

## Background Materials – April 10, 2023– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 4/7/23

**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

#### 93 Mountain View Street Site Plan Review - Home Occupation II for Dog Groomer Business

Application is online here: <https://www.southhadley.org/DocumentCenter/View/10774/93-Mountainview-St---SPR?bidId=>

255-22 Home Occupations: [Town of South Hadley, MA Supplemental District Regulations \(ecode360.com\)](https://www.townofsouthhadley.com/DocumentCenter/View/10774/93-Mountainview-St---SPR?bidId=)

The subject property is located at 93 Mountainview Street and identified on Assessor's map 32 parcel 7. The property is located in the RA1 zoning district and is an existing single family home. The applicant is seeking Home Occupation II Site Plan Review approval for a dog and cat grooming van that will be parked in the driveway of the residence. According to the application, the van will be permanently parked in the driveway and clients will come to the location, one client at a time for approximately one hour. The application says there is ample parking and the business will be open 2 to 3 days a week with 2 to 4 clients per day.

The use of the van as the principal location for the business is problematic and may render the application to be denied. The purpose of the Home Occupation Bylaw is to have such businesses outwardly look no different than a residence. This application does not appear to meet that intent. Questions for clarification:

1. Where will clients park during drop off/pick up?
2. How will wastewater from the grooming van be disposed of?
3. Will the van engine be running during grooming operations?
4. Is the grooming van a Class I Commercial Vehicle? Per 255-22(E)(3) only Class 1 commercial vehicles can be parked at the home occupation. This section also says that only “incidental appearance of a vehicle”. Utilization of the van in the driveway as the principal place for the service would not be incidental.
5. 255-24(E)(8) states that there shall be no exterior storage of materials, equipment, vehicles or other supplies used in conjunction with a home occupation. This conflicts with 255-22(E)(3) which does allow for a Class 1 vehicle with the owner’s business name on it.
6. Will there be any signage associated with the business on the van or elsewhere on the residential dwelling?



**Department Comments:**

Damian Cote, Building Commissioner via emails 4/7/23:

I cannot imagine that this would meet the intent of a home occupation. The idea is that the outside looks no different than all the other properties that are just houses. In this case, dogs will be in and out of a RV and not the house. Per 540 CMR 4.02: Special Definitions, an "auto home" is not considered a commercial vehicle. I think it gets the exception in the use. The issue is, this will no longer be such a use and will be converted in some way or at least changed in use.

Melissa Labonte, Wastewater Control Director via emails 4/7/23:

RV's can dump at the treatment plant by appointment for a \$10 fee. However, I did not see anything in reference to wastewater discharge in the attachment. They could be planning to tie in or dump from the property. This needs to be clarified. Either way, excessive hair is always a concern, especially on lower flow streets or when dumping at the plant. They could apply to the plumbing inspector for a connection. Also, where is the water coming from? How much are we talking about? Is there a water tank on the vehicle or are they using water from the house? It's hard to say without knowing the full scope of the plan.

I have sent these questions to the applicant for their consideration and response. If the van were to be driven to the clients houses and the services performed there, it would seem to be eligible for Home Occupation I except for 255-22(D)5 which specifically states "carried out within the dwelling unit". Thus, if the grooming services performed within the van were to be carried out at the client's homes, rather than in the van in the applicant's driveway, it seems eligible for Home Occupation II approval.

**Action Needed:** The Board needs to conduct the public hearing and receive public comment, and render a decision for approval or denial of the application.

## AGENDA ITEM #5

### 27 Bardwell Street Special Permit Extension Request – Library to Condominium Conversion

Extension request online here:

[27-Bardwell--2023-Extension-Request \(southhadley.org\)](https://www.southhadley.org/27-Bardwell---2023-Extension-Request)

Past Decisions and plans online here:

[Bardwell Street \(27\) - Library Conversion to Condos | South Hadley, MA - Official Website](https://www.southhadley.org/Bardwell-Street-(27)-Library-Conversion-to-Condos)

The applicant, Jesse Liu, a representative of the Special Permit holder Yi Sheng, Inc., is seeking what looks like the fourth extension of their Special Permit for the conversion of the former Bardwell Library to a 5-unit multifamily condominium dwelling due to continued construction delays for what they state as "subcontractor availability, material shortages, and illness". The last extension (10-month) expired in December 2022.

The Special Permit history for this project is as follows:

February 10, 2016 - Special Permit Approval

January 10, 2018 - Special Permit Amendment  
January 28, 2020 – Special Permit Extension – 7 months  
February 4, 2021 – Special Permit Extension  
September 23, 2021 – Special Permit Extension  
April 12, 2022 – Special Permit Extension – expired December 2022

As a condition to the 4/12/22 extension, the applicant was to file monthly progress reports. To date, no progress reports were filed after the extension was granted. At a recent Planning Board meeting, members inquired about possible sheds that had been constructed at the rear of the units. I had asked the Building Commissioner to look into this during an upcoming inspection and have not heard back from him on this. It does appear that enclosures for the storage of trash were on the approved plans. Also, on Monday a realtor contacted me asking if the Town had any leverage to speed up the project. She has two buyers who have been waiting to close on two of the units for two years and are quite frustrated with the delays.

**Recommendations:**

1. Seek clarification regarding the enclosed structures at the rear of the units.
2. Seek clarification as to source of the delays and the reasons for non-submittal of any monthly progress reports.

I have sent inquiry to the Town Administrator regarding the potential to seek enforcement through the Building Commission for the expiration of the Special Permit and violation of the permit. Per the Permit, fines for violations can be assessed at \$200/day. I am seeking guidance on this path and will report what comes of it.

**Action Needed:** The Board needs to evaluate the extension request and either issue the extension or a denial.

## AGENDA ITEM #6

### 460 Amherst Road Public Hearing for Zoning Map Amendment Citizen Petition

Citizen Petitions are online here: <https://www.southhadley.org/1347/Zoning-Map-Amendment-Requests>

The subject parcel is 0.69 acres located on the southwest corner of the intersection of Pearl Street and Amherst Road/Route 116. A citizen's petition for a zoning map amendment was received by the Town Clerk on January 24, 2023: "To see if the Town will vote to amend the Zoning Map, Chapter 255, Attachment 9, for Map 58, Parcel 80 (a.k.a. 460 Amherst Road) to fully Business B from the current split zoning configuration of one-half Business B and one-half Agricultural." The Selectboard has referred the petition to the Planning Board for a recommendation and to make a formal report to Town Meeting. Thus, the purpose of the Public Hearing is to formally review the proposed zoning map amendment, and receive public comment on the matter.

This petition for a zone change was originated by a former resident who was interested in purchasing the property and converting it to a breakfast and lunch restaurant. The rear of the lot which is zoned Agricultural would be needed for parking for such a restaurant which necessitated the zone change. However, that person has since decided not to pursue that business venture and is no longer interested in acquiring the property or a zone change. Since the zone change request was initiated by a citizen's petition filed with the Town Clerk, the Town is obligated to



engage in the required process for placing it on the Warrant for a vote by Town Meeting. A full size zoning map is submitted below. In both images, tan is the Agricultural zoning district and purple is Business B.

The subject parcel was a small market and gas station for many years until its closure sometime in the past few years. I have not been provided any information as to the redevelopment potential of the existing buildings, or the environmental condition of the site.

**Allowed Uses in Each Zoning District**

The subject zoning districts are described in the zoning bylaw 255-11 as follows:

Agricultural - The purpose of this district is to promote agriculture, forestry, recreation, and land conservation, as well as compatible open space and rural uses, by siting development in a manner that preserves large contiguous tracts of open space and agricultural land. The preservation of scenic vistas of open land, forestland, the Mount Holyoke Range, the Mount Tom Range, and the Connecticut River in this district is a key aspect of maintaining South Hadley's desired scenic and rural identity.

Business B (Village Center Mixed Use) - The purpose of this district is to maintain the traditional scale, density, design, and mix of uses that characterize South Hadley's historic village centers and in other areas intended to develop with a similar village character, including a wide range of business uses, low-impact manufacturing, and residential use.

**Allowed Uses per Chapter 255 Use Regulation Schedule**

Use	Agricultural	Business B
<b>Residential Uses</b>		
Single-family dwellings	Y	Y
Single-family dwellings – flag lot	SP	N
Conversions of single-family to two-family dwellings	SP	Y
Two-family dwellings (new)	N	SP
Three-family dwellings	N	SP
Multifamily dwellings for more than three families	N	SP
Home Occupation I	Y	Y
Home Occupation II	SPR	SPR
Mobile homes	N	N
Mobile home parks	N	N
Continuing care retirement communities	N	N
Bed-and-breakfasts	SP	N
Flexible residential developments	SP	N
<b>Open Space Uses</b>		
Agricultural, horticultural, or floricultural uses on parcels of five acres or more	Y	Y
Agricultural, horticultural, or floricultural uses on parcels of less than five acres	N	SPR
Cemeteries, crematories situated with cemeteries	Y	Y
Portable woodworking mills for use on lots of less than five acres	SPR	N
Landing strips for private use of owner	Y	N

Stables or riding academies	SPR	SPR
Public-private recreation	N	N
Outdoor recreation facilities	SP	N
<b>Public and Institutional Uses</b>		
Town buildings	SPR	SPR
Public and private nonprofit educational institutions	SPR	SPR
Structures used for religious purposes	SPR	SPR
Federal and state government buildings	N	Y
Public playgrounds and parks	Y	Y
Clubs, lodges, social and community center buildings	N	SPR
Hospitals, sanitariums, and charitable services	N	SPR
<b>Business Uses</b>		
Drive-in services	N	SP
Retail sales	N	SPR
Personal, business, and professional services	N	SPR
Gasoline filling stations	N	SP
Automotive repair and services	N	SP
Open-air parking for 25 vehicles or fewer	N	SPR
Public parking areas and garages (unrestricted capacity)	N	SPR
New and secondhand car dealers	N	SP
Marinas	N	SPR
Offices	N	SPR
Wholesale sales and warehousing	N	SPR
Telephone exchange buildings	N	SPR
Railroad or bus passenger stations or shelters and rights-of way	N	SPR
Amusement parks, bowling alleys, roller skating rinks	N	SPR
Motels – hotels	N	N
Open air theaters	N	N
Sale of farm products	Y	SP
Training or educational institutions operated for profit	N	SPR
Professional business	N	SPR
Restaurants	N	SPR
Adult entertainment uses	N	SP
Flea markets	N	SP
Commercial kennels	N	SP
Medical marijuana off-site dispensaries (MMOSD), subject to § 255-46	N	N
Marijuana retailer	N	SP
Marijuana testing facility	N	SP
Solar photovoltaic, large-scale	SPR/SP	SPR
Solar photovoltaic, medium-scale	SPR/SP	SPR/SP
Solar photovoltaic, small-scale	SPR/SP	SPR/SP
<b>Industrial Uses</b>		
General manufacturing uses not commonly considered hazardous or noxious	N	SP
General manufacturing uses commonly considered hazardous or noxious	N	N
Gas-to-energy facilities/	SP	N
Medical marijuana cultivation and processing facilities	N	N
Medical marijuana treatment centers	N	N
Microbrewery	N	SP
Craft marijuana cultivator cooperative	N	N
Marijuana cultivator	N	N

Marijuana product manufacturer	N	N
Marijuana testing facility	N	SP
Research, development and manufacturing facilities of products that generate renewable or alternative energy	N	N
<b>Other Uses</b>		
Accessory uses to permitted principal uses	Y	Y
Major earth removal, extraction, and/or fill activities	SP	SP
Other earth removal, extraction, and/or fill activities	Y	Y
Extension or alteration of existing nonconforming uses or structures	SP	SP
Wireless communications antennas	SP	SP
Wireless communications towers	SP	SP

### Zoning in the Area

There are seven parcels at or proximal to the intersection of Amherst Road and Pearl Street that have Business B zoning. A portion of the five of these parcels are similarly zoned Business B along the frontage, or a portion of their frontage, and Agricultural in the rear. One parcel to the northeast of the intersection on Amherst Road is fully Zone B (Map 58, Parcel 47). And another parcel, (Map 58, parcel 92), has only a small area in the northeast corner zoned Business B with the remaining majority of the lot zoned Agricultural. However, six of these parcels are existing single-family residences, and one is maintained as open space. Outside of these seven parcels, the surrounding land is zoned Agricultural to the south approximately 990 feet north of The Knolls, and west to the Connecticut River, generally encompassing the entire northern portion of town. The Granby town line approximately follows Amherst Road placing the frontage of the lots to the northeast in Granby. However, the parcels to the southeast of the subject parcel in Granby are also single-family residential dwellings.

### Relationship to Master Plan

In the 2020 Master Plan Update, the intersection of Amherst Road/Route 116 and Pearl Street is not specifically identified as a focus area of concern or for recommended strategies. The 2010 Master Plan land use vision statement for Route 116, Amherst Line to Town Common is as follows:

Route 116, from the Amherst Line to the Town Common, consists of a mix of land uses with historical properties and structures located nearer to the Town Common and predominately single-family residences to the north. Particular characteristics and considerations relevant to this corridor include:

- Though limited, the commercial development along this corridor is not consistent with the dominant residential and historical nature of the corridor and does not complement neighborhood character.
- The character and intensity of development along this corridor has maintained open spaces and significant views of the Mount Holyoke Range.
- Several gravel pits are located along the north side of the Amherst Road portion of the corridor opposite the town of Granby. While only the largest of these operations predates the Zoning Bylaw, both operations are considered nonconforming (but grandfathered) since the Zoning Bylaw has been amended since the smaller operation

was originally permitted. Such operations, similar to the smaller commercial businesses, should be considered exceptions, and contrary, to the corridor's dominant character.

- Future development of the Amherst Road portion of this corridor should be limited to residential uses, consistent with existing trends. Future development of the Woodbridge Street portion of this corridor (from Amherst Road to the Town Common) should complement the surrounding architecture and style.
- Implementation of a design review process, with jurisdiction over this corridor, can help retain this historical and residential character of the Town.

**Department Comments:**

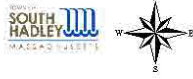
*Donna Whitely, Treasurer/Collector:* This property does have a past due Real Estate bill that was due 2/1/23. The amount due as of 4/5/23 is \$741.56.

*Missy Rimbold, Associate Assessor:* There is nothing due to this office as it is an inactive business.

*John Broderick, Acting DPW Director:* I do not know of any plans for mass DOT to reconfigure that corner. I know the town has no plans to reconfigure the intersection of Pearl Street which is town owned with the mass DOT easement. I do know that over the years there have been a few accidents there. Mass DOT in the last two years has added the reflective stanchions and tried a new pavement method for corners that includes a traction layer I believe it is sprayed. This was done after they milled and resurfaced the corner directly in front of 460. There have been some accidents, but I am not familiar with the building being hit other than some minor bump and goes. The few accidents at this intersection happened late at night or in western setting sun time. Large truck traffic should travel Rt.116 to Rt. 47 ideally anyways.

**Recommendation:**

1. Spot zoning should not be approved. As shown on the maps above, approximately half of the subject property is currently zoned Business B, and six of the adjacent lots have some Business B coverage. It does not appear that changing the zoning on the subject parcel from partially Agricultural to fully Business B would constitute spot zoning.
2. The split zoning on the subject parcel may have the potential to hamper redevelopment of the site for business uses. For example, redevelopment of the property into a small restaurant was not feasible due to the small area within Business B available for parking. Extending any business uses, including parking, into the Agricultural zoned portion of the site would be prohibited, with the exception of the sale of farm products which is allowed by right.
3. Rezoning the entire parcel Business B would still allow for redevelopment as residential uses but would also expand the options for the site to additional business uses such as retail, restaurant and professional and business services, as well as others, all of which would require either Site Plan Review or Special Permit.



# 460 Amherst Road Zoning Map

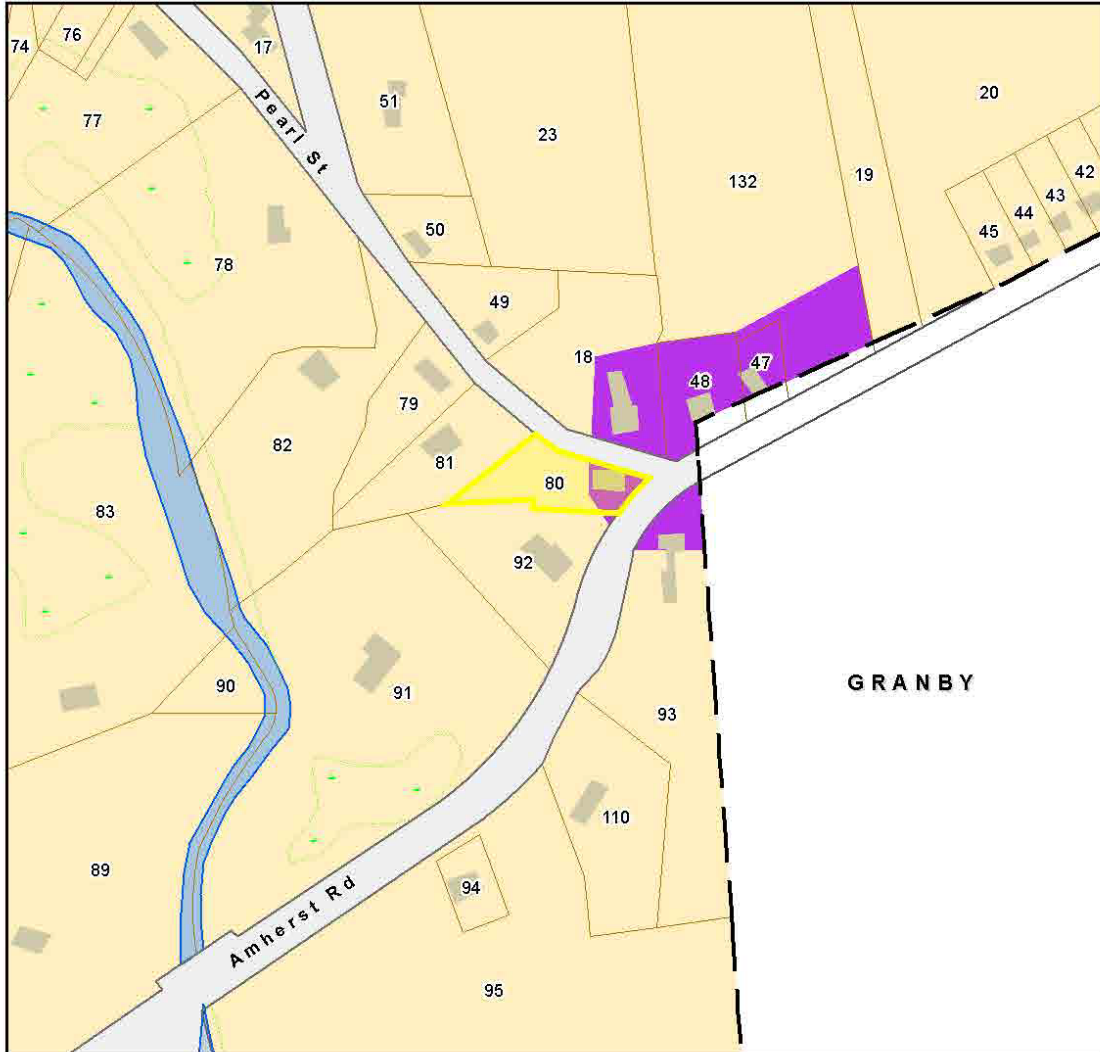
South Hadley, MA



April 7, 2023

1 inch = 278 Feet

www.cai-tech.com



Large Scale	PROPNOTPAR	Buildings	Agricultural
CAI Town Line	RoadNotPar	Right of Ways	Business B
PROPERTYLINE	WETLAND	Wet Areas	
ROAD	Water Lines	Water-poly	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

## Action Needed:

Conduct the public hearing and gather public comment. Vote on whether to recommend the zoning change be approved by Town Meeting or not.

#### AGENDA ITEM #7

##### Discussion of Administrative Corrections to Proposed Accessory Dwelling Unit Bylaw

Town Counsel reviewed the bylaw and had the following administrative correction:

Section I. C. 1. Add at end of sentence “for procedures for any application that requires Site Plan Review hereunder.”

**Action Needed:** Motion to approve the administrative correction to the final proposed bylaw as stated above.

#### AGENDA ITEM #8

##### Draft Planning Board Reports to Town Meeting on Short Term Rentals Zoning and General Bylaws

I am currently working on the two reports and anticipate sending them before Monday’s meeting. This will likely mean that the Board will not take action to approve them until your meeting on April 24<sup>th</sup>.

#### AGENDA ITEM #8 Planning & Conservation Department Report on Planning Projects and Development Updates

##### **Short Term Rental General Bylaw – Feedback from Building Commissioner on Enforcement**

At the Planning Board meeting on 4/27/23, members inquired if the 90 day period for compliance with an enforcement order, issued by the Building Commissioner, is standard and/or codified in the building code. The question was based on a provision in the proposed Short Term Rental General Bylaw for suspension of a Short Term Rental License for non-compliance. Some members wanted that period to be much shorter. Here is the response from Building Commissioner Damian Cote:

“That is already built into zoning law and building code etc. I don't think we can make up our own. When a zoning violation of any kind is issued, appeals must be made within 30 days.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section15>

Any enforcement of including violation notices are subject to appeal by the receiver and any aggrieved party in the case of inaction. The natural consequence is they would receive a fine in addition to the violation notice. Normally, some other authority would issue the license. The violations and tickets become a conversation then if a renewal is considered. Any unpaid fines, as a debt to the town, become an automatic stop to being able to renew.”

##### **Extension of Remote and Hybrid Meetings**

Governor Healey signed a fiscal 2023 spending package that includes a number of policy provisions including the extension of pandemic-related authorizations extending remote and hybrid meetings for public bodies through March 31, 2025. Therefore, we will continue to meet virtually via Zoom for the near future.

**Grant Application to Develop New Zoning for Route 33/202 Corridor**

The Town has been invited to submit a full grant application for the development of new zoning for the Route 33/202 corridor, in response to an Expression of Interest I submitted on March 16<sup>th</sup> to the Massachusetts One Stop for Growth Program. The application will be to the Community Planning Grants program and will seek to develop the three new zoning districts as well as amend the zoning map as recommended in the Route 33/202 Corridor Study. The full application is due June 2, 2023. Development of this grant application is in direct response to public comment regarding the landowner petition for a zoning map amendment for a collection of parcels located at the intersection of Granby Road and Lyman Street, also known at 280 and 286 Granby Road. The Planning Board voted 5-0 in favor of submitting the Expression of Interest for this project at their meeting on March 13, 2023.

**Annual Town Meeting – May 10, 2023 (and possibly May 12<sup>th</sup> for continuation)**

Planning Board Report to Town Meeting on Accessory Dwelling Unit Bylaw – Article 20

Final revised report is posted online here:

[Planning-Board-Report-on-Article-20---Accessory-Dwelling-Unit-Bylaw \(southhadley.org\)](https://southhadley.org/Planning-Board-Report-on-Article-20---Accessory-Dwelling-Unit-Bylaw)

**Next Meetings and Posted/Pending Agendas**

*Planning Board meets the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month.*

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>• 53 Woodbridge Street – Request for a Special Permit Waiver for Expansion of Non-conforming Structure</li> <li>• Approval of Reports to Town Meeting on Zoning Warrant Articles:             <ul style="list-style-type: none"> <li>- 280 &amp; 286 Granby Road Zoning Map Amendment</li> <li>- 460 Amherst Road Zoning Map Amendment</li> <li>- Short Term Rentals Zoning Bylaw</li> <li>- Short Term Rentals General Bylaw</li> </ul> </li> </ul>
5/8	
5/10	Annual Town Meeting
5/22	
JUNE	<ul style="list-style-type: none"> <li>• Housing Production Plan Public Hearing – TBD</li> <li>• Schedule joint meeting with Selectboard for Housing Production Plan Adoption TBD</li> </ul>
6/12	
6/26	

AGENDA ITEM #9 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  
APRIL 10, 2023 MEETING**

---

**Letters & Memos**

- March 28, 2023 email (attached) from Hattie and Steven Finkel, 450 Amherst Road, regarding the zone change petition for 460 Amherst Road.
- March 31, 2023 email (attached) from Martha Terry, 25 Brainard Street, with an article from the Greenfield Reminder regarding Accessory Dwelling Units

**Legal Notices**

***Amherst***

- Notice of decision from the Amherst Planning Board for approval of Site Plan and Special Permit to construct a private apartment-style dormitory with 68-units at 47 Olympia Drive/ 47 Mather Drive.
- Notice from the Amherst Planning Board for a public hearing on April 19, 2023 to consider an application for Site Plan Review filed by the Trustees of Amherst College to construct a new wood-framed pavilion at 425 South East Street.
- Notice from the Amherst Zoning Board of Appeals for a hearing on April 6, 2023 to consider a special permit to construct an energy storage facility at 515 Sunderland Road.
- Notice from the Amherst Zoning Board of Appeals for a hearing on April 13, 2023 to consider changing the use of the building located at 1-11 Pray Street.

***Chicopee***

- Notice from the Chicopee Zoning Board of Appeals for a hearing on April 12, 2023 to consider a variance from area and frontage requirements to create two new single-family building lots with frontage on Harding Street.

***Granby***

- 

***Hadley***

- 

***Holyoke***

-

---

## Fwd: Pearl Street Zone change

---

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

Fri, Apr 7, 2023 at 12:53 PM

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

From: **Harriet Finkel** <hattie.finkel@gmail.com>  
Date: Tue, Mar 28, 2023 at 11:32 AM  
Subject: Pearl Street Zone change  
To: Anne Capra <acapra@southhadleyma.gov>

Good Morning,

I understand the zone change for 460 Amherst Road zone change will appear as an article on May's Town Meeting. As I am sure you know, the plan necessitating the zone change has been abandoned by Melissa Gagne, she is no longer interested in starting a cafe on the property. Will this be communicated to Town Meeting Members or do you need Melissa present for this information to be known? I would be happy to communicate this to her if need be.

Also, the Town has been kicking the can down the road for sometime regarding the old Gagne's Package Store. This business has become obsolete as evidenced by the lack of interest in the potential sale. (Melissa's interest was reviving a family tradition, which she realized was impractical). This intersection is a main connector to Route 47 from 116 and is increasingly used as such. Pearl Street has evolved from abandoned small summer homes, (hurricane of '55 wiped out Pearl City Pond), and is in the process of being increasingly gentrified as evidenced by homes built to modern standards. As it stands now, the 116/Pearl Street intersection cannot be navigated by larger vehicles such as lumber trucks. I have seen these vehicles making 3 point turns to successfully enter Pearl Street. The only way for the Town to improve this is to raze the existing structure to truly enable cars and trucks to safely enter and exit Pearl. (The building, I believe, is 2-3 inches from the roadway and has been hit multiple times by vehicles on Pearl as evidenced by the side of the building) With the years of investment in the Falls area of Town, little or no attention has been given this area, which is historic in nature and the first thing people see upon entering the Town from the north. It is disgraceful that the Town allows this unsightly, abandoned building to be their first impression of our town.

I am including Lise Wong in this communication, and hope to speak with you soon.

Yours very truly,

Hattie and Steven Finkel  
450 Amherst Road, (Hattie Town Meeting member, District D)

---

## Re: To the Members of the South Hadley Planning Board: unintended consequences of detached accessory dwelling units

---

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

Fri, Apr 7, 2023 at 12:55 PM

On Fri, Mar 31, 2023 at 3:16 PM Martha Terry <marthaterry25@gmail.com> wrote:

Dear Ann,

Please distribute this article to members of the Planning Board.

Thank you,

Martha Terry

From the *Greenfield Recorder*: unintended consequences of detached Accessory Dwelling Units.

GREENFIELD — Gazing through a picture window in their Bernardston Road home, Patrick Devlin and Lynne Ballard looked out on their patio, inground pool and sprawling backyard — a place they’ve called a sanctuary from the stress of daily life for the past 20 years.

But the couple fears that haven could be in jeopardy. Less than a month after Town Council passed an ordinance legalizing so-called in-law apartments in town, their next door neighbor at 907 Bernardston Road applied for a special permit to build a detached, 882-square-foot cottage on her 2.5 acres. The cottage would sit 30 feet from the property line on a hill, separated from Devlin’s private backyard by a wooden fence, several dying pine trees and deciduous shrubs that only provide screening for five months of the year.

“She picked out this beautiful English cottage, and I have to say that I was impressed with the picture of it. However, it’s going to be built right next to our property and it’s on a pretty good, steep hill that’s going to overlook our swimming pool,” Devlin said.

Town Council passed an Accessory Dwelling Unit Ordinance in August, which makes it legal for residents to build up to 900-square-foot apartments either inside existing owner-occupied homes, as additions, as new detached structures or inside existing detached structures, like garages or carriage houses. The couple’s neighbor, Marcia Vincent, is the first person in town to apply not only for an ADU, but the special permit required to build a detached structure.

When reached by phone Friday, Vincent said she picked a spot for the dwelling that was greater than the minimum distance of 20 feet from the property line in an effort to avoid conflict with her neighbors. The cottage would sit 100 feet away from her main house.

Planning Board Chairwoman Roxann Wedegartner called Vincent’s proposal a poster child for ADUs, saying she thinks the cottage is very attractive and blends in well with the rest of the property.

“We’re kind of excited to hear that we had an ADU coming up so quickly, and then when we saw the drawing, we were like, this is exactly what we had in mind — somebody who is older and wanting to

have a separate structure as a guest house or as an income property — whatever way she chooses to use it at whatever point in her life,” Wedegartner said.

But Vincent’s proposal is also the classic scenario some residents envisioned when they expressed concern about detached units before the ordinance was approved. In addition to privacy and noise concerns if the cottage were to be built overlooking their pool, Devlin and Ballard said they’re also worried about who might live there. The ordinance mandates that the property owner live in either the main house or the ADU, but does not regulate who the apartment could be rented out to.

“A unit like this could be turned into an Airbnb,” Devlin said. “We don’t know who’s going to live in it.”

The town does not currently regulate short-term rentals like Airbnb, and they are not addressed in the ordinance.

Devlin added he doesn’t believe his neighbor’s proposal is in the spirit of the ordinance, which was intended, in part, to help older homeowners stay in their homes and to add moderately priced rental units to the housing stock for low and moderate income households.

“During the public hearings, most of the people didn’t have an issue with attached or within. The only piece that everybody was griping about was detached, and I think they kind of knew of these unintentional consequences,” he said. “To me, it seems like the ordinance is geared toward middle, moderate income people — certainly not the rich people, but it’s the rich people that are going to build these separate houses.”

Vincent declined to comment on why she hopes to build the dwelling, calling it a private matter, and declined to answer any more questions from The Recorder.

“Being the first person (to build an ADU), I guess I’ve been set up to be criticized,” she said.

Wedegartner said the process for approving a special permit for a detached ADU is the same as any other site plan review, and a public hearing about Vincent’s proposal will take place Thursday evening. She said the Planning Board typically doesn’t get involved with the exact design of a building, but added that sometimes when concerns are raised, people are agreeable to working it out.

“If there are issues that (the neighbors) have apart from the fact that they just don’t want it there, that we can maybe mitigate or take care of in some way, we’ll certainly try to work that out,” she said. “What we’re saying is these people have a legal right under our ordinance to build this, and there’s no reason for us to deny the special permit for them.”

Devlin said he’s not optimistic about beating the plan, but said other people will eventually go through the same thing and wants to correct what he sees as a flawed ordinance. He said he would like to see it amended to require detached units to be closer to the main house. Thirty feet would be a good distance, he said.

Although they’re not on talking terms, Devlin said he plans to ask Vincent to move the cottage closer to her house during the public hearing and plant some type of screening between the two properties. Ballard added she fears that if the town allows the cottage to be built in its current planned location, her property will be devalued while Vincent’s property will increase in value.

“She owns 2.5 acres of land, she could put it elsewhere,” Devlin said. “Every time we look through one of our picture windows, we’re going to see this thing looming over our swimming pool.”