary

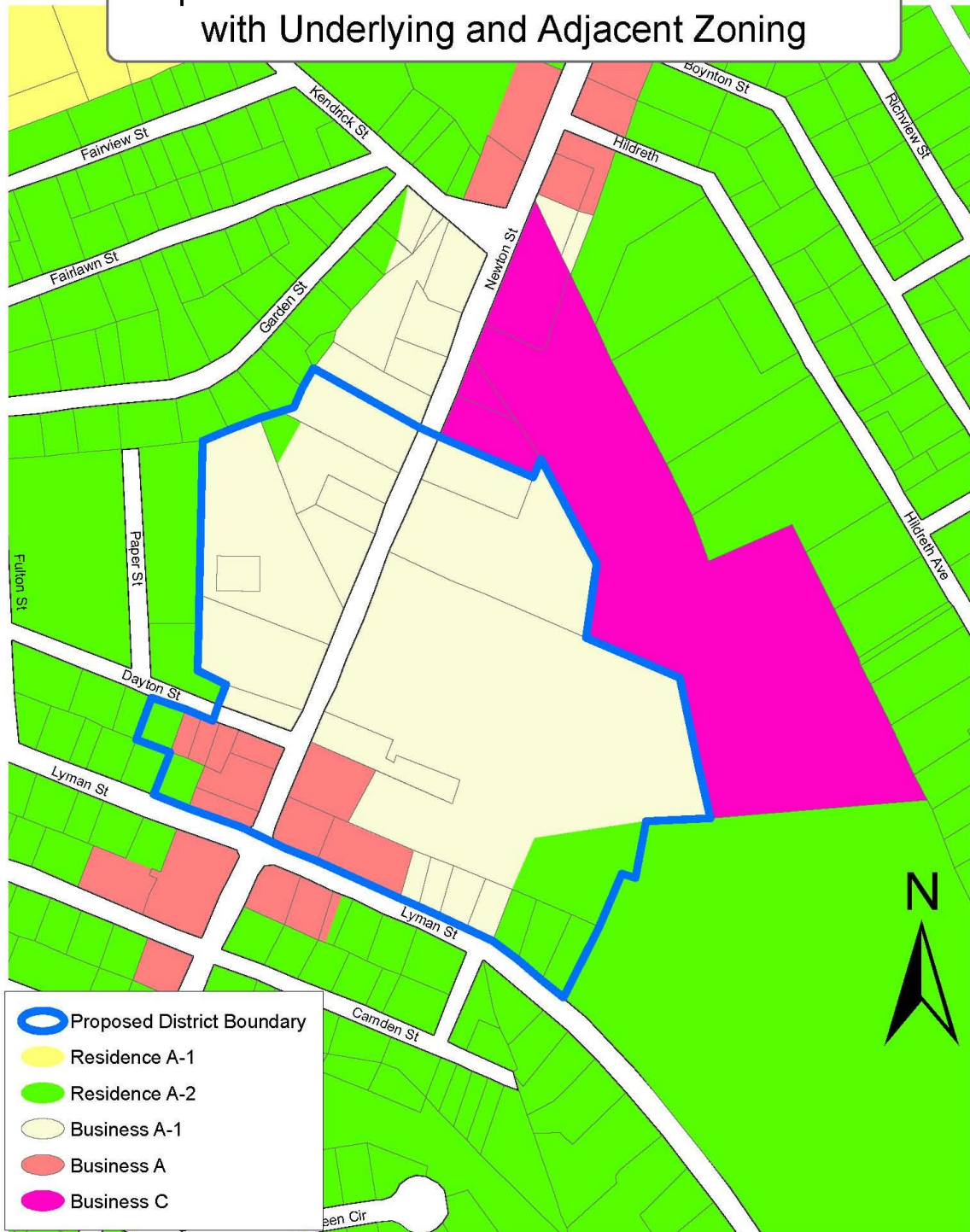
**RECOMMENDATION:** The Planning Board, at their April 30, 2018 meeting, unanimously voted to approve this report and voted unanimously to recommend adoption of this Article as presented.

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FINAL REPORT OF PLANNING BOARD ON PROPOSED NEWTON STREET SMART GROWTH DISTRICT – MAP AMENDMENT (Article 22)

Proposed Newton Street Smart Growth District with Underlying and Adjacent Zoning



- Proposed District Boundary
- Residence A-1
- Residence A-2
- Business A-1
- Business A
- Business C

Source: Planning & Conservation Dept.

