

## Background Materials – March 27, 2023– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 3/24/23

**Cable Access Channel 15** –The Cable Studio has indicated that this meeting will be live streamed on Channel 15.

### AGENDA ITEM #1 Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy, as amended 8/8/22, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://southhadley.org/DocumentCenter/View/9842/Open-Comment-Period-Policy---As-Adopted-2022-08-08>

**Action Needed:** Allow members of the public to offer comments to the Board.

### AGENDA ITEM #2 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

**Action Needed:** Vote to approve the minutes.

### AGENDA ITEM #3 Correspondence

Correspondence is attached.

**Action Needed:** No action needed.

### 6:30 PM - AGENDA ITEM #4

Special Permit Request for Expansion of a Non-Conforming Structure, 25 North Sycamore Knolls - Public Hearing

Application is online here: [N Sycamore Knolls \(25\) - Expansion of Nonconforming Structure | South Hadley, MA - Official Website](#)

**Action Needed:** The Board needs to conduct the public hearing.

### 7:00 PM - AGENDA ITEM #5

Short Term Rental Zoning Bylaw and General Bylaw - Public Hearing Continuation

Draft Short Term Rental Zoning Bylaw is online here:

<https://southhadley.org/DocumentCenter/View/10134/Short-Term-Rental-Zoning-Bylaw-DRAFT>

Draft Short Term Rental General Bylaw is online here:

<https://southhadley.org/DocumentCenter/View/10133/Short-Term-Rental-General-Bylaw-DRAFT>

Proposed Short Term Rentals Summary is online here:

<https://southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary>

A public hearing on the proposed zoning and general bylaw was opened on February 6, 2023, and continued on 3/20/23 to allow for additional public comment. The Board voted to continue the hearing again until 3/27/23 to await final guidance from Town Counsel of the draft bylaws. I have not yet received final written comment from Town Counsel.

The 2/6/23 public hearing minutes have been approved by the Board and are posted online here: <https://southhadley.org/AgendaCenter/ViewFile/Minutes/02062023-4929>

The recording of the 2/6/23 public hearing is online here: <https://vimeo.com/796732323>

The recording of the 3/20/23 public hearing is online here: <https://vimeo.com/810231115>

In summary, it appears that the majority of public comments support a bylaw with provisions for owner-occupied short term rentals. There remains debate regarding an allowance for non-owner occupied/whole house STRs. People in favor of allowing them have expressed the possible benefits to a property owner for doing so, the possible benefits to other businesses and Mount Holyoke College by offering accommodations in the community for visitors, the desires of prospective renters to needing/preferring a rental not occupied by others, and a desire to limit infringement on personal liberties. People opposed to non-owner occupied STRs have expressed concerns about possible infringements on an abutter's and neighborhood's peace and quiet and enjoyment of their own property, and the safety of abutters, the neighborhood and community at large. Some have expressed concerns about such being owned by non-resident/foreign for profit businesses that will disregard the rules of order for short term rentals and not adhere to enforcement actions, or take care to manage their properties and tenants to prevent nuisance behaviors from occurring.

### **What is a Short Term Rental?**

Short Term Rentals (STR) in South Hadley are considered any rental of all or part of a dwelling unit for 28 consecutive days or less, including home sharing and vacation rentals. Other communities may define them for greater or fewer number of days. STRs are sometimes referred to as AirBNB or VRBO, however both are rather companies that provide an online reservation platform for short term rentals. Thus, throughout the bylaws and this discussion, the term "short term rental" is used as defined above.

### **Why Regulate Now?**

Municipal staff for the Town of South Hadley have been tracking regulation of short term rentals at the state and local level for several years. Massachusetts adopted legislation on December 28, 2018, regulating the short term rental industry via "An Act Regulating and Insuring Short Term Rentals", which became effective on March 28, 2019. The Act amends MGL c.64G to provide regulation of the short term rental industry, which includes hosting platforms such as Airbnb. In summary, this legislation requires short term rentals to register with the Commonwealth and are subject to state excise tax. In response to the new law, Massachusetts

towns and cities began adopting bylaws to regulating short term rentals within their communities.

Thereafter, the South Hadley Inspection Services/Building Department began looking into the presence of short term rentals within South Hadley and to what extent they were regulated. South Hadley Zoning Bylaw Chapter 255-16 states that any use not identified within the bylaw is prohibited. Short term rental use was not identified in Chapter 255 and therefore determined to be prohibited. Thus, in April 2022, former Building Commissioner David Gardner issued cease and desist orders to the operators of twelve short term rental operations he had identified. Of those twelve, two were able to obtain Special Permits to operate Bed and Breakfast facilities because they met the conditions of the zoning bylaw for that use. Mr. Gardner informed the Board that he was not aware of any complaints filed against these operations but rather it was a matter of zoning compliance that he was seeking to enforce.

At that time, the Planning Board chose to develop bylaws to regulate short term rentals, knowing that they were existing in town and were growing in popularity regionally and nationally. By adopting regulations, the community has the ability to dictate where and under what conditions these rentals can operate to ensure that they provide only benefits to the community and not nuisance.

As part of that process, research was done to understand how short term rentals were regulated in other communities including reviewing bylaws from 18 other towns and cities in Massachusetts, review of materials produced by Franklin Regional Council of Governments and the American Planning Association, and guidance from Town Counsel Mead, Talerman, and Costa. In addition, there was coordination between the Board of Health, Building Commissioner, and Planning Director to determine how a rental registration and short term rental license process would be developed. Out of that research, templates for a general and zoning bylaw were brought before the Planning Board for discussion. The draft bylaws subject to the Public Hearing on 2/6 and 3/20 are the outcome of those discussions and research.

### **Zoning Bylaw – PROPOSED**

The purpose of a Zoning Bylaw is to regulate the use (activity on a specific parcel of land) within each of the twelve zoning districts in South Hadley. Such regulation includes whether or not the use is allowed, by what form of zoning permit, if any, and the standards that the use must comply with. Zoning permits for STRs are proposed to be either by Site Plan Review or Special Permit. Issuance of a zoning permit in no way waives any rental operation from complying with all applicable local, state and federal building, fire and other codes and regulations.

Within the proposed zoning bylaw, STRs are classified as either Owner Occupied or Non-Owner Occupied.

*Owner Occupied STRs* are proposed to be allowed as follows:

- by Site Plan Review in the four Residential zoning districts (RA1, RA2, RB, RC) and the Agricultural zoning district;
- by-right in the four Business zoning districts (BA1, BA, BB, BC); and,
- prohibited in the Industrial zoning districts.

*Non-Owner Occupied STRs* are proposed to be allowed as follows:

- by Special Permit in the Residential, Agricultural and Business Zoning Districts
- prohibited in the Industrial zoning districts

**General Bylaw – PROPOSED**

The purpose of a General Bylaw is to establish regulations that are not legally permitted within zoning, and apply generally townwide irrespective of zoning. The primary purpose of the General Bylaw is to create a licensing and registration process for all STRs, and a process for inspections and complaints. Non-compliance with the stated requirements and standards for operation as defined within the General Bylaw will result in suspension or termination of the STR license.

The General Bylaw designates the Building Commissioner as both the licensing agent and enforcement officer. The limit on the total number of STR licenses in South Hadley shall be twenty-five (25). Of the total number of licenses, no more than five (5) shall be non-owner occupied.

**Action Needed:** The Board needs to conduct the public hearing continuance, and close the hearing. If Town Counsel has provided a review of the bylaws by the time of the hearing, the Board should deliberate on the guidance and make final recommendations for edits to the bylaws. Then take a vote on sending the final proposed bylaws to the Selectboard for inclusion on the Annual Town Meeting Warrant for adoption.

**AGENDA ITEM #6 Discussion of Report to Town Meeting on Accessory Dwelling Unit Bylaw**

A draft report has been included for the Board’s review and comment. This is to be issued with the Town Meeting Warrant Articles information.

Ms. Brown has submitted an email, included with the Correspondence, explaining the argument behind her dissenting vote on the Accessory Dwelling Unit Bylaw. The Board needs to determine what to do with this email.

**AGENDA ITEM #6 Planning & Conservation Department Report on Planning Projects and Development Updates**

**Next Meetings and Posted/Pending Agendas**

4/10	• 93 Mountainview St SPR- Home Occupation Dog Groomer ( <a href="#">link</a> )
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	<ul style="list-style-type: none"> <li>• Amherst Road Zone Change Citizen Petition (<a href="#">link</a>)</li> <li>• 27 Bardwell Street – Library Condo Conversion, Special Permit Extension Request</li> </ul>
4/20	7pm via Zoom – Planning Board Warrant Articles Info Session, to be presented by Director of Planning and Conservation
4/24	<ul style="list-style-type: none"> <li>• MPIC Bylaw Update Review</li> <li>• 53 Woodbridge Street – Request for a Special Permit Waiver for Expansion of Non-conforming Structure</li> </ul>
5/8	Housing Production Plan Public Hearing - TBD
5/10	Annual Town Meeting
5/22	Week of 5/15 or 5/22 – Schedule joint meeting with Selectboard for Housing Production Plan Adoption TBD

**AGENDA ITEM #8** Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No new business had been submitted to me as of today.

**SOUTH HADLEY PLANNING BOARD  
LIST OF CORRESPONDENCES  
MARCH 27, 2023 REGULAR MEETING**

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**Letters & Memos**

- March 20 email (attached) from Ashleigh Murphey, 5 Dove Hill, regarding the proposed Short Term Rental Bylaw
- March 21 email (attached) from Damien Cote, Building Commissioner regarding the feasibility of mobile homes under the proposed Accessory Dwelling Unit Bylaw
- March 22 email (attached) from Planning Board Clerk Joanna Brown regarding the proposed Short Term Rental Bylaw
- March 23 email (attached) from Planning Board Clerk Joanna Brown regarding the proposed Accessory Dwelling Unit Bylaw.

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## Fwd: STR bylaw question

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 24, 2023 at 11:52 AM

----- Forwarded message -----

From: **Ashleigh Murphy** <ashleighmurphy624@gmail.com>  
Date: Mon, Mar 20, 2023 at 9:06 PM  
Subject: STR bylaw question  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)>

Hi Anne,

I was just an attendee at the public hearing about owner occupied STRs. This question occurred to me after you all had moved on. If the bylaws are approved and a path is created for home owners to apply for a special permit, do you know details of what the building inspector and fire chief will require of these spaces? I heard a quick comment from the chair that the requirements of the fire and building chief may significantly limit the number of approved STRs anyway and I just want to have that important detail clarified. I want to point out, that if the fire chief and building inspector require something, like sprinkler systems for example, to be installed in order to gain permit approval, this whole discussion is a mute point because the cost of that process would be prohibitive for most. Is there a way to make recommendations from the planning board and the community regarding these potential requirements? When would their requirements be known and shared with the public?

Have you looked into the bylaws in Northampton and Amherst, who have a number of listed STRs, to inform your process for South Hadley? Are those towns requiring special permits that include site plan review?

My concern is that through this process, somehow the by laws and requirements are going to be prohibitive to something that has caused no known issue in town, serves as a nice *little* financial side gig, and has created a welcoming space for folks visiting family and friends, coming to town for events at the college, and even provided some traffic for small businesses in town.

Thank you for your time and service to our community.

Best,

Ashleigh Murphy  
5 Dove Hill

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## Fwd: mobile homes vs manufactured housing

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Wed, Mar 22, 2023 at 11:02 AM

----- Forwarded message -----

From: **Damian Cote** <dcote@southhadleyma.gov>  
Date: Tue, Mar 21, 2023 at 8:11 AM  
Subject: mobile homes vs manufactured housing  
To: Anne Capra <acapra@southhadleyma.gov>

Good morning,

I do not believe that mobile homes would be allowed to be used as an ADU given the proposed and current zoning bylaw language. The size requirements alone automatically disallow them as an ADU.

The only type of (non-stick built) homes that can be used as a detached structure will be a house built and approved by the state manufactured buildings program. These are homes built in a factory that are substantially completed and sent on a truck to the site. They are on approved foundations (not wheels). For all intents and purposes, these look no different than any other home. Most ranch style homes are in fact "manufactured buildings" which make up a large share of the housing stock in the town.

Damian J. Cote, MFA, CBO, CFM  
Building Commissioner

Building Department  
116 Main Street  
South Hadley, MA 01075  
413-538-5030 ex 6112  
[www.southhadley.org/238/Inspection-Services](http://www.southhadley.org/238/Inspection-Services)

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## Re: STR statement by Joanna Brown

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Colleen Canning <ccanning@southhadley.ma.gov>  
To: Colleen Canning <ccanning@southhadley.ma.gov>

Fri, Mar 24, 2023 at 11:56 AM

On Wed, Mar 22, 2023 at 11:59 PM Joanna Brown <joannabr@comcast.net> wrote:

I am writing to state my reasons for my vote against endorsing the proposed Short Term Rental (STR) zoning by-law and general by-law.

\* The proposed STR zoning by-law and general by-law are being rushed through to a Town Meeting vote without enough information being presented and without enough public information and debate concerning the potential detriments of STRs to neighborhoods.

\* Not enough research has been done and presented to the Planning Board, Town Meeting members, or residents of South Hadley concerning problems that STRs have generated in towns, suburbs, and cities in New England and nationally. There are hundreds of news items that are available via internet search engines that document a range of serious issues with Short-term rentals, and dozens of towns now debating banning STRs in residential neighborhoods due to inability to properly enforce their STR laws.

\* Our current zoning by-laws are designed to create residential districts that preserve the quality of life within residential neighborhoods. Non-owner occupied Short term rentals are BUSINESSES, not homes. They are a profit-making method for converting long-term residential HOMES into short-term profit-maximizing PROPERTIES. While they might benefit the owner of the STR, they risk harming the property values of adjoining homeowners, as well as negatively impacting the enjoyment of their property due to noise, parties, high traffic, and possible illegal activities.

\* The enforcement regulations and procedures are not clearly defined and offer a minimal fine of \$100 per violation. We need to do more work on regulations for enforcement.

\* There has been no data concerning possible financial gain to the Town through license fees versus costs of inspections and enforcement.

Please do not vote to allow Short Term Rentals in South Hadley at this time.

Joanna Brown  
Precinct E

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## Fwd: ADU statement

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 24, 2023 at 11:58 AM

----- Forwarded message -----

From: **Joanna Brown** <joannabr@comcast.net>  
Date: Thu, Mar 23, 2023 at 1:38 PM  
Subject: ADU statement  
To: Joanna Brown <joannabr@comcast.net>, Anne Capra <acapra@southhadleyma.gov>

Dear Anne,

Here is the dissenting opinion from Planning Board member Joanna Brown, who voted against endorsing the ADU zoning by-law:

I sincerely hope that Town Meeting Members will consider my statements below and then will either amend the proposed ADU by-law to delete the sections allowing "detached ADUs" or will vote to deny the ADU by-law as written.

1. If the proposed ADU zoning by-law is not amended to delete "detached ADUs," the ADU by-law will eliminate the "one house per lot" A1 residential zoning definition that is the long-time standard for South Hadley, and which gives South Hadley the visual character and quality of life that we currently enjoy. The new by-law will allow an additional dwelling of up to 900 square feet to be sited separately within the current one-house lot.
2. The old concept of Accessory Dwelling Units as being "Granny flats" or "in-law apartments" is not what is being proposed through this by-law. That old concept was based on a presumed need for a family to create a small unit (400 square feet had been the definition in some by-laws) within the primary home or directly attached to it, to allow a family member, care giver, or other chosen person(s) to reside with the primary occupant(s)/owners yet have a measure of independence. The new concept of "detached ADU" casts aside any presumed familial or care-giving relationship and simply becomes a second income-generating house on the same lot.
3. For many people in South Hadley, their land around their home provides some measure of privacy, natural landscape, and sky views, and quiet and darkness. Siting an additional, detached house could have a negative impact on abutters' rights to enjoy their quiet, private property in the day, evening, and night. There would be an additional house operating close to their side or back lot line where there had formerly been open space or a small shed that was only used occasionally.
4. According to the building inspector, the 900 square foot maximum for the additional house only includes the enclosed space within the walls of the dwelling. The detached ADU home could add on open porches, patios and decks, and a garage or other outbuilding, creating a larger visual impact and creating more impervious surfaces.
5. Even if "Detached ADUs" were to require public hearings before approval, abutters could only voice their concerns but abutters would have no ability to stop the approval of a Site Plan Review or Special Permit by the Planning Board as long as the application met the general criteria. Moreover, abutters could only make suggestions about the location of the unit, accessory structures, design of the building, or fencing or screening of the unit; they could not require that the plans be changed according to address their concerns.

6. This ADU by-law change has nothing to do with "Affordable Housing." There will be no income or rent criteria for these detached units. They could all become market rate units, and therefore not assisting with the number of "affordable" rental units in town. South Hadley needs more deed-restricted Affordable units. Let us directly address that long-standing issue as a separate matter.

7. This by-law has nothing to do with increasing diversity within South Hadley, or ending "exclusionary zoning," or allowing "gentle density," or saving wild lands and woodlands. These concepts are distractions that are being used to the boost the arguments of those who will profit from building detached units.

8. I have requested twice that the Planning Board not close the ADU public hearing so that more public outreach and participation could happen, and so the by-law could be further revised and improved. The Planning board voted 4-1 to close the hearing and then did not even approve my motion to re-open the hearing.

I speak as a resident of Charon Terrace, where I chose to buy property 23 years ago, based on the A1 Zoning laws that allow one house per property, and based on the prospect of having a back yard that is quiet and private and with open views. I grew up on Ferry Street in South Hadley in the 1950s, when South Hadley was much less developed than it is now. I have also lived in extremely dense, urban locations in my life.

If the Detached ADU by-law is enacted, I could potentially see 10 extra homes built into my next 10 closest neighbors' properties. This would not be "gentle density." It would severely impact my enjoyment of my home and land, and it would definitely decrease the value of my home and property.

I ask you to either amend this by-law to delete the wording allowing Detached ADUs or to vote against the ADU by-law.

Joanna Brown, Planning Board Member  
Town Meeting member, Precinct E

Planning Board Report on Proposed Accessory Dwelling Unit Bylaw

**DRAFT**

May 10, 2023 Annual Town Meeting

Article 20

Accessory Dwelling Units

**ARTICLE 20.** To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined to insert various new terms and their definitions, and to reorder the various terms alphabetically; Section 255 Attachment 1:1 Use Regulations Schedule by inserting new uses related to Accessory Dwelling Units; Section 255 Attachment 2 Dimensional Regulations Schedule for Buildings and Structures by inserting a footnote for “Accessory uses” in each of the Zoning Districts referring to Chapter 255 Article VII Supplemental District Regulations for dimensional standards for Accessory Dwelling Units; and, Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-50 Accessory Dwelling Unit to provide standards and details under which an Accessory Dwelling Unit may be permitted, as further articulated in the Planning Board’s Report to Town Meeting (Appendix \_\_\_), or take any other action relative thereto.

The proposed changes are as follows:

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

- a. Accessory Dwelling Unit (ADU) - A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as described herein.
- b. Detached – Not connected to or united with.

**2. Amend Section 255 Attachment 1:1 Use Regulations Schedule by inserting the following new uses related to Accessory Dwelling Units in the Residential Use Classification, and indicate how they are to be permitted or prohibited, as indicated below.**

Uses to be inserted in the Residential Use Classification Schedule:

- Accessory Dwelling Unit – Attached
- Accessory Dwelling Unit – Detached

Where/How Permitted:

*Accessory Dwelling Units – Attached* shall be allowed by-right in the following zoning districts only, and prohibited in all others:

- Residence A-1, Residence A-2, Residence-B and Residence-C
- Agricultural
- Business A and Business B

*Accessory Dwelling Units-Detached* shall be allowed by Site Plan Review only in the following zoning districts, and prohibited in all others:

- Residence A-1, Residence A-2, Residence-B and Residence-C
- Agricultural
- Business A and Business B

Use Classification	Residence				AGR	Business				Industrial		
	RA-1	RA-2	RB	RC		BA-1	BA	BB	BC	IA	IB	IG
Accessory Dwelling Unit - Attached	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N
Accessory Dwelling Unit - Detached	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR	N	N	N	N

Y =Allowed by-right

N= Prohibited

SPR = Site Plan Review

Footnote:

Each of the inserted uses shall include a reference to the following footnote which shall also be inserted on the appropriate portion of the Use Regulations Schedule:

h. Subject to the provisions of Section 255-50 Accessory Dwelling Units

3. **Amend Section 255 Attachment 2 Dimensional Regulations Schedule for Buildings and Structures by inserting a footnote for “Accessory uses” in each of the Zoning Districts referring to Chapter 255 Article VII Supplemental District Regulations for dimensional standards for Accessory Dwelling Units, as follows:**

Footnote to be inserted after “Accessory uses”: Accessory Dwelling Units must conform with §255-50.

Footnote to be inserted in the following Zoning Districts in the Dimensional Regulations Schedule:

- Residence A-1 – footnote “l”
- Residence A-2 – footnote “k”
- Residence B – footnote “j”
- Residence C – footnote “c”
- Agricultural – footnote “k”
- Business A – footnote “e”

- Business B – footnote “d”
- 4. Amend Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-50 Accessory Dwelling Unit to provide standards and details under which an Accessory Dwelling Unit may be permitted, as follows:**

**I. GENERAL PROVISIONS**

**A. Purpose and Intent**

- (1) The Town of South Hadley finds and declares:
- (a) Our community faces a severe housing crisis, with home prices and rents unaffordable by families and households of middle and moderate incomes.
  - (b) The community is falling far short of meeting current and future housing demand with serious consequences for the state’s economy and the well-being of our residents, particularly lower-income and middle-income earners.
  - (c) The Town of South Hadley can play an important role in reducing the barriers that prevent homeowners from building accessory dwelling units.
  - (d) There are many benefits associated with the creation of legal accessory dwelling units on lots in single-family zones and other zoning districts. These include:
    - a. Increasing the supply of smaller housing stock types to meet the needs of smaller households of all ages;
    - b. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;
    - c. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
    - d. Providing homeowners with extra income to help meet rising homeownership costs;
    - e. Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
    - f. Providing an opportunity for increased security, home care and companionship for older and other homeowners;
    - g. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
    - h. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability;

and

- i. Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

(2) Accessory dwelling units are, therefore, an essential component of housing choices and supply in the Town of South Hadley.

## **B. Procedural Requirements**

1. Refer to Chapter 255 Attachment 1 Use Regulations Schedule, and Article XII Site Plan Review for procedures.

## **II. USE AND DIMENSIONAL STANDARDS**

- A. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner occupied single-family dwelling, and the Planning Board by Site Plan Review for detached units when the following conditions are met:
  1. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
  2. Only one (1) accessory dwelling unit may be created within a single-family house or house lot. Multifamily dwellings (duplex and above) are not eligible for accessory dwelling units.
  3. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units (principal or accessory) as their primary residence.
  4. The gross floor area of an accessory dwelling unit shall not be larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.
  5. An accessory dwelling unit shall not be occupied by more than three (3) people nor have more than two (2) bedrooms.
  6. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, and other local bylaws and regulations.
  7. Off-street parking spaces shall be available for use by the owner-occupant(s) and tenants.
  8. Building setbacks for detached units must comply with that for the principal use structure, as identified in the Zoning Dimensional Regulation Schedule for the zoning district where the accessory dwelling unit is to be located.
    - a. For conversion of existing accessory structures to a detached accessory dwelling unit, the Planning Board may waive the principal use setback requirement if the Board determines all other use and dimensional standards are met.
  9. Detached accessory dwelling units are limited in height to 1 ½ stories.

10. Accessory dwelling units are not eligible for short term rentals, as defined by the Town of South Hadley.
- B. Per MGL c.40A, in order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the permit granting authority shall allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- C. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters in (D) and (E) below must be recorded at the Hampshire County Registry of Deeds or Land Court, as appropriate, in the chain of title of the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- D. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.
- E. When a structure which has received a permit for an accessory dwelling unit is sold, the new owner(s) if they wish to continue to exercise the Permit, must within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence.

### **III. ADMINISTRATION AND ENFORCEMENT**

- A. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- B. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued appropriate building permits. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained by the Board of Health and the proposed building and location thereof conform with the Town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building or accessory dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Commissioner, where required.
- C. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in violation of the conditions or terms of any plan approval, special permit or variance granted by the Planning Board, Board of Appeals, or its agent.
- D. The Building Commissioner shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

**OBJECTIVES:**

The objective of this article is to provide for reasonable and appropriate regulation of Accessory Dwelling Units (ADUs), as both an attached unit to an existing single-family residential dwelling and a detached unit located on the same lot as a principle single-family residential dwelling.

**SUMMARY:**

The proposed bylaw defines an Accessory Dwelling Unit as a separate unit with sleeping, cooking and sanitary facilities, not larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller. Only one (1) ADU per single-family dwelling is allowed, which means existing multi-family dwellings with two or more units are not eligible for an ADU. The owner of the residence must occupy either the principle or accessory dwelling as their primary residence. Off-street parking is required, as well as conformance with State Building Code, Title V of the State Sanitary Code, and all other local bylaws and regulations. Building setbacks for detached ADUs must comply with those for principal use structures, including conversion of existing detached accessory structures. Detached ADUs are limited to 1 ½ stories. All ADUs are not eligible for short term rental.

**BACKGROUND:**

Accessory Dwelling Units (ADUs) are gaining in popularity regionally and nationally as an emerging affordable and flexible housing option that meets the needs of older adults and young families alike. Nationally, the cost of both owner-occupied and rental housing continue to climb. Of the top 100 housing markets nationwide, 67 experienced record high appreciation rates at some point over the past year (including Boston), and rates are up >10% in the top 99 markets (which includes Springfield). Rents for apartments in professionally managed properties are up 12%, and single family home rents up 14%. Although some market cooling is beginning due to a rise in interest rates, home prices and rents are still rising because of severe constraints on supply.<sup>1</sup> Hampshire County will have a deficit of more than 3,500 housing units by 2025.<sup>2</sup> In South Hadley, low vacancy for both rental and ownership units exists, driving up rates, reducing affordability and causing families to either move out of town to find housing that meets their needs, or not settle here at all. South Hadley vacancy rates for ownership units is 0.4% and rental units is 4.2%.<sup>3</sup>

In South Hadley, home prices and rents are currently unaffordable by families and households of middle and moderate incomes. In addition, 40% of South Hadley households qualify as low-income, increasing the affordability gap and cost-burden for housing. The needed household income to afford the median home price in South Hadley is \$107,000/year, yet the median household income in South Hadley is only \$94,000/year. For renters, the needed income to afford the median home rental in South Hadley is \$80,000, yet the median renter household income in South Hadley is only \$42,000/year.

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<sup>1</sup> *The State of the Nation's Housing*. Joint Center for Housing Studies at Harvard University, 2022

<sup>2</sup> *Greater Springfield Regional Housing Analysis*. UMASS Donahue Institute, March 4, 2021

<sup>3</sup> *Draft South Hadley Housing Needs and Demand Assessment*. Outwith Studios, February 2023

Nationally, millennials, the largest living population cohort, are entering the home buying market for the first time. Households under age 35 posted the largest increase in home ownership between early 2020 and 2022. People aged 65-and-over are still the largest share of the home ownership market, and are in need of home modifications for accessibility retrofits to meet the needs of aging in place and increasing age-related disabilities.<sup>4</sup> In South Hadley, 21.6% of the population is 65 years or older, and 14.5% are between 55 and 64 years old. Approximately 12% of South Hadley residents have a disability, including 15% of people 65-74 years old, and 40% of people 75 years and older.

In summary, Accessory Dwelling Units are small homes and apartments known by many other names such as in-law suite, guest house, granny flat, etc. They have the potential to diversify the housing stock in South Hadley and meet some of the housing needs and demands being experienced by residents to help them age in place in a safe and accessible space, derive income from their properties to address housing affordability issues, provide convenient living arrangements for care-giving in semi-independent living situations, increase the property tax base, and add new housing units in already developed neighborhoods thereby reducing the burden on undeveloped open space as the source for the creation of all new housing.

In addition, due to the housing crisis as experienced in Massachusetts, Chapter 358 of the Acts of 2020 made several amendments to Chapter 40A of the Massachusetts General Laws, commonly known as the Zoning Act. Among these amendments are: (1) changes to Section 5 of the Zoning Act, which reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a  $\frac{2}{3}$  supermajority to a simple majority; and, (2) changes to Section 9 of the Zoning Act, making similar changes to the voting thresholds for the issuance of certain kinds of special permits. Under the newly amended section 5 of the Zoning Act, a zoning ordinance or bylaw can be enacted by a simple majority vote, rather than the  $\frac{2}{3}$  supermajority that applies to other zoning amendments, if that ordinance or bylaw does any of the following:

- Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
- Allows by special permit accessory dwelling units in a detached structure on the same lot.

*Therefore, Article 20 can be enacted by a simple majority vote of Town Meeting members.*

**RELATIONSHIP TO MASTER PLAN AND OTHER COMMUNITY PLANS:**

The 2020 Master Plan is silent specifically on accessory dwelling units and recognizes housing needs more broadly as follows:

*Objective 1-2:* Support the development of housing, at different scales and price ranges, to address the needs of people at all life stages and incomes.

*Action G1-8:* Advocate for programs and services that allow seniors to age in place.

In addition, the 2021 *Age Friendly South Hadley – Community Assessment and Recommendations* report includes the following two priority actions that specifically address the creation of ADUs:

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<sup>4</sup> Joint Center for Housing Studies at Harvard University

*Priority Action #1* – Support Town efforts to adopt inclusionary zoning policies and to allow for conversion of single-family homes to multiple units and/or to add accessory apartments to properties with single family homes.

*Priority Action #9* – Support the ability of homeowners to add Accessory Apartments to their homes or properties through zoning amendment.

**PUBLIC HEARING:**

Discussions about a framework for the proposed Accessory Dwelling Unit Bylaw were conducted at Planning Board meetings on 11/21/22, 12/19/22 and 1/9/23. The Planning Board also engaged with Building Commissioner Damian Cote at the 1/9/23 meeting to gather his feedback on how building and fire code standards would impact site planning and design considerations for attached and detached accessory dwelling units. A Public Hearing was held on February 27, 2023. The hearing was attended by approximately 50 people, including Planning Board members and Planning and Conservation Department staff. The Director of Planning and Conservation gave a presentation on the proposed bylaw and demographic and socioeconomic data for South Hadley, as recently released as part of the update to the 2016 Housing Production Plan. Verbal comments were made by 15 members of the public, and comments in the form of 23 letters, emails or Google form were received by the Board.

Overall, verbal and written comments recognized the need for ADUs and support for attached units, however there was some opposition expressed for detached units. Comments in support of attached *and* detached units expressed desire and need for more diverse housing stock, the disjointed relationship between the majority of the housing stock in town as large homes with 3-4 bedrooms while our population is aging and in need of downsizing; accessory buildings such as barns, sheds and garages are widely present in New England and readily converted to dwellings; small new housing can be built net zero and more efficient; new detached housing can be built ADA accessible more easily where it is difficult to convert an existing home to be wheelchair accessible; accessory units add gentle density in already developed neighborhoods and protect open space from development by housing; and, can be constructed to match the architectural style of the principal dwelling. The Board of the South Hadley Council on Aging, in a written letter to the Board, expressed support for both attached and detached units to address the housing needs of seniors with unanimous support.

Concerns expressed in opposition to detached ADUs included: no guarantee that the units would be affordable; concerns that mobile homes could be used and “trailer parks” would be created thereby causing home values to decrease; opposition to the definition of a detached being more than 5’ away from a structure; concern that ADUs are essentially a conversion of a single-family to a two-family dwelling and should comply with advisory design guidelines created by a task force some years ago; the two Smart growth Zoning Districts should be relied upon to create new affordable housing; and, concern that home values would decrease due to increased density in some neighborhoods.

Last, some questions were asked about the Town's ability to enforce the bylaw, which would be the jurisdiction of the Building Commissioner as the Zoning Code Enforcement Officer.

The Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to close the public hearing on February 27, 2023. Ms. Brown expressed a desire to keep the hearing open while the Board deliberated so that additional public comment could be submitted. The Board deliberated at their March 6, 2023 meeting over the public comments received and revisions to the proposed bylaw. The Board revised the definition of "detached" and eliminated the greater than 5' separation to "not connected or united with".

**RECOMMENDATION:**

At their meeting on March 6, 2023, the Planning Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to recommend to the Select Board inclusion of the following bylaw on the May 2023 Annual Town Meeting Warrant for adoption. At their meeting on \_\_\_\_\_, the Planning Board voted \_\_\_\_\_ to approve this report to Town Meeting.

**ATTACHMENTS: To be included**

2/27/23 Public Hearing Minutes  
ADU Bylaw Public Comment Submittals

**SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:**  
Discussion on proposing articles to Town Meeting for the purpose of creation of a new  
Accessory Dwelling Unit Zoning Bylaw  
**MEETING MINUTES OF FEBRUARY 27, 2023**

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

Chair Hutchison called the public hearing to order at 6:50 PM and Clerk Brown read the hearing notice below out loud:

*The South Hadley Planning Board will hold a virtual public hearing on Monday, February 27, 2023 at 6:30 p.m. to discuss proposing articles to Town Meeting for the purpose of creation of a new Accessory Dwelling Unit Zoning Bylaw.*

*The public hearing will be conducted virtually/online using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone. The log-in information is as follows:*

*URL to join: <https://us02web.zoom.us/j/88961380594?pwd=OGNGNk5MMmpGcmNsNEFObi9iTXZFdz09> Or join by phone: +1(309) 205 3325*

*Webinar ID: 889 6138 0594 Passcode: 628069*

*The current drafts of the proposed bylaws and any accompanying documentation can be found here:*

*<https://www.southhadley.org/1318/ProposedDraft-Bylaws>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.*

*Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.*

*Joanna Brown, Clerk*

*South Hadley Planning Board*

*Publication: Friday, February 3, 2023*

*Friday, February 10, 2023*

*Friday, February 17, 2023*

Chair Hutchison reviewed the objectives and protocols for the hearing. Director Capra followed by sharing a slideshow (attached) which gave an overview of the proposed Accessory Dwelling Unit (ADU) zoning bylaw draft.

Chair Hutchison opened the hearing to public comment.

Linda Young, Westbrook Road, addressed the Board. She was not supportive of allowing detached ADUs and was concerned that 'mobile homes' could be considered detached ADUs. ADUs were being presented as a tool to increase affordable housing stock. However, there was no guarantee that ADUs would be affordable. She also questioned why lot size minimums were not required for an ADU. Chair Hutchison stated that minimum lot size requirements could be seen as discriminatory against those with small lots.

Hattie Fickle, Amherst Road, addressed the Board. She was not supportive of detached ADUs and was also concerned that 'mobile homes' could be considered detached ADUs. She was opposed to language in the drafts that defined 'attached ADUs' as being within 5 feet of the

primary structure. Detached ADUs would disrupt the character of existing neighborhoods and decrease property values.

Martha Terry, Brainard Street, addressed the Board. She was not supportive of detached ADUs and found the term 'ADU' to be misleading. Attached ADUs were essentially a conversion of an existing single-family home into a two-family home. She was on a local taskforce that developed design guidelines for conversions and asked that those be referenced when considering attached ADUs. She also found it misleading to state that ADUs lead to preservation of Open Space as that was only guaranteed through deed restriction. She advocated that the Town's two existing Smart Growth Zoning Districts (SGZD) and other planning tools be utilized to create needed affordable housing.

Robert Salthouse, The Knolls, addressed the Board. He was opposed to detached ADUs and advocated that the Town's existing SGZD be utilized to create affordable housing particularly within the South Hadley Falls SGZD.

Bobbie Salthouse, The Knolls, addressed the Board. She was concerned that detached ADUs would negatively impact the visual beauty of existing neighborhoods. She supported attached ADUs and recommended that the conversion standards, as referenced in Martha Terry's comments, be utilized when permitting attached ADUs. She also did not support language in the bylaw that allowed an ADU with less than five feet of separation from the primary structure to be considered attached.

Anne Stockton, Hadley Street, addressed the Board. She supported attached ADUs but was opposed to detached. She did not support the language in the bylaw defining 'attached ADUs' as being within five feet of the primary structure. She felt that attached ADU should have similar permitting thresholds as conversions from one-family to two-family homes. Conversions were allowed through special permit in the Residence A-2 and Agricultural Zoning Districts. At minimum, ADUs should require site plan review.

Naomi Darling, Silver Street, addressed the Board. She was supportive of both attached and detached ADUs. Offering a diversity of housing types to accommodate people of all ages, abilities, and incomes helped foster a welcoming community. She observed the disjointed relationship between South Hadley's housing types and household demographics. Many single people were living in single-family homes. ADUs offered homeowners the option to downsize or collect additional income which both allowed aging in place. Accessory buildings, such as barns and carriage houses, are already present in the residential New England setting. Therefore, allowing similar ADU structures would not harm the character of existing neighborhoods. An example of an ADU was on display in Holyoke as part of a student project creating net zero housing.

Preston Smith, Woodbridge Street, addressed the Board. He supported the bylaw as written. The Town's existing SGZD had not been successful in creating the amount of housing needed. ADUs could help fill that gap through 'gentle density' in existing residential areas. He did not anticipate the presence of ADUs disrupting existing neighborhoods as homeowners would likely develop ADUs in similar architectural tradition of their primary home.

Rudy Ternbach, Ferry Street, addressed the Board. He recognized good arguments were made for and against detached ADUs but felt it was too early for him to support for the bylaw as written. Significant changes were being proposed and he questioned the Town's ability to permit and monitor the new use.

Larry DuBois, East Street, addressed the Board. He stated that the Town's SGZD were only planning tools and did not guarantee creation of housing. For example, a property within the Newton Street SGZD was recently developed into a bank rather than new housing. As a wheelchair user, he shared that many 'traditional' housing types did not satisfy the needs of disabled people. ADUs could be built customizable to fit accessibility needs. He asked those who opposed detached ADUs to consider what their own future needs may be.

Kevin Tauger, Amherst Road, addressed the Board. He questioned if the Town had the ability and resources to monitor and enforce the permitting of ADUs. He also asked if fees or payments would be collected from property owners with ADUs as the Town would be responsible for monitoring compliance. He also asked if an ADU could be built at the time a new single family home was built.

Ira Brezinsky, Woodbridge Street, addressed the Board. He supported the bylaw as drafted. ADUs would allow homeowners to age in place and also helped protect existing Open Space. He urged the Board to bring the draft bylaw to Town Meeting for endorsement.

Denise Hammon, Hadley Street, addressed the Board. She supported attached ADUs only and recommended that more consideration be given to the Town's existing SGZD.

Melissa O'Brien, Parkview Drive, addressed the Board. She supported the bylaw as written and appreciated how the language within was simple yet effective. ADUs would help satisfy the community's housing needs by gradually increasing density in existing residential areas. ADUs would have less burden on the Town's infrastructure than development on new building lots. As the properties with ADUs would be owner occupied, concern for disruption and noise would be low.

Garth Schwellenbach, Ashfield Lane, addressed the Board. He stated that a shed could be built on private property with no design limitations. It could be anticipated that an ADU would have similar visual impact.

Following public comment, the Board needed to consider next steps. Members shared their initial thoughts and feedback. Member Therein was supportive of allowing a permitting path for detached ADUs and was not comfortable restricting property owner's ability to develop their land in this way. Member Davis heard a number of residents express concern for the aesthetic degradation of neighborhoods but he knew many examples of beautiful prefabricated ADUs. Clerk Mulvaney supported the ideas of 'gentle density' and also was familiar with beautiful prefabricated ADUs and 'tiny homes'. Chair Hutchison agreed that prefabricated ADUs on the market were high quality and allowing detached ADUs was critical to the bylaw. Clerk Brown's opinion dissented from her fellow members. She was opposed to detached ADUs in low density

residential districts but was supportive of attached ADUs. She viewed the presence of detached ADUs in low density residential districts as a form of the Town’s ‘taking’ from the impacted property abutters.

Members discussed the comments received in opposition to ‘mobile homes’. The definition of mobile home could be clarified by the building commissioner but any such structure would likely be too large to be considered an ADU.

Chair Hutchison asked members to vote to indicate their interest and commitment in taking the bylaw to Town Meeting. At least one member indicated support for bring the bylaw to Town Meeting and closing the public hearing.

Member Therien moved to adjourn the hearing. Chair Hutchison seconded the motion. Members discussed the practice of the Chair seconding a motion. Chair Hutchison stated he typically did not second motions. However, as a Board member, he believed he was not precluded from seconding motions.

**Motion:** Member Therien moved to adjourn the hearing. Chair Hutchison seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

The hearing closed and the regular meeting adjourned at 9:35 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Slideshow Presentation	Attached
February 4 email from Heidi Rademacher, South Hadley resident.	Attached
February 14 letter from the Council on Aging.	Attached
February 21 letter from Tay Silveira, Maple Street.	Attached
February 25 email from Tom Terry, Precinct B Town Meeting Member.	Attached
February 26 email and news article from Mariann Millard, AlvordStreet.	Attached
February 26 letter (attached) from Melissa O’Brien, Parkview Street resident and former Planning Board member.	Attached
February 26 email from Carol and Rick Constant, Morgan Street	Attached
February 27 email from Jacqueline Dupre, Precinct B Town Meeting Member	Attached

February 27 email from Jeff Squire, former Planning Board Chair	Attached
February 27 email from Helen Fantini, Stanton Ave.	Attached
February 27 email from Liz Schwellenbach, Ashfield Ln	Attached
February 27 email from Garth Schwellnach, Ashfield Ln	Attached
February 27 emails from Jim Bosman, Promenade Way	Attached
February 27 email from Naomi Darling, Silver Street	Attached

## **2023 Draft Accessory Dwelling Unit Bylaw Comment Compilation**

### **Comments from Town Officials and Town Organizations**

- March 16 letter (attached) from the Council on Aging
- March 21 email (attached) from Damien Cote, Building Commissioner

### **Public Comments**

- January 15 email (attached) from Marth Terry, 25 Brainard Street
- February 4 email (attached) from Heidi Rademacher, South Hadley resident
- February 21 letter (attached) from Tay Silveria, Maple Street
- February 25 email (attached) from Tom Terry, Precinct B Town Meeting Member
- February 26 email (attached) and news article (attached) from Mariann Millard, 12 Alvord Street
- February 26 letter (attached) from Melissa O'Brien, 2 Parkview Street
- February 26 email (attached) from Carol and Rick Constant, 100 Morgan Street
- February 27 email (attached) from Jacqueline Dupre, Precinct B Town Meeting Member
- February 27 email (attached) from Jeff Squire, former South Hadley Planning Board Member and Chair
- February 27 email (attached) from Helen Fantini, 17 Stanton Avenue
- February 27 email (attached) from Naomi Darling, Five College Associate Professor of Sustainable Architecture and resident of Silver Street
- February 27 email (attached) Liz Schwellenbach, 19 Ashfield Lane
- February 27 google form (attached) from Garth Schwellenbach, 19 Ashfield Lane
- February 27 emails (attached) from Jim Boseman, 12 Promenade Way
- February 27 letter (attached) from Linda Sachs, 193 Woodbridge Street
- February 27 letter (attached) from Lucia Foley, 60 Shandowbrook Estates
- February 27 email (attached) from Marion Canning, Lyman Street.
- February 28 email (attached) from John Hine, 39 Chestnut Hill Road
- March 6 letter (attached) from Preston Smith, 95 Woodbridge Street
- March 6 letter (attached) from Martha Terry, 25 Brainard Street
- March 5 email (attached) from Kay Klausewitz. 43 Mountain Avenue

Robert Pueschel, Chairperson  
Marilyn Ishler, Vice Chairperson  
Liane Pueschel, Secretary

LESLIE HENNESSEY, Executive Director

South Hadley Planning Board  
116 Main Street  
South Hadley, MA 01075

March 16, 2023

Reference: Letter of Support for Accessory Dwelling Unit Bylaw

Dear Planning Board,

The South Hadley Council on Aging Board of Directors is writing to submit our support for the adoption of an Accessory Dwelling Unit Bylaw. We believe Accessory Dwelling Units have the potential to address scarce housing needed by not only seniors in our communities but young families. Creating new housing units within existing neighborhoods offers individuals and families the ability to stay in South Hadley rather than be relocated to other communities.

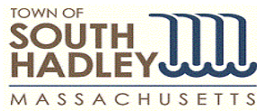
The older adult population in Massachusetts is expected to grow from 14 percent in 2010 to **21 percent of the state population by the year 2030**. As this number increases, so will the need for affordable housing options for seniors.

Accessory Dwelling Units (ADU's) are an affordable option that can ease this need and allow South Hadley residents to "age in place". ADU's are typically more energy efficient than larger homes, are more affordable to construct and maintain, and offer proximity to supportive family members. Seniors can stay social and active and enjoy activities with family and community amenities; important benefits that lead to a greater quality of life.

The South Hadley Council on Aging Board of Directors supports the adoption of an Accessory Dwelling Bylaw. Further, we support both attached and detached accessory dwelling units being allowed through the bylaw. Each property will have its own circumstances that will dictate whether an attached or detached dwelling unit makes the most sense. It is short sighted for the bylaw to limit the options available to a property owner and their intended use of this space by saying how and where it must be located. People need housing now. South Hadley should adopt a bylaw that enables the creation of new units, no hinders it.

Sincerely,

Robert Pueschel, South Hadley Council on Aging Chairperson  
Marilyn Ishler, South Hadley Council on Aging Vice Chairperson  
Liane Pueschel, South Hadley Council on Aging Secretary  
Jim Bosman, South Hadley Council on Aging Board Member  
Carol Constant, South Hadley Council on Aging Board Member  
Richard Mattson, South Hadley Council on Aging Board Member  
Rachel Tierney, South Hadley Council on Aging Board Member  
Leslie Hennessey, South Hadley Council on Aging Executive Director



Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: mobile homes vs manufactured housing

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Wed, Mar 22, 2023 at 11:02 AM

----- Forwarded message -----

From: **Damian Cote** <dcote@southhadleyma.gov>  
Date: Tue, Mar 21, 2023 at 8:11 AM  
Subject: mobile homes vs manufactured housing  
To: Anne Capra <acapra@southhadleyma.gov>

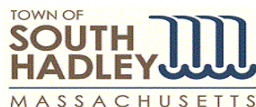
Good morning,

I do not believe that mobile homes would be allowed to be used as an ADU given the proposed and current zoning bylaw language. The size requirements alone automatically disallow them as an ADU.

The only type of (non-stick built) homes that can be used as a detached structure will be a house built and approved by the state manufactured buildings program. These are homes built in a factory that are substantially completed and sent on a truck to the site. They are on approved foundations (not wheels). For all intents and purposes, these look no different than any other home. Most ranch style homes are in fact "manufactured buildings" which make up a large share of the housing stock in the town.

Damian J. Cote, MFA, CBO, CFM  
Building Commissioner

Building Department  
116 Main Street  
South Hadley, MA 01075  
413-538-5030 ex 6112  
[www.southhadley.org/238/Inspection-Services](http://www.southhadley.org/238/Inspection-Services)



Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: letter to Planning Board Members

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Wed, Mar 22, 2023 at 11:42 AM

----- Forwarded message -----

From: **Martha Terry** <marthaterry25@gmail.com>  
Date: Sun, Jan 15, 2023 at 6:31 PM  
Subject: letter to Planning Board Members  
To: Anne Capra <acapra@southhadleyma.gov>

Dear South Hadley Planning Board Members:

I am writing to support the concept of accessory dwelling units but, at the same time, to voice my opposition to *detached* accessory dwelling units.

The town of South Hadley is now predominantly residential, and detached accessory dwelling units would seriously alter the character of single home/structure neighborhoods.

The quiet enjoyment of one's property would be seriously compromised by detached dwelling units occupying the neighboring side or back yards.

At a recent meeting of the Planning Board, it was stated that "detached dwellings have been a part of New England's history..." This might have been true in previous eras when carriage houses and quarters for workers were needed. This is no longer the case, and very few of these detached dwelling units remain. Moreover, houses are now on smaller lots.

I strongly urge the Planning Board to remove *detached* accessory dwelling units from the proposed bylaw that is now being considered.

Thank you.

Martha Terry

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## Fwd: From South Hadley

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**Heidi Rademacher** <hrademacher@gmail.com>  
To: shplanboard@southhadleyma.gov  
Cc: allsaintschurchrector@gmail.com

Sat, Feb 4, 2023 at 3:36 PM

Cc: Rev. Tanya Wallace.

----- Forwarded message -----

From: **Heidi Rademacher** <hrademacher@gmail.com>  
Date: Sat, Feb 4, 2023 at 3:34 PM  
Subject: From South Hadley  
To: <hrademacher@gmail.com>

Hello:

I do not support the following document, below, referenced on the South Hadley site. Strangers do not have my permission nor the authority to be on my property or in my house.

<https://www.southhadley.org/DocumentCenter/View/10679/Accessory-Dwelling-Unit-Bylaw---Working-Draft---January-20-2023>

Heidi Rademacher

February 21, 2022

South Hadley Planning Board

116 Main Street

South Hadley, MA 01075

Reference: Letter of Support for Accessory Dwelling Unit Bylaw

Dear Planning Board,

I am Tay Silveira, a longtime resident who is interested in accessible housing and disability related matters. I am writing in support of the concept of an Accessory Dwelling Unit Bylaw. Accessory dwelling units have long been a housing choice for some people with disability. The benefits of flexible housing are as diverse as the people who may be accommodated. I believe Accessory Dwelling Units have the potential to address needed housing for seniors, young families, and people with disabilities.

ADUs accommodate semi-independent to independent living arrangements. For example, ADUs are a good option for someone who may need onsite (live-in) care but still wants some privacy, or for someone who lives independently but can benefit from having someone oversee some of the general responsibilities.

Accessory Dwelling Units may be especially beneficial when the primary residence is no longer ideal due to design. People who experience a life change due to an accident, aging, or otherwise can respond by creating more suitable housing on the property without being displaced from the community. I knew someone who essentially faced homelessness as his ALS progressed because his house could not accommodate his wheelchair. His search for suitable housing was arduous and extensive.

Some people with disability are overhoused by traditional units and may find an ADU's smaller size more manageable physically and financially. While each financial situation is different, it is true that disability can impact the ability to earn money and when someone receives a disability payment, it is usually a portion of the employment wages. The average federal disability payment hovers around \$1000/ or \$1300/month depending on the benefit type.

Further, I support both attached and detached accessory dwelling units. Each property will have its own circumstances that will dictate whether an attached or detached dwelling unit makes the most sense. Disabilities are diverse and we need options to invest in the most appropriate housing for our circumstances. Members of our community who have disabilities need safe and accessible housing options. South Hadley should adopt a bylaw that enables the creation of new units so we can maximize the accessibility of our housing options.

People with disabilities are among the most vulnerable for homelessness. While there may be financial considerations in housing, there are also architectural and accessibility considerations. People with disabilities may face homelessness on the basis of disability simply because no available compatible housing exists. Allowing flexibility in ADU development provides more options for people to be able to meet their specific accessibility needs.

Disability is diverse and so are the housing needs of people who have disabilities. Accessory Dwelling Units will diversify available new housing. I encourage any Accessory Dwelling Unit Bylaw to allow flexibility to accommodate accessible housing.

Sincerely,

Tay Silveira

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## Fwd: Accessory Dwelling Units By-law

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 3:08 PM

----- Forwarded message -----

From: **Tterry21@aol.com** <tterry21@aol.com>  
Date: Sat, Feb 25, 2023 at 12:00 PM  
Subject: Accessory Dwelling Units By-law  
To: **acapra@southhadleyma.gov** <acapra@southhadleyma.gov>

Dear Members of the South Hadley Planning Board:

I have read through the draft of the proposed by-law on Accessory Dwelling Units.

I ask the Planning Board to delete from the by-law all language pertaining to Detached Accessory Dwelling Units.

I am a town meeting member, and actually have spoken to a number of other residents, some of whom are also town meeting members. Almost without exception, they oppose the inclusion of Accessory Dwelling Units..

The town certainly needs an accessory dwelling units by-law, but I do not believe it would pass town meeting as currently written. If the Detached Dwelling Unit portion is removed, I would be happy to support the revised by-law and believe town meeting members would do the same.

Thank you,  
Thomas Terry  
Town Meeting Member, Precinct B

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**Fwd: LETTER OF SUPPORT: Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing  
Monday 2/27 @ 6:30PM**

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**Colleen Canning** <ccanning@southhadley.ma.gov>  
To: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Feb 27, 2023 at 3:10 PM

----- Forwarded message -----

From: **Mariann Millard** <mariannmillard@yahoo.com>

Date: Sun, Feb 26, 2023 at 11:06 AM

Subject: LETTER OF SUPPORT: Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing Monday 2/27 @ 6:30PM

To: Anne Capra <acapra@southhadley.ma.gov>

Dear Ms. Capra and South Hadley Planning Board,

Please consider this letter to be a full letter of support to adopt the Accessory Dwelling Units (ADU) Draft Zoning Bylaw in South Hadley.

For decades, the residents of South Hadley have been denied the crucial ability to allow for productive and life-affirming affordable housing development. Much of the resistance--past and current--on the part of residents opposed to ADUs, is based on an antiquated, fervent desire for South Hadley to remain a town with only one single-family dwellings on 1-acre lots.

We are solidly now in the 21st century where critical problems exist in town to provide affordable housing for all residents, whether they be elderly family members, single-parent families, workers, or students. This cannot remain problematic, not if we are to help ensure the ongoing health, safety and livelihoods of residents. We the residents and the town leaders must be willing to acknowledge and proactively solve this critical problem.

That said, having the ability to implement ADUs within town with suitable restrictions, guardrails, etc., such as can be found in the draft zoning bylaw, is a sound, reasonable approach and solution, not only for the residents, but for the town infrastructure needs as well.

Thank you for putting forth an excellent draft zoning bylaw for adoption in the South Hadley!

Best,

Mariann Millard  
12 Alvord Street  
South Hadley, MA

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## Fwd: Article in support of South Hadley's ADU zoning bylaw

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Colleen Canning <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 3:11 PM

----- Forwarded message -----

From: **Mariann Millard** <mariannmillard@yahoo.com>  
Date: Sun, Feb 26, 2023 at 1:34 PM  
Subject: Article in support of South Hadley's ADU zoning bylaw  
To: Anne Capra <acapra@southhadleyma.gov>

Dear Ms. Capra and South Hadley Planning Board:

This article is an excellent example of how well a solid ADU zoning bylaw, such as the one that's being proposed in South Hadley, could work for SH residents.

Lots of benefits to everyone noted in this article!

Best,

Mariann Millard  
12 Alvord Street  
South Hadley MA 01075

This 26-year-old pays \$0 to live in a luxury tiny home she built for \$35,000 in her backyard—take a look inside



### **This 26-year-old pays \$0 to live in a luxury tiny home she built for \$35,000 in her backyard—take a look inside**

By Precious Price, Contributor

In 2020, Precious Price built a tiny home for \$35,000 in her backyard, which she now lives in with her dog. The income she earns from renting out her main 3-bedroom house pays for all of her living expenses, including mortgage fees, property taxes an

## This 26-year-old pays \$0 to live in a ‘luxury tiny home’ she built for \$35,000 in her backyard—take a look inside



VIDEO7:5007:50

I live in a \$35,000 tiny home in my backyard in Atlanta, Georgia - take a look inside

[Unlocked](#)

In 2019, I bought a three-bedroom, 1,400-square-foot house in Atlanta, Georgia for \$196,000. I figured I could earn extra income by renting out the spare rooms on Airbnb, especially since I traveled a lot for work and was rarely home.

Unfortunately, the bookings dried up in 2020. No one wanted to share a house with a stranger in the early days of the pandemic. My work travels also stopped, so I was living alone in a house that felt too big.

But that May, as I stared out the kitchen window into my huge backyard, something clicked: I could use that space to build a tiny home to live in, and fully rent out the main house.

# How I built my luxury tiny home

Before getting started, I had to submit building, electrical and plumbing permits to the city planning office.

Then I purchased a shed from [Liberty Storage Solutions](#) and hired a local contracting team to pour a concrete slab foundation. They got to work in October 2020.

Overall, it cost me around \$35,000 to build the home, which includes the prefabricated shed structure, labor and material costs.

Instead of taking out a bank loan, I cashed out \$8,500 in stocks and put about \$20,000 on my credit cards to pay for everything. I was able to pay off this debt last year.

While the house was being built, I rented out my primary home and rented a room from my neighbor for \$300 a month.



After we finished building the 296-square-foot tiny home in March 2021, I immediately rented it out on Airbnb for a few months to recoup costs.

By charging between \$89 and \$129 per night and \$1,300 for monthly leases, I was able to bring in almost \$32,000 in gross rental income. And this January, I moved into the tiny home to save on living expenses.

Here are the monthly associated costs for both homes:

- **Mortgage and property taxes:** \$1,200
- **Electricity:** \$190
- **Water:** \$110
- **Internet:** \$80

**Total:** \$1,580

All of this is covered by the \$2,725 I make from renting out the main house, which means I'm able to live in my tiny home for free.

## A look inside my loft-style backyard home

To give the place a light and airy feel, I painted the walls a coastal blue shade and added some rustic touches like a wooden ladder leading to the loft's queen-sized mattress.

Nestled under the sleeping loft is a small desk, which she uses to check emails and catch up on work.  
Jeffrey Beard for CNBC Make It

In addition to the daybed that doubles as a couch on the main floor, there's a full bathroom, kitchen and breakfast nook.

The rustic barn sliding doors provide easy privacy.

Jeffrey Beard for CNBC Make It

The bathroom features a shelf for extra storage and a glass shower door, which makes the room feel bigger.

Jeffrey Beard for CNBC Make It

My favorite area is the kitchen. Most people are surprised to see that it has a full-sized fridge and extra large sink.

The kitchen has an induction cooktop and a small breakfast nook.

Jeffrey Beard for CNBC Make It

The eight separate windows, wall mirrors and glass shower door all make the space feel bigger. I sometimes forget I'm living in a shed.

Small details like this mirror make the space feel larger and more homey. "I sometimes forget I'm living in a shed," says Precious.

Jeffrey Beard for CNBC Make It

## The "tiny house" lifestyle

I've had to downsize my wardrobe and shoe collection. But rather than getting rid of clothes I still want to keep, I store some at a friend's house. Every few weeks, we do a wardrobe swap.

Precious' dog Sachia also lives in the tiny home with her. She plans to entertain friends in the backyard when the weather gets warmer.

Jeffrey Beard for CNBC Make It

I don't have friends over very often, but once the weather gets warmer, I plan to use the fire pit as a hosting area.

Having this home has given me a ton of real estate options, including rental income and backup housing for myself or aging family members.

I believe that tiny homes will play an important role in offsetting the global housing crisis. Last year, I gave a [TEDx Talk](#) about how they can help create a sustainable sharing economy for land.

When it's nice outside, the spacious porch is a great place to enjoy the fresh air with some coffee.

Jeffrey Beard for CNBC Make It

In 2021, after realizing effects of vacation rentals on the real estate market in Atlanta, I stopped listing my properties for short-term rental on sites like Airbnb. Renting out more and more space for vacations means less space for folks who need long-term homes.

I've since decreased my portfolio and am renting to local students and low-income workers. My plan is to add an attached guest suite to the main home and provide even more stable housing. Precious' least favorite part of her home is the loft area, which doesn't have much clearance for anything but sleeping.  
Jeffrey Beard for CNBC Make It



VIDEO9:0309:03

What it's like buying a \$160,000, all-cash home in Mexico

[Unlocked](#)

February 26, 2023

Dear Planning Board,

I am writing to convey my firm support of the Accessory Dwelling Units (ADUs) draft zoning bylaw which is now being considered for adoption in our town.

As aptly noted in Purpose and Intent section of this bylaw proposal, we are facing a housing crisis in our community. This crisis extends to the state and greater New England region as well. If South Hadley wishes to welcome new residents of diverse ages, backgrounds, income levels, we must ensure that there are more accessible and varied housing options for people to live in.

Allowing ADUs in town will offer a range of benefits which include the following:

- **Provide new rental housing** that is in high demand and critically needed by smaller households or individuals who have been priced out of the traditional single family housing market which currently dominates as the primary housing option in town.
- **Allow elders to age in place** or within in close proximity of family members.
- **Provide residents with additional sources of income.**
- **Protect town character** by requiring ADUs to:
  - Be owner-occupied which means that landlords live next to the ADU renter and the risk of property neglect or loud disturbances is minimal;
  - Be highly dispersed and barely visible throughout town (in contrast to constructing a large complexes consisting of rental housing only);
  - Contain appropriate guardrails that restrict ADU square footage, require compliance with existing zoning district setbacks and state building code.
- **Has minimal, if any, effect on density:** With shrinking household sizes, new residents in ADUs might maintain current neighborhood densities, but will unlikely increase them. Even if household sizes remained the same, the density increase would be minimal at best.
- **Alleviate impact on town infrastructure and open space:** Adding on to and/or modifying existing developed properties eases the burden on

town infrastructure and open space by reducing the need to build larger structures anew and using undeveloped land for new housing.

As a former planning board member, I truly appreciate the simplicity and effectiveness of the bylaw as currently proposed. Planners and housing advocates nationwide have found that when ADU bylaws are adopted with superfluous restrictions (e.g., limited to old houses on big lots or antique accessory buildings, can only be rented by relatives or caretakers, etc.), they are not only less impactful, but they are nearly impossible to enforce. In addition, allowing ADUs by-right (in the zoning districts/dwellings highlighted in this proposal) is essential to success. It will make the decision to add an ADU less daunting for residents and also free up significant staff and board time allowing them to focus on pressing matters like the creation of multi-family housing and redevelopment of struggling commercial hubs.

If adopted, this bylaw proposal stands to meaningfully expand affordable rental options without compromising on town character. It would enhance diversity, support aging in place and protect open space. It is a clear win-win for the town and residents, which has prioritized all of these goals in both its 2010 and 2020 master plans.

Thank you all for your hard work on this much-needed bylaw change!

Sincerely,

Melissa O'Brien  
2 Parkview Drive

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## Input for the ADU Bylaw Public Hearing

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**Carol Constant** <cpconstant@gmail.com>

Sun, Feb 26, 2023 at 8:50 AM

To: Anne Capra <acapra@southhadleyma.gov>, Colleen Canning <ccanning@southhadleyma.gov>, Nate Therien <natetherien@gmail.com>, Michael Davis <mtdavis@mtholyoke.edu>, MICHAEL ADELMAN <mike.adelman@icloud.com>, Diane Mulvaney <diane40146@netscape.net>, jbrown@southhadleyma.gov  
Cc: richardaconstant@gmail.com

Dear Planning Board,

We are unable to attend the Public Hearing on February 27 therefore, are writing to express our support for the ADU bylaw, including the provision to allow for a stand-alone unit.

The revised master plan, written with input from hundreds of residents, cites the importance of making South Hadley more affordable for older adults and young families. ADUs are one tool toward that goal. The provision that the units be 900 square feet or less, make them ideal for individuals, couples and small families, and give homeowners the flexibility to create housing that fits their family's needs.

We are the parents of an adult daughter who is blind and has multiple medical challenges. She lives in eastern MA and very much values her independence. Should there ever be a need for her to come home, a stand-alone ADU on our property would allow her to continue to live independently (and in our case, prevent her from needing to climb stairs in and out of our basement.)

Additionally, through the master planning process, residents stated they value the beauty of farms, forest lands, and open space. Allowing for ADUs in existing neighborhoods helps create more housing without expanding into the town's undeveloped lands. We enjoy walking our dog on the many beautiful walking trails, fields, and woods that are within our town limits and very much appreciate the goal of preserving these open spaces.

Thank you to our Planning Director, Anne Capra, and the Planning Board for writing a bylaw that is thoughtful and sensitive to the issues that face our community.

Carol and Rick Constant  
100 Morgan Street

--  
Carol Constant  
413-222-1761

*Not everyone who grows old will have dementia, but there are people living in our communities who do. People living with dementia might be our neighbors or friends, in the grocery store, shops, restaurants, or sitting next to us in worship. A dementia friendly community is one that is informed, understanding, and supportive to those living with dementia and their caregivers.*

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## Re: ADU Tonight

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**Anne Capra** <acapra@southhadley.ma.gov>  
To: Jacqueline Dupre <jdupre118@verizon.net>  
Cc: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Feb 27, 2023 at 9:05 AM

Jacqueline,

Your letter has been received and will be forwarded to the Board. Please note, letters may not be "read into the record". It is at the discretion of the Chair and due to the number of letters received to date, it is very likely that letters will not be read at the hearing.

Anne

On Mon, Feb 27, 2023 at 8:04 AM Jacqueline Dupre <jdupre118@verizon.net> wrote:

Hi Ann:

Please read this into the record at tonight's planning meeting. Thanks.

Honorable Planning Board Members:

After reading the proposed ADU Bylaw I am unable to support the section that endorses detached ADU. This makes no sense to me for many reasons. I will only support this proposed by law if all language regarding detached accessory units is removed from the draft.

Thanks in advance for your thoughtful consideration and efforts to maintain the quality of life in South Hadley.

Respectfully,  
Jacqueline Dupre  
Precinct B  
Town Meeting Member

Sent from my iPad

--  
**Anne Capra, AICP**  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
[acapra@southhadley.ma.gov](mailto:acapra@southhadley.ma.gov)

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## Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing Monday 2/27 @ 6:30PM

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Jeffrey D Squire <jeff@berkshiredesign.com>

Mon, Feb 27, 2023 at 2:16 PM

To: Anne Capra <acapra@southhadley.ma.gov>, Colleen Canning <ccanning@southhadley.ma.gov>

Cc: Brad Hutchison <BHutchison@kuhnridde.com>

Anne,

Thank you for including me on the zoning bylaw updates. Unfortunately I will be unable to attend the public hearing tonight but I did want to take a moment to express my support for the proposed ADU bylaw.

Presently, our country is in the midst of a severe housing crisis. Not only is there a deficiency in housing stock available, but what is available is often priced far more than most people can afford. Additionally, new land development continues to eat away at any remaining green space, which has proven to be vitally important not only for our environment but also for public's health & well-being. Furthermore, many large family homes or estates do not function the way they were intended when they were originally constructed. Many family members and relatives do not remain in the same house for generations as they may have in years past. The result is that for those who do live in these homes, there is often an inability to afford ongoing costs between maintenance and taxes and often, with much of home going unused. This is especially true for elderly residents and new home buyers.

Adding to the housing crisis and loss of open space, construction costs have hit all time highs making new construction much less viable than just 3-years ago. This applies to all facets of construction including buildings and infrastructure. New construction requires both of these and those costs are usually passed along to the end user resulting in higher purchase prices, and less affordability.

Recent trends in housing have favored smaller building footprints, higher efficiency units, and a closer proximity to amenities such as grocery stores and public transportation. Implementing an Accessory Dwelling Use bylaw would create new housing opportunities with current housing stock, or existing residential lots, already equipped with infrastructure in existing, established neighborhoods. Allowing accessory residential units in existing, underutilized homes is something that should have been passed years ago. There are also several existing residential lots that are underutilized and which could easily support the construction of small, new residential units without a detrimental impact to the surrounding neighborhoods.

Opportunities such as these would allow South Hadley to retain and/or attract home buyers or renters looking for affordable housing options in the area. With many now looking to leave South Hadley in search of housing opportunities elsewhere because of the limited stock and price points available in town. It is time for South Hadley to follow suit with the many adjacent towns and look at creative ways in which to provide new housing opportunities in a manner that acknowledges the high cost of construction, affordability, and the protection of open space.

Sincerely,

Jeff Squire, RLA, ASLA

[Berkshire Design Group](#)

Phone 413.582.7000 x 106

Mobile 413.427.1772

***And former South Hadley Planning Board member and Chair.***

[Quoted text hidden]

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## Fwd: ADU Bylaw

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**Colleen Canning** <ccanning@southhadley.ma.gov>  
To: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Feb 27, 2023 at 3:20 PM

----- Forwarded message -----

From: **Helen Fantini** <hfantini@hotmail.com>  
Date: Mon, Feb 27, 2023 at 2:31 PM  
Subject: ADU Bylaw  
To: Anne Capra <acapra@southhadley.ma.gov>

February 27, 2023

To the Planning Board,

I am writing to voice my support for the Accessory Dwelling Units (ADUs) draft zoning bylaw now being considered for adoption in South Hadley.

As clearly expressed in recent Master Plan update, South Hadley endeavors to become a more welcoming community, for people of all races, ages, and income levels. South Hadley suffers from a dearth of housing choice, and we remain at risk of a 40B action the longer we fail to meet our affordable housing targets mandated by the State. It is time to be more proactive in taking care of this longstanding roadblock to allowing our town to grow and thrive.

There are many benefits to allowing ADUs in South Hadley:

- Provision of new rental housing is in high demand for those who have been priced out of the traditional single family housing market and may help to meet our affordable housing target;
- Allowing elders to age in place or within proximity of family members;
- Minimal affect on density as new housing is accommodated within the framework of an existing neighborhood in a low impact way;
- Alleviates impacts on town infrastructure and open space: by adding on to and/or modifying existing developed properties the burden on town infrastructure is eased and threats to open space are diminished if housing needs can be met with ADUs.

The bylaw provides a critical safeguard by requiring owner-occupation, and the existing zoning district setbacks must still be met. This is a low impact way to address the many goals enumerated in our Master Plan.

I truly appreciate the time and effort that has gone into drafting this bylaw and strongly support it.

Sincerely,  
Helen Fantini  
17 Stanton Avenue

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## Fw: ADU support

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 7:32 PM

----- Forwarded Message -----

**From:** Naomi Darling <darling.naomi@gmail.com>  
**To:** Brad Hutchison <bradfordhutchison@yahoo.com>; Anne Capra <acapra@southhadleyma.gov>  
**Sent:** Monday, February 27, 2023 at 06:30:45 PM EST  
**Subject:** ADU support

Hi –

My name is Naomi Darling and I am an architect and Five College Sustainable Architecture professor living in South Hadley on Silver St. I am writing in just in case I am not able to fully tune in to the meeting tonight as I think the ADU provision is a very important and positive step for our town to take to address the housing shortfall facing South Hadley as well as much of Massachusetts.

As part of the Housing Advisory Committee, I have learned more about the lack of affordable housing in Town, as well as the mis-match of the existing housing stock – which is predominantly 3+ bedroom family homes - and the people who actually live here – many people living alone or as a couple, who would benefit from an inventory of smaller homes.

ADUs have many advantages which are clearly outlined in the ADU provision and will be able to increase density while still preserving the neighborhoods that we all cherish. By requiring that ADUs do not exceed 50% of the floor area of the primary home, or 900 sf max, this will ensure that from the street, the ADUs will look not much different than many garages – if anything, they will be visually more appealing with doors and windows – and will contribute to our neighborhoods.

I am currently involved in a teaching team at UMass in which we are working with OneHolyoke, a housing non-profit in Holyoke, that works to address the housing issues facing their city. We are doing this through working with students to design and build net zero ADUs. The first iteration of this course resulted in the Hygge House which has been on display on Main St in Holyoke across from the train station – perhaps some of you present have driven past it. This is a 350 sf ADU that is net zero and in addition to providing a great learning experience for our students will also soon provide a home to up to 2 people when it is relocated to its permanent home just south of where it has been for the past year. There is more information on the project here: <https://blogs.umass.edu/umassdesbuild/>

Thank you

--  
Naomi Darling AIA LEED AP BD+C

Naomi Darling Architecture  
[www.naomidarling.com](http://www.naomidarling.com)

Five College Associate Professor of Sustainable Architecture  
Mount Holyoke College // University of Massachusetts, Amherst

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## Fwd: Support for ADUs

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 5:34 PM

----- Forwarded message -----

From: **Liz Schwellenbach** <lhwells@gmail.com>  
Date: Mon, Feb 27, 2023 at 4:44 PM  
Subject: Support for ADUs  
To: Anne Capra <acapra@southhadleyma.gov>

Hi,

I'd like to submit for public comment my support for ADUs in South Hadley.

We purchased our residence with an ADU, which was a definite draw and value for us. It has served us well as private quarters for family or friends. It has functioned as a true mother-in-law apartment, which enabled me to care for my sick mother during Covid and her to live with us for my nursing care and for holidays, birthdays, etc. Otherwise she would have been in a facility or at home 500 miles away, isolated either way. It served well for several years as an Airbnb, which was not a disturbance in any way to our neighbors, and a great help to us financially. We used the proceeds to replace our roof and do tree work for safety, a plus for the neighborhood. I feel it was a great service to families of MHC, given the dearth of nearby accommodation.

We use it now for private space, and the location of my home business.

I am in favor of this sort of dwelling unit in town. Ours is attached but I also support the detached variety. It has enhanced our home ownership options immensely. This satisfaction is one of many reasons we love living in South Hadley.

Sincerely

Liz Schwellenbach  
19 Ashfield Lane

# February 27, 2023 Planning Board Public Hearing- Accessory Dwelling Units

## 6:30 - Public Hearing

to discuss proposing articles to Town Meeting for the purpose creating a new Accessory Dwelling Unit Zoning Bylaw (<https://www.southhadley.org/1318/ProposedDraft-Bylaws>)

Please read the Planning Board's protocols for virtual meetings here : [Virtual Meeting Protocols](#) \*



I have read and acknowledged the protocols

Please State Your First and Last Name \*

Garth Schwellenbach

Please State Your Street Address including City/State \*

19 Ashfield Lane

Please state your email address - if any

garthhs@gmail.com

Do you wish to speak at the Planning Board meeting?

Yes

No

Please list the agenda items to which you wish to speak

ADU Bylaw

You can include written comments below

I would like to express my support for him a zoning bylaw that allows for accessory dwelling units in South Hadley, specifically detached units. There's already precedent within the zoning to allow detached accessory structures by right, and this should include accessory dwelling units. Accessory dwelling units are a vital method of increasing the availability of housing within the town, and can provide more housing density without substantially increasing locked coverage.

This form was created inside of southhadley.ma.gov.

Google Forms

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## ADUs

3 messages

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'Jim Bosman' via SHPlanBoard <SHPlanBoard@southhadleyma.gov>

Mon, Feb 27, 2023 at 6:54 PM

Reply-To: Jim Bosman <jimbosman@me.com>

To: SHPlanBoard@southhadleyma.gov

The Purpose and Intent section cites a severe housing crisis for lower- and middle-income earners, and older adults.

Will the town provide any incentives to encourage renting to the elderly and low-income earners?

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The proposed bylaw states the ADU shall not be occupied by more than three people.

If I rent my two-bedroom ADU to a young couple who have twins a year later, do they have to move out?

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Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 6:56 PM

To: Jim Bosman <jimbosman@me.com>

Cc: SHPlanBoard@southhadleyma.gov

Thank you for your comment. Can you share your address or affiliation for the record?

Thanks!

Colleen Canning  
Planning/Conservation Coordinator

(413)-538-5030 X6127

[ccanning@southhadleyma.gov](mailto:ccanning@southhadleyma.gov)



[Quoted text hidden]

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Jim Bosman <jimbosman@me.com>

Mon, Feb 27, 2023 at 6:58 PM

To: Colleen Canning <ccanning@southhadleyma.gov>

Jim Bosman  
12 Promenade Way  
So Hadley

Sent from my iPad

On Feb 27, 2023, at 6:57 PM, Colleen Canning <[ccanning@southhadley.ma.gov](mailto:ccanning@southhadley.ma.gov)> wrote:

[Quoted text hidden]

**\*Do not print this email unless necessary**

## ADUs

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'Jim Bosman' via SHPlanBoard <SHPlanBoard@southhadleyma.gov>

Mon, Feb 27, 2023 at 8:23 PM

Reply-To: Jim Bosman <jimbosman@me.com>

To: SHPlanBoard@southhadleyma.gov

Most MA communities have not done enough to address the obvious and embarrassing problem of affordable housing. We must be intentional about our housing policies. I support this effort and commend the Planning Board for bringing this bylaw forward.

Jim Bosman  
12 Promenade Way  
So Hadley

Sent from my iPad

193 Woodbridge Street  
South Hadley, MA 01075  
[lsachsnycc@earthlink.net](mailto:lsachsnycc@earthlink.net)

February 27, 2023

Anne Capra  
Director of Planning and Conservation  
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed **Accessory Dwelling Unit Zoning Bylaw**

Please share this document with the Planning Commission:

Thank you for giving me an opportunity to share my thoughts on this proposed zoning bylaw.

The draft ADU Zoning Bylaw, aims to achieve quite a number of lofty, complex and complicated goals. These include: increasing housing stock; enhancing the livability and beauty of our town; and the well being of residents of all ages, incomes and abilities.

The proposed method of accomplishing all this is to allow ADUs, including detached ADUs up to 900 Square feet. That is impossible.

There are several misstatements in the Bylaw that minimize the negative impacts of detached ADUS and erroneously promote the benefits of these detached second dwellings.

I am totally opposed to **detached ADUs**.

First, the proposed Bylaw states that our community faces a severe housing crisis, but that statement does NOT make it so. South Hadley's **Housing Needs Assessment Plan** never uses this language of a quote "severe housing shortage."

Second, stating that a detached ADU is going to **gently** increase housing density does not make it so. A second, 900 Square foot house on a residential lot is not at all a **gentle** thing.

I understand that in world of urban planning and among builders the very term ADU usually includes detached units, but that doesn't mean South Hadley has to parrot and copy what other towns and states do. Let's make our own way, let's not turn our beautiful town into a crowded city.

This brings me to my final point which is sadly another piece of misinformation in the bylaw under Intent and Purposes. The Bylaw lists **benefit (h) as:**

**Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability;**

Protecting forests and other natural areas is a laudable goal. But the effective way to reduce the loss of farm and forest lands and natural areas and resources is to place permanent restrictions against development on these lands. Increasing the density in our single-family neighborhoods will not preserve open space and woodlands.

The other way to do accomplish this goal is for the Planning Board to mandate that builders and developers stop cutting down trees when they do build. That should be an imperative.

Several years ago a developer was given permission to cut down approximately 5 acres of forest to build an ugly four home subdivision – Chatham Way -- that is totally out of character with the rural neighborhood of north Woodbridge Street where I live. Instead of trees, most of the the land is now planted with turf grass -- which is death to pollinators-- acres and acres of turf grass which needs pesticides, fungicides, artificial fertilizer and lots and lots of water to keep green, not to mention smelly, noisy, constant gasoline powered mowing. All those beautiful missing trees, supported wildlife and birds, purified the air and kept summertime temperatures cooler.

So If you are serious about preserving natural resources, then I urge you to do that purposefully and effectively. Purposely and effectively **excludes** permitting Detached Accessory Dwelling Units as proposed in this draft Bylaw.

Thank you.

Yours truly,

Linda Sachs

[lsachsnyc@earthlink.net](mailto:lsachsnyc@earthlink.net)

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## Fwd: Accessory Dwelling Units Draft Zoning Bylaw

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 3, 2023 at 10:40 AM

----- Forwarded message -----

From: **Lucia Foley** <luciafoley@yahoo.com>  
Date: Mon, Feb 27, 2023 at 8:44 PM  
Subject: Accessory Dwelling Units Draft Zoning Bylaw  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)>  
Cc: [shplanning@southhadleyma.gov](mailto:shplanning@southhadleyma.gov) <[shplanning@southhadleyma.gov](mailto:shplanning@southhadleyma.gov)>

Dear Anne and Planning Board members:

It's clear that a great deal of thought has gone into the draft ADU bylaw and I appreciated the informative presentation tonight.

After following the development of modern, prefab housing for over twenty years, I am very excited by the potential of freestanding/detached units as well as attached ADUs on existing properties here in South Hadley. Many of these are beautiful, well-designed structures that use high quality materials. This would open up many new possibilities for affordable housing, and has been highly successful in other areas.

As home buyers, we have looked in the past for properties with separate living units where family members could live more modestly since rentals cost are so high, but as there are so few of these we were not able to find what we needed. For some homebuyers, this would enhance the value of a property rather than detract from it. We are in a condo now, but if the option for detached ADUs becomes available, that would inform our future housing decisions.

This option can provide a lot of flexibility for our residents, and the constraints built into the bylaw seem intended to help maintain the flavor of our neighborhoods. While there's a great deal of concern about ADU unit size, it seems likely that any detached units would likely be fairly small. In addition, a detached unit can be designed and sited address accessibility concerns, which is an important consideration for many who those who may consider an ADU.

Thank you so much for your work on this and your efforts to better utilize our land resources and increase affordable housing.

Best,

Lucia Foley  
60 Shadowbrook Est,  
South Hadley, MA 01075

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## Fwd: Planning Board meeting

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 3, 2023 at 10:41 AM

----- Forwarded message -----

From: **Marion Canning** <marioncanning1@gmail.com>  
Date: Mon, Feb 27, 2023 at 6:20 PM  
Subject: Planning Board meeting  
To: <acapra@southhadleyma.gov>

Re:Accessory Dwelling Units

We favor Attached Accessory Dwelling Units but want Detached  
Accessory Dwelling Units removed from the proposed by law.  
Thank you.  
Marion Canning

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## Draft Accessory Dwelling Unit Bylaw

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**JOHN HINE** <hine39@comcast.net>

Tue, Feb 28, 2023 at 10:17 PM

To: "SHPlanBoard@southhadleyma.gov" <SHPlanBoard@southhadleyma.gov>

I wish to express my whole-hearted support for the proposed Accessory Dwelling Unit Bylaw.

The crisis in affordable housing both in South Hadley and throughout the State is well documented, and the consequences are real. Over 100,000 people have left Massachusetts over the past 2-3 years, with high living costs being a major reason behind that exodus. Housing is a big part of those costs.

South Hadley will change over time; that is inevitable. The question is how. If we make every effort to promote affordable housing options, we will be better able to attract younger professionals and families, and enjoy the economic, cultural and community benefits that come with that. If we don't, we will continue to age as a community and watch as school enrollments decline precipitously, economic activity stagnates and the vibrancy of our town fades.

Allowing ADUs won't, by itself, solve the affordable housing problem we have, but it is one of the easiest steps we can take to help address it.

John Hine  
[39 Chestnut Hill Road](#)  
[South Hadley, MA](#)

## **Comments on Accessory Dwelling Units**

I am in favor of the Accessory Dwelling Unit Bylaw as proposed by the South Hadley Planning Board in the working draft dated January 20, 2023. In particular, I support the adoption of the proposed zoning bylaws that would allow *both* attached and detached ADUs for the following reasons.

The town is in desperate need of both types of affordable housing: deed-restricted affordable housing as well as housing that is affordable because of its size. Both types are necessary to relieve the cost burdens of existing renters and homeowners in South Hadley while making it possible for young families to rent or buy housing in our town.

It is imperative that the town planner and planning board should have as many tools as possible to increase the supply of affordable housing in town. The proposed zoning bylaws would help to expand the volume of affordable housing and close the gap between the current stock of affordable housing in town and our civic obligation to meet the goal of ten percent of the town's housing stock. At present we don't know if the financing for the 60-unit development slated for the Woodlawn area will come through to provide necessary housing. In addition, as far as I know there are no plans to build affordable housing in the two smart growth zones. But even if we were to get more affordable housing from these important initiatives, *we still need changes in the zoning bylaws on ADUs to add to the affordable housing inventory.*

ADUs can be designed and built to fit the character of the town's single-family neighborhoods. They are important for providing affordable and flexible housing for seniors, the disabled, and young people starting out. They will likely be affordable in rent given their small size. Furthermore, they will be an important asset for the cost-burdened homeowner trying to make ends meet. Given the town's declining and aging population, ADUs can make it more attractive to buy or rent housing in South Hadley

More than anything else, the *gentle density* that ADUs provide will mean the town will not concentrate all its affordable housing and density in the Falls or in mixed residential/commercial zones like Woodlawn. It means community members will be able to enjoy the amenities of our single-family neighborhoods like the rest of us.

It doesn't do the town any good to *say* we want affordable housing, if we deny ourselves the tools to actually provide it in South Hadley.

We need to adopt the ADU zoning by-laws presented as part of the working draft on January 20, 2023.

**Preston Smith**  
**95 Woodbridge St., South Hadley**

Dear Members of the South Hadley Planning Board,

I see that you are going to make a decision on Accessory Dwelling Units at this evening's meeting. I offer these comments with the hope that you will omit Detached Accessory Dwelling Units from the proposed by law at this time.

Attached ADU's fulfill all the economic and social goals listed and preserve the character and open space atmosphere of single family home neighborhoods.

Detached ADU's fulfill these same economic and social goals and afford more privacy to the homeowner and the ADU renter, but compromise the privacy and quiet enjoyment of the neighborhood for abutters and neighbors, affect property values, and lessen open space. The owner, the neighbor, of a single-family home bought his/her home with only one home allowed on the abutting lot. A second home on the abutting lot certainly compromises his/her quality of life and decreases the value of his/her home.

So, the question is: Which option fulfills the goals and purposes of ADU's and affords the least pain?

Attached ADU's do. We must think about ADU's as being a neighborhood issue, not just an issue for the renter and the homeowner. A more holistic approach takes into account the economic needs of the homeowner, the economic and social needs of the renter, and the needs and character of the neighborhood.

Therefore, attached ADU's are a win win for the homeowner, the renter, and the neighborhood.

Tiny homes can still qualify as "attached" as they can be up to 5 feet away from the single-family home.

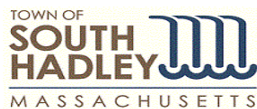
I hope that my proposal is seriously considered. Everyone gains, everyone wins, everyone gives a little.

Moreover, attached ADU's should be by site plan review. These are permanent changes, the conversion of a single-family home to a two-family home.

Neighbors should be given the decency, the consideration of a notice and a hearing. The SPR cannot be denied, but at least the acknowledgement of neighbors, a recognition of their concerns, and a respect for their input are all paramount to ensuring a good neighborhood and neighborliness. A SPR is not especially onerous for the applicant, and yet gives respect, dignity, and some feeling of empowerment to neighbors.

Thank you for your time and consideration.

Martha Terry



Colleen Canning <ccanning@southhadleyma.gov>

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## Fwd: ADUs

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**Colleen Canning** <ccanning@southhadleyma.gov>  
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Mar 6, 2023 at 2:50 PM

----- Forwarded message -----

From: **Kay Klauswitz** <kayklauswitz@gmail.com>  
Date: Sun, Mar 5, 2023 at 4:45 PM  
Subject: ADUs  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <acapra@southhadleyma.gov>

Although I could not make it to the meeting, I want to express my support of ADUs. They're a marvelous option for people who want extended family nearby. I think the opposition about overcrowding, and disturbances to quiet enjoyment are mostly imagined.

You should know too that I live in just such a unit, a detached garage with a small apartment above. Next to me on the lot is a duplex with my son in one side and a renter in the other. It's a wonderful arrangement for all of us. We went through everything required by the town, permits and licensing about 15 years ago. No one objects. I think allowing this in the town will increase tax bases and property values. As real estate rises in cost, it's a very desirable option.

Kay Klauswitz  
43 Mountain Ave, South Hadley, MA 01075