

# Annual Town Meeting

ZONING WARRANT  
ARTICLES REVIEW

APRIL 20, 2023

ANNE CAPRA, AICP, DIRECTOR OF  
PLANNING AND CONSERVATION

# AGENDA

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- Article 20 Residential Short-Term Rentals General Bylaw
- Article 21 Residential Short-Term Rentals Zoning Bylaw
- Article 22 Accessory Dwelling Units Zoning Bylaw
- Article 23 280 & 286 Granby Road Zoning Map Amendment
- Article 24 460 Amherst Road Zoning Map Amendment

# Article 20 Residential Short-Term Rentals General Bylaw

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To see if the Town will vote to create a General Bylaw to allow for registration and licensing of Residential Short Term Rental Units.

# Article 21 Residential Short-Term Rentals Zoning Bylaw

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To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Residential Short-Term Rental Units by amending:

- Section 255-10 Terms Defined by inserting the definition for a Short-Term Rental;
- Section 255 Attachment 1:1 Use Regulations Schedule to establish which districts a Short-Term Rental may be permitted and how they may be permitted (Site Plan Review or Special Permit); and,
- Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-51 Short Term Rental to provide standards and details under which a Short-Term Rental may be permitted.

# Why Now?

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March 2019 - “An Act Regulating and Insuring Short Term Rentals” effective in Massachusetts

Amends MGL c.64G to regulate short term rental industry in Massachusetts - requires STRs register with the State and are subject to excise tax

Massachusetts Towns and Cities begin adopting bylaws to regulate STRs

South Hadley Inspection Services/Building Department began research to identify STRs; Zoning Bylaw silent on the use therefore making it a prohibited use

April 2022 – Building Commissioner issues cease and desist orders on 12 STRs

2 of 12 receive Special Permits for Bed and Breakfast Home Facilities; other 10 not eligible/don't meet the standards or don't apply

# Why Now?

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Planning Board conducted 5 posted meetings to develop draft bylaws on 8/29/22, 9/19/22, 10/3/22, 10/17/22 & 11/7/22

Coordination between Public Health Director, Building Commissioner and Planning Director to identify process for Rental Registry and Short Term Rental License

Review bylaws and regulation processes in other communities

Review research and guidance publications from Franklin Regional Council of Governments and American Planning Association

Receive General Bylaw template from Town Counsel

Held Public Hearing on Draft General and Zoning Bylaws:  
2/6/23 continued on 3/20/23 and 3/27/23

# Short Term Rentals

## GENERAL Bylaw vs. ZONING Bylaw

### Zoning Bylaw

Regulates the use in a designated area

### General Bylaw

Supplement the terms of the Zoning Bylaw but may not contradict or restrict the use that is controlled by the Zoning Bylaw

Regulations that generally apply townwide irrespective of zoning

Establishes licensing and registration process

# Zoning Bylaw Proposed

## Chapter 255-XXX

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### A. Purpose and Intent

1. Compatibility with social, cultural and physical neighborhood characteristics
2. Protect residential neighborhood quality of life
3. Allow residents to generate revenue from their properties while avoiding possible adverse effects

### B. Special Permit Granting Authority – Planning Board

### C. Definition

**Short-Term Rental** - defined as all or part of a legally established Dwelling Unit for no more than 28 consecutive days or less, including home sharing and vacation rentals.

# Zoning Bylaw Proposed

## D. Application Requirements

1. Plan requirements
  - A. Parcel boundaries
  - B. All structures and that proposed for STR
  - C. Location and description of parking
  - D. Floor plan of dwelling and STR
2. Description of rooms in dwelling unit, whether they will be rented, and maximum # of overnight guests allowed
3. Contact info for owner
4. Trash collection description
5. Snow removal description

# Zoning Bylaw Proposed

## E. General Criteria and Standards

1. Applicant must be the owner-occupant
2. Must be legal dwelling unit
3. Tax parcel must be dimensionally compliant for Zoning District
4. Must be current on all local taxes and fee
5. Owner-Occupied – Must reside on property during rental period
7. Non-owner Occupied –
  - A. Owner must be license applicant
  - B. Owner does not reside on property during rental period but assumes all responsibility for operation and maintenance

# Zoning Bylaw Proposed

## F. Conditions and Restrictions

1. Compliance with all building and fire codes
2. Adequate onsite parking
3. No exterior signage
4. No exterior storage of materials, equipment, supplies
5. Business License from Town Clerk required
6. Lodging Permit from Board of Health required
7. Annual Short-Term Rental License from Building Commissioner
8. Planning Board may waive requirements
9. Building Commissioner may adopt regulations to administer bylaw
10. 1 STR per tax parcel or group in common ownership
11. Special Permit expires with lapse or revocation of annual License; Special Permits non-transferable

# Zoning Bylaw Proposed

Use Classification Residential Uses	Zoning Districts											
	Residence				AGR	Business				Industrial		
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden
Bed-and-Breakfasts	SP	SP	N	N	SP	N	N	N	N	N	N	N
Home Occupation I	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N
Home Occupation II	SPR	SPR	SPR	N	SPR	N	SPR	SPR	N	N	N	N
Motels-Hotels	N	N	N	N	N	N	N	N	SP	N	SP	N
Short Term Rental – Owner Occupied	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	N	N
Short Term Rental – Non-Owner Occupied	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N

SP = Special Permit  
 SPR = Site Plan Review  
 Y = Allowed by-right  
 N = Prohibited

# General Bylaw PROPOSED

## General Bylaw – Chapter 136 – Residential Short Term Rental Units

### 136-1 Purpose

- A. Protect health, safety and welfare of tenants and citizens
- B. Ensure safety and sanitary conditions of rental housing stock
- C. Provide guidelines for operations of short-term rentals for tenants, owners, landlords, and neighbors and awareness of nuisance regulations
- D. Establish requirements for use, maintenance, and parking
- E. Awareness and responsibility for occupancy limits
- F. Stabilize, protect and enhance characteristics and quality of life in existing residential neighborhoods

### 136-2 Registration and License Required

*A Short-Term Rental License must be issued by the Building Commissioner.*

# General Bylaw PROPOSED

## **136-3 Enabling Legislation & Regulations**

Short term rentals must comply with all:

Local bylaws and regulations

State laws

Health, building and fire codes

Inspections and enforcements taken under this bylaw are authorized under such laws and regulations

## **136-4 Applicability & Exemptions**

The following are NOT eligible for Short Term Rental Licenses:

A. Hotels, motels, inns, hostels or bed and breakfast facilities

B. Halfway Houses and Group Homes

# General Bylaw PROPOSED

## 136-5 Definitions

Affordable Housing Unit

Code Official

Dwelling Unit

Emergency

Owner

Owner-Occupant(s)

Person

Principle Residence

Short Term Rental

*Note – These definitions are the same for the STR Zoning Bylaw and will need to be added to Chapter 255-10 via amendment at Town Meeting under a separate Warrant Article.*

# General Bylaw PROPOSED

## 136-6 Conditions

STR Licenses are conditioned upon the following:

- A. Only spaces intended for human habitation – not sheds or garages
- B. Only legal Dwelling Units may be STR – not campers, RVs, tents, yurts, or other temporary or mobile structure
- C. No exterior signs or displays for advertising
- D. All advertisements must include license # issued by Town

# General Bylaw PROPOSED

## 136-6 Conditions

E. Only Owner-Occupants may offer for rent part of their Principal Residence

### 1. Owner Occupied

- a. Owner-occupant or their representative must reside on the property during the rental
- b. If multiple owners, one of them must reside on property during rental
- c. If a business entity is owner, a designated owner representative must permanently reside on the property in an ongoing basis

### 2. Non-owner Occupied

- a. The owner-occupant must be the license applicant
- b. The owner-occupant does not reside on the property during the rental but assumes all responsibilities
- c. If property owned by a business, a designated owner representative must be identified with contact information

# General Bylaw PROPOSED

## 136-6 Conditions

- F. Licensees must maintain liability insurance
- G. Rental to one party or group at a time; individual rooms may not be rented separately
- H. Number of bedrooms in rental may not be greater than lawfully permitted in Dwelling Unit
- I. Renting for less than 24 hours is prohibited
- J. Commercial meetings are prohibited

# General Bylaw PROPOSED

## 136-7 Licensing

A. Application Process and Requirements

B. Renewal – License valid for 1 year (7/1-6/30)

C. License Posted – Must be posted on rental premises

D. Transferability – NOT transferable upon change of ownership

E. Limits on Number of Licenses

Total of 25 active licensed units at any one time

No more than 5 of those licenses shall be non-owner occupied

Only 1 license per owner

# General Bylaw PROPOSED

## 136-8 Inspections & Complaints

### A. Self-Certification Program

- Owners shall certify their compliance *annually* using a Self-Certification Checklist
- Code Official may conduct inspection to verify in response to a complaint

### B. Complaints & Response Process

- Complaint Received
- Code Official conducts inspection
- Licensee shall make rental property available for inspection within 24 hours of request by official

# General Bylaw PROPOSED

## **136-9 Tenant Information**

Owner is required to distribute to tenants, or maintain documents on the premises for the following:

- Instructions for trash disposal

- Emergency exit diagram

- Contact info for the Owner or Agent

- Copy of STR License

- Copy of General Bylaw Chapter 179 Nuisances

## **136-10 Records**

Accurate records must be kept and made available to the Town upon request for three years from date of transaction.

## **136-11 Occupancy Limits**

Maximum number of adult occupants shall be determined by State standards for fitness and habitation, State Building Code and fire regulations.

# General Bylaw PROPOSED

## **136-12 Parking**

Parking Site Plan required

Site Plan will be reviewed by the Building Commissioner, in consultation with Fire Chief, for zoning compliance and public safety

## **136-13 Fees**

Selectboard or designee may set license fees

# General Bylaw PROPOSED

## 136-14 Enforcement

A. Enforcement Personnel – Building Commissioner and Code Officials

B. Enforcement Options – MGL c.40 sec. 21D

License may be modified, suspended or revoked

C. Fines - \$300 per day

D. Suspension – Building Commissioner may suspend a license for the following:

Knowingly or assisted in allowing violations

Owner or Agent refuses or neglects compliance

1<sup>st</sup> offense – 90 days

2<sup>nd</sup> offense w/in 12 months – 180 days

3<sup>rd</sup> offense w/in 12 months – 3 years

E. Immediate Suspension – Due to building condemnation or deemed unsafe for health, building or fire code reasons

F. Owner Responsibility – Owner responsible for all violations.

General Bylaw  
PROPOSED

**136-15 Appeals**

Filed with Superior Court

QUESTIONS?

# Article 22    Accessory Dwelling Units Zoning Bylaw

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To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regards to Accessory Dwelling Units by amending:

- Section 255-10 Terms Defined by inserting the definition for Accessory Dwelling Unit;
- Section 255 Attachment 1:1 Use Regulations Schedule to establish which districts an Accessory Dwelling Unit may be permitted and how they may be permitted (by right or Site Plan Review);
- 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.

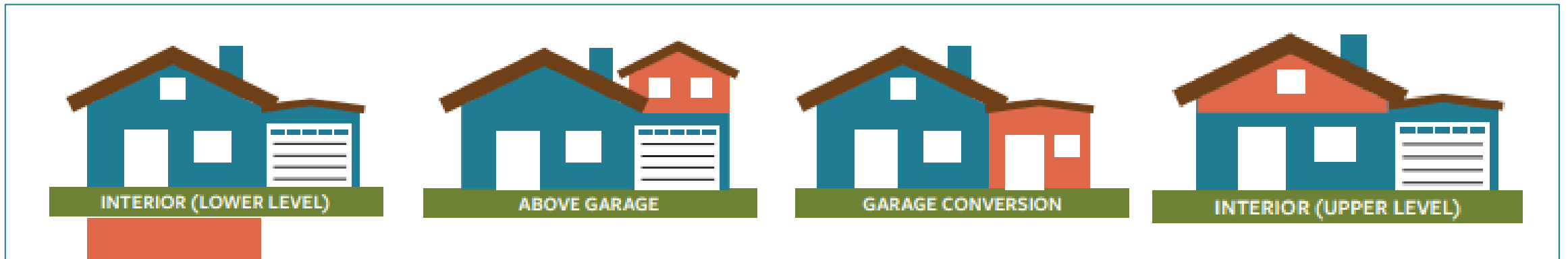
# **Accessory Dwelling Units (ADUs) –**

Small houses or apartments that exist on the same property as a single-family residence.

## **ADU Bylaw Definition:**

Is not larger in floor area than  $\frac{1}{2}$  the floor area of the principal dwelling or 900 square feet, whichever is smaller.

# ATTACHED and DETACHED



# Table of Contents

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## I. General Provisions

- A. Purpose and Intent
- B. Definitions
- C. Procedural Requirements

## II. Use and Dimensional Standards

## III. Administration and Enforcement

Use and Dimension Schedule Summary

# I. General Provisions

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## A. Purpose and Intent

- a. Home prices and rents unaffordable by families and households of middle and moderate incomes**
- b. Falling short of meeting current and future housing demand with consequences for well-being of residents and state's economy**
- c. Reduce barriers that prevent homeowners from building ADUs**

# I. General Provisions

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## A. Purpose and Intent

### **d. Benefits of ADUs**

- a) Increase supply of smaller housing stock to meet needs of smaller households
- b) Provide a wider range of homes, prices, rents, and locations
- c) Increase housing diversity
- d) *Provide homeowners with extra income to help meet the rising costs of homeownership*
- e) Create a convenient living arrangement for care and support for someone in a semi-independent living situation without them leaving their community
- f) Provide opportunity for homecare and companionship
- g) Reduce new municipal infrastructure needs by building in developed areas
- h) Compact growth patterns to reduce farm and forest land loss to development
- i) Provide housing closer to job centers and public transportation

# B. Definitions

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## **Accessory Dwelling Units (ADUs) –**

- Self-contained housing unit
- Is not larger in floor area than  $\frac{1}{2}$  the floor area of the principal dwelling or 900 square feet, whichever is smaller.

## **Building, Attached -**

A building have any portion of one or more walls incommon, united or attached.

## **Building, Detached -**

A building not united or attached.

# I. GENERAL PROVISIONS

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## C. Procedural Requirements

Refers to the Zoning Use Regulations Schedule, which indicates if it is by Site Plan Review or by-right procedures for permitting.

Use Classification	Residence				AGR	Business				Industrial		
	RA-1	RA-2	RB	RC		BA-1	BA	BB	BC	IA	IB	IG
Residential Uses												
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

# II. USE AND DIMENSIONAL STANDARDS

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## A. Following conditions are required for a permit:

- Unit is separate containing both kitchen and bath.
- 1 ADU per single-family dwelling; multi-family dwellings not eligible for ADU.
- Owner of residence must occupy principal dwelling or ADU.
- Gross floor area no larger than  $\frac{1}{2}$  floor area of principal dwelling or 900 SF, whichever is smaller.
- ADU not occupied by more than 3 people, and 2 bedrooms max.
- Must conform to State Building Code, Title V of State Sanitary Code, and all other local bylaws and regs.
- Off-street parking is required.
- Building setbacks must comply with principal use structure, including conversion of accessory structures to ADU.
- Detached ADUs limited to 1  $\frac{1}{2}$  stories.
- ADU not eligible for Short Term Rentals

# II. USE AND DIMENSIONAL STANDARDS

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B. Permit granting authority may allow deviations from stated conditions to install features to facilitate access and mobility for disabled persons.

C. D. and E.

Conditions relate to notarized letter certifying owner occupancy being recorded at Registry of Deeds at time of permit and again at sale.

# III. ADMINISTRATION AND ENFORCEMENT

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A. Building Commissioner will administer and enforce bylaw.

B. Building permits required; Board of Health review; Certificate of Occupancy required.

C. Building Commissioner can refuse to issue permit if in violation of any conditions of bylaw or other permits issued by Town entities.

D. Building Commissioner can issue a cease and desist for violations of this bylaw.

# Report to Town Meeting

<https://southhadley.org/DocumentCenter/View/10987/Planning-Board-Report-on-Article-20---Accessory-Dwelling-Unit-Bylaw>

## ABC's of ADUs: Expanding Housing Options for All

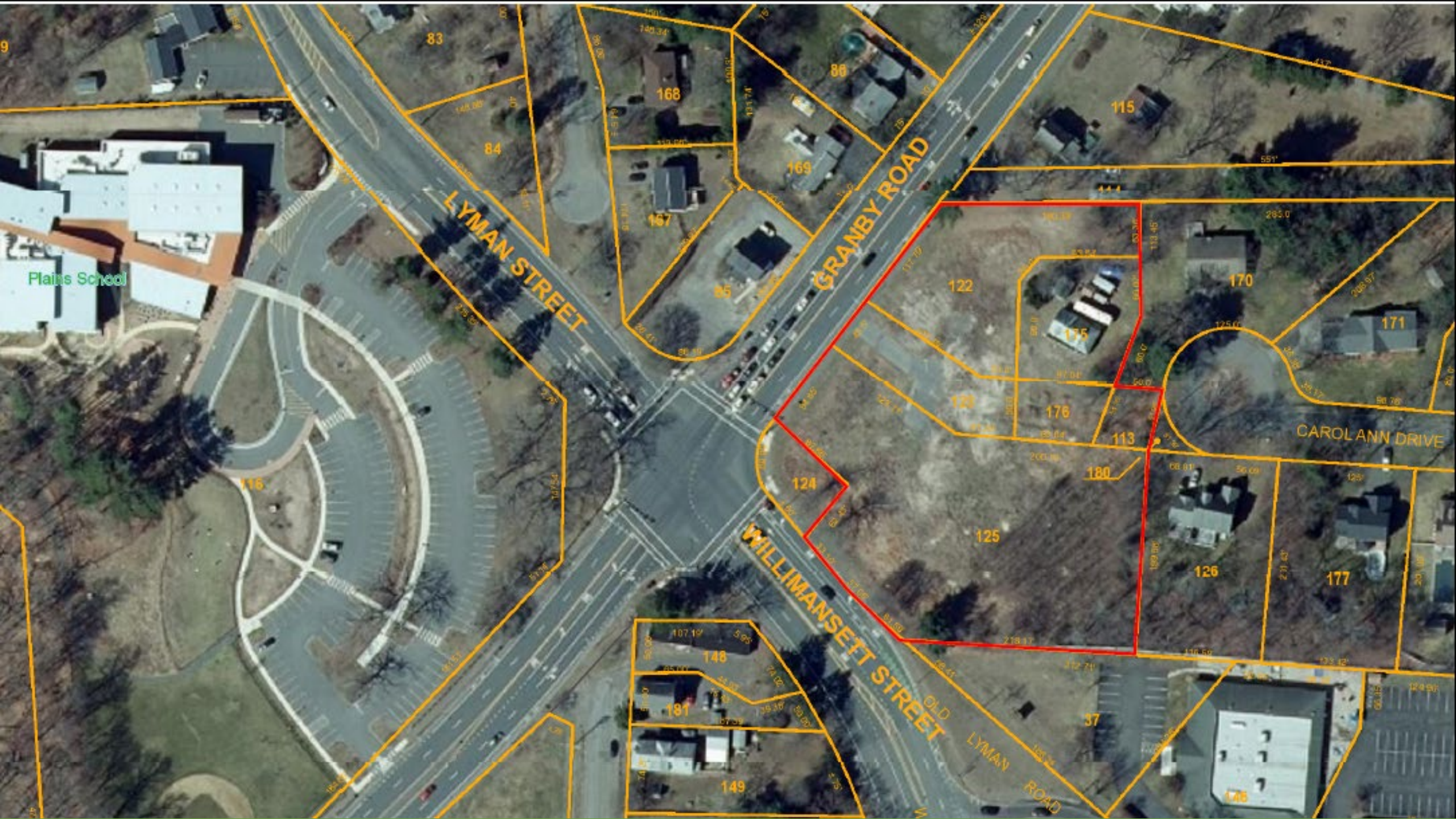
<https://vimeo.com/819555173>

# QUESTIONS?

# Article 23    280 & 286 Granby Road Zoning Map Amendment

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To see if the Town will vote to amend the Zoning Map by changing the designation of a 2.61-acre tract of land consisting of six parcels situated on the southeast corner of the intersection of Granby Road (Route 202) and Willimansett Street (Route 33), and known as 280 and 286 Granby Road, identified on Tax Assessor's Map 15 as Parcels 122, 123, 125, 175, 176 and 113, from the present zoning designation of Residence A-1 to Business A.



Plains School

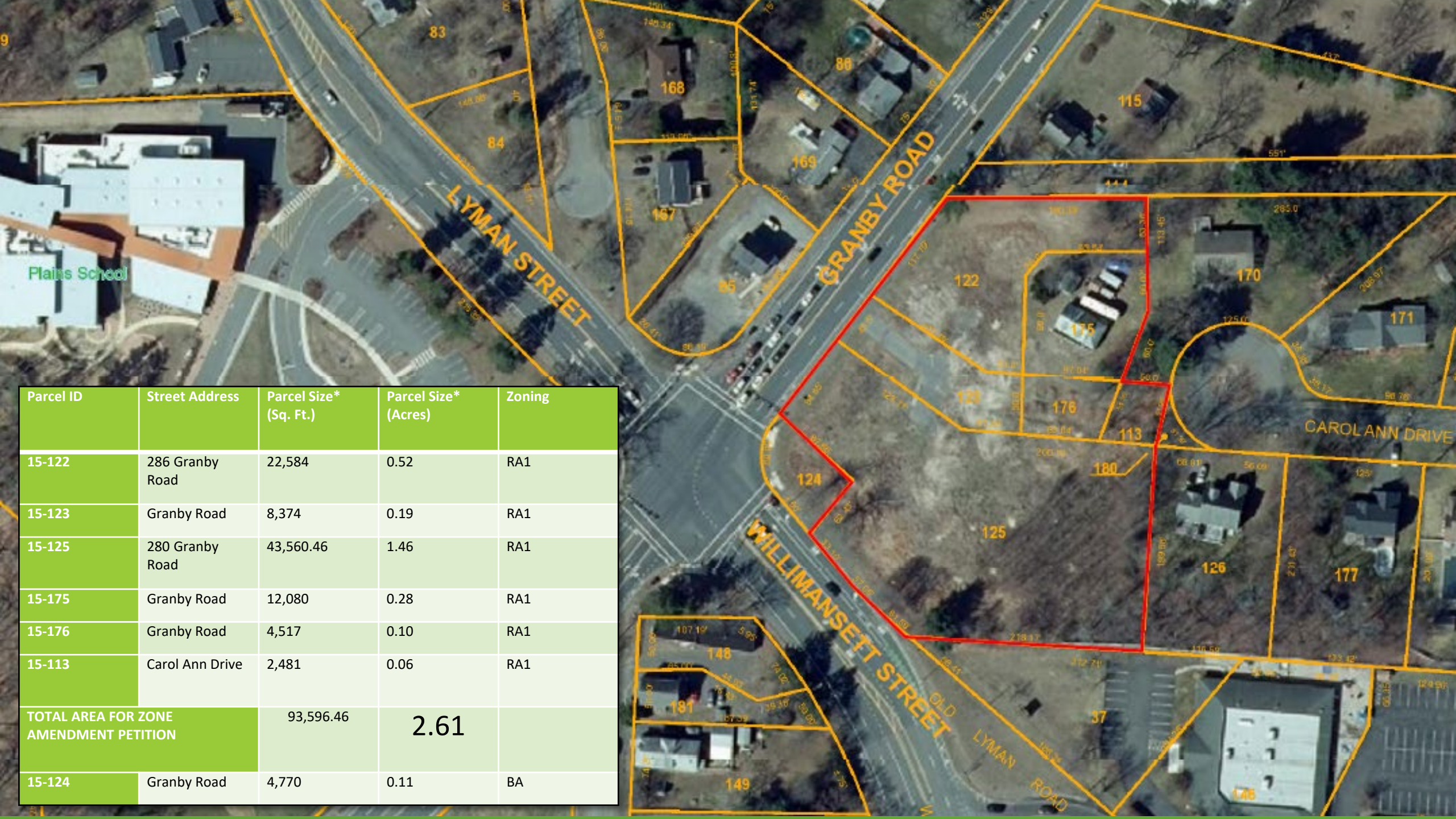
LYMAN STREET

GRANBY ROAD

WILLIMANSETT STREET

CAROL ANN DRIVE

OLD LYMAN ROAD



Parcel ID	Street Address	Parcel Size* (Sq. Ft.)	Parcel Size* (Acres)	Zoning
15-122	286 Granby Road	22,584	0.52	RA1
15-123	Granby Road	8,374	0.19	RA1
15-125	280 Granby Road	43,560.46	1.46	RA1
15-175	Granby Road	12,080	0.28	RA1
15-176	Granby Road	4,517	0.10	RA1
15-113	Carol Ann Drive	2,481	0.06	RA1
<b>TOTAL AREA FOR ZONE AMENDMENT PETITION</b>		93,596.46	<b>2.61</b>	
15-124	Granby Road	4,770	0.11	BA



AOI_Points	RoadNotPar	Water Lines	Residence A-1
PROPERTYLINE	WETLAND	Wet Areas	Residence A-2
ROAD	Right of Way	Business A	
HOOK	Utility	Business C	



# Zoning Map

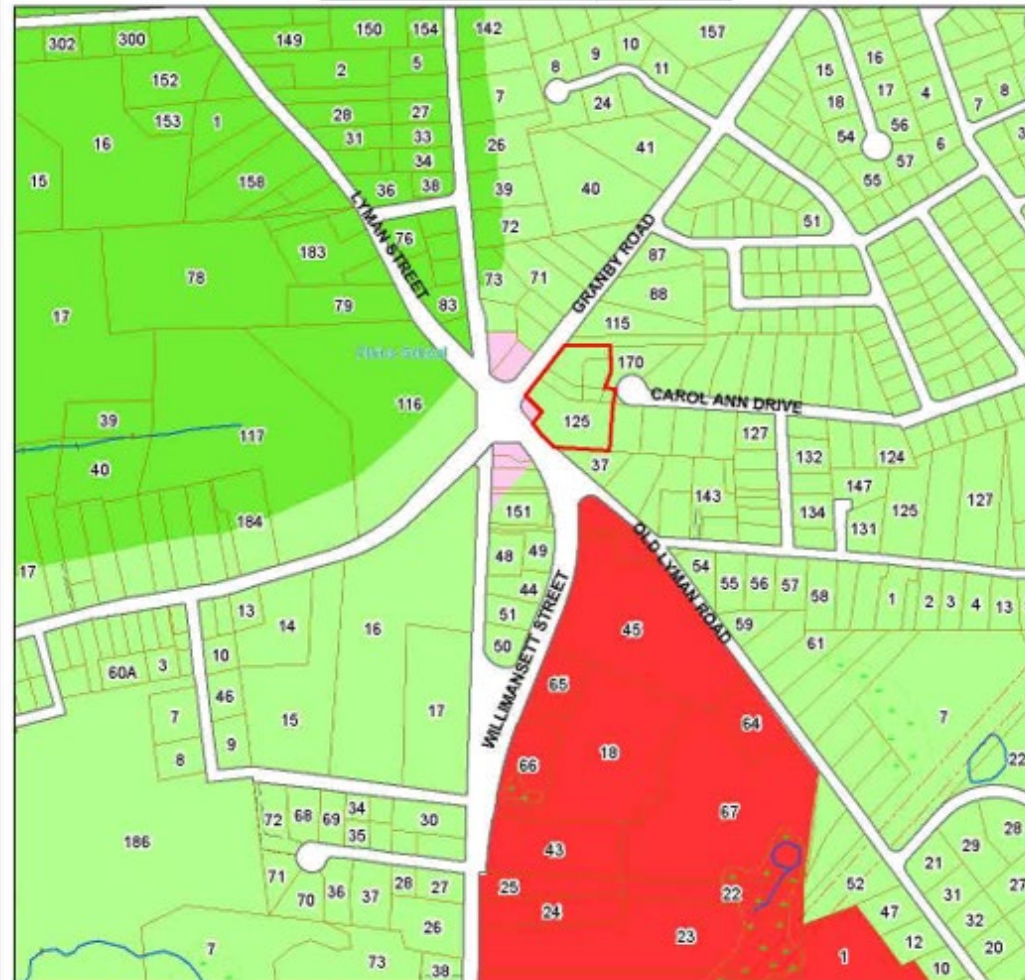
South Hadley, MA

March 10, 2023

1 inch = 557 Feet

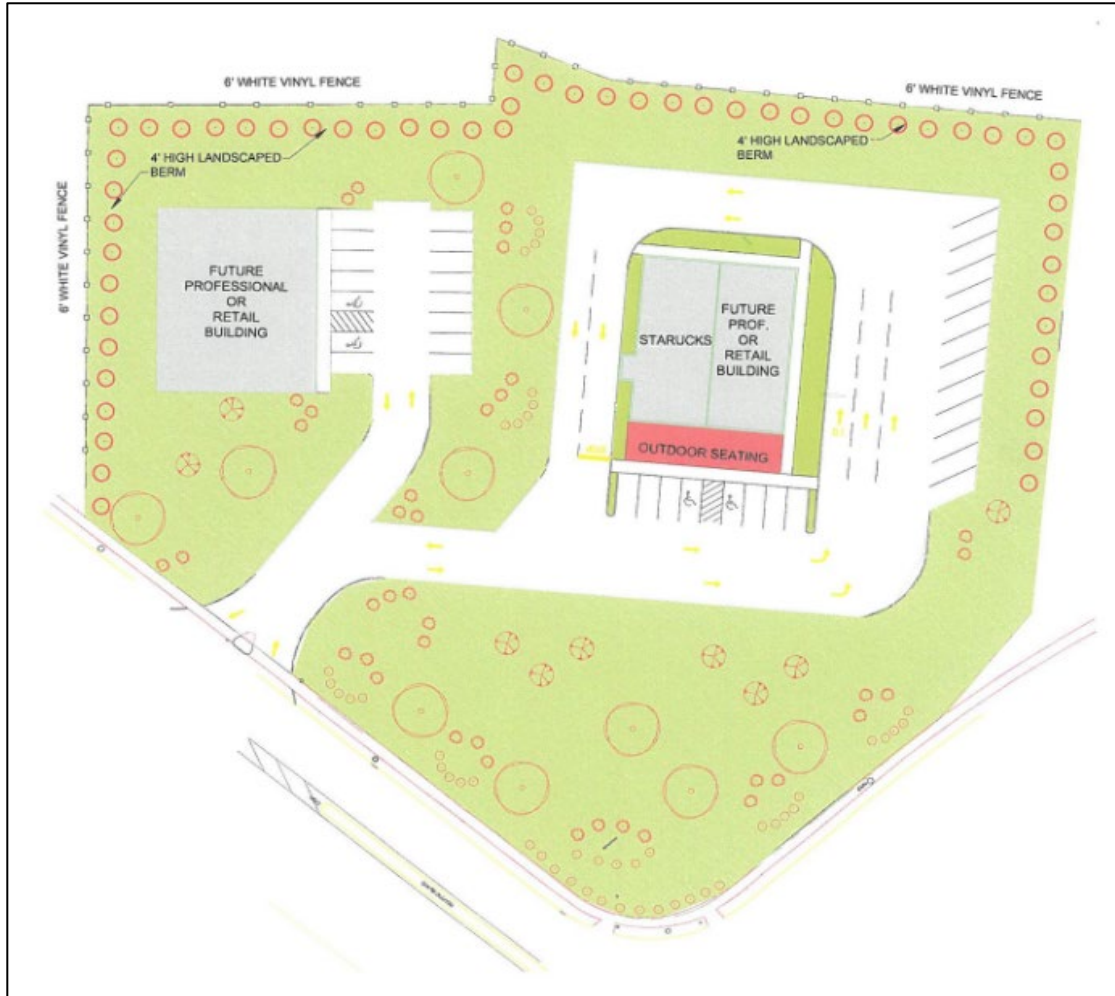
www.cai-tech.com

0 557 1115 1673



AOI_Points	RoadNotPar	Water Lines	Residence A-1
PROPERTYLINE	WETLAND	Wet Areas	Residence A-2
ROAD	Right of Way	Business A	
HOOK	Utility	Business C	

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# Zoning Map Amendment Residence A-1 to Business A

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## **RA1**

- Single-family residential by-right
- Multi-family by Special Permit
- Business uses prohibited generally
- Professional Business by Special Permit

## **Business A**

- Single-family residential by-right
- Conversion to two-family by-right
- Multi-family by Special Permit
- All business uses by Site Plan Review or Special Permit

# Relationship to Community Plans

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## Master Plan (2020)

- Preserve the existing clusters of single-family homes; consider adding more open space such as a small park, community garden, or dog park.
- Increase commercial activity such as restaurants, ice cream shops, or retail between the neighborhood core and periphery.
- Increase the variety of housing choices.
- Modify existing regulatory and permitting requirements to diversify and stimulate new commercial uses compatible with neighborhood characteristics

# Relationship to Community Plans

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## Route 202/33 Corridor Study

- Focus on attracting businesses that serve the surrounding neighborhoods and professional offices while also encouraging additional housing at appropriate locations.
- Consider adding design standards to any zoning changes to maintain certain physical characteristics of the buildings and sites along the corridor while allowing new businesses which can capitalize on the relatively high through traffic
- Re-zone subject parcels with NEW “Low-density Mixed Use” zoning district
  - Village Center development with a mix of retail, restaurant and professional office.
  - Conversions from single-family homes to professional offices allowed.
  - Restricted density and limited uses due to Westover APZ II (accidental potential zone for Westover Air Base)

# Planning Board Recommendation

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Voted 4 -1 to not recommend Zoning Map Amendment

## Opposition Rationale:

- Traffic and safety at intersection
- Proposed development included drive thru business, increased traffic, and lacked residential development
- Increased business use at location would harm/degraded surrounding residential neighborhoods due to traffic, noise, and lack of pedestrian amenities/create additional pedestrian hazards

## Support Rationale:

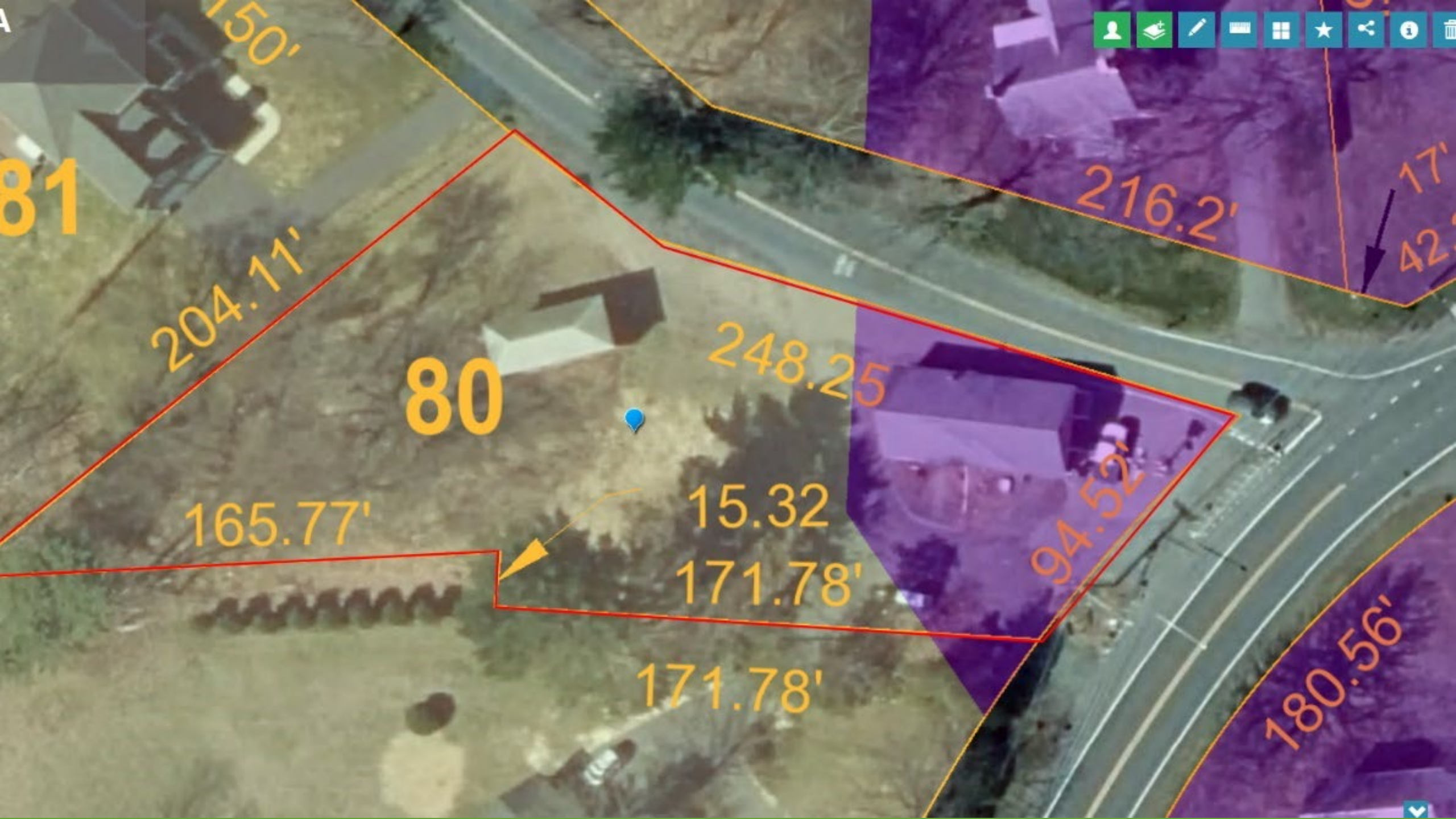
- Business uses require Special Permit or Site Plan Review which offer denial or design modifications for projects
- RA1 generally inappropriate for this area due to majority of parcels in district are dimensionally non-conforming and ½ the minimum required lot size.

QUESTIONS?

# Article 24 460 Amherst Road Zoning Map Amendment

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To see if the Town will vote to amend the Zoning Map by changing the designation of a 0.69-acre parcel situated on the northwest corner of Amherst Road (Route 47) and the intersection of Pearl Street, and known as 460 Amherst Road, identified on Tax Assessor's Map 58, Parcel 80, from mixed zoning designation of Agricultural and Business B to all Business B



81

204.11'

150'

80

165.77'

248.25

15.32  
171.78'

171.78'

94.52'

216.2'

17  
42

180.56'



SAGONE'S MARKET

CONVENIENCE

MARKET

ATM

Sign on the left side of the building



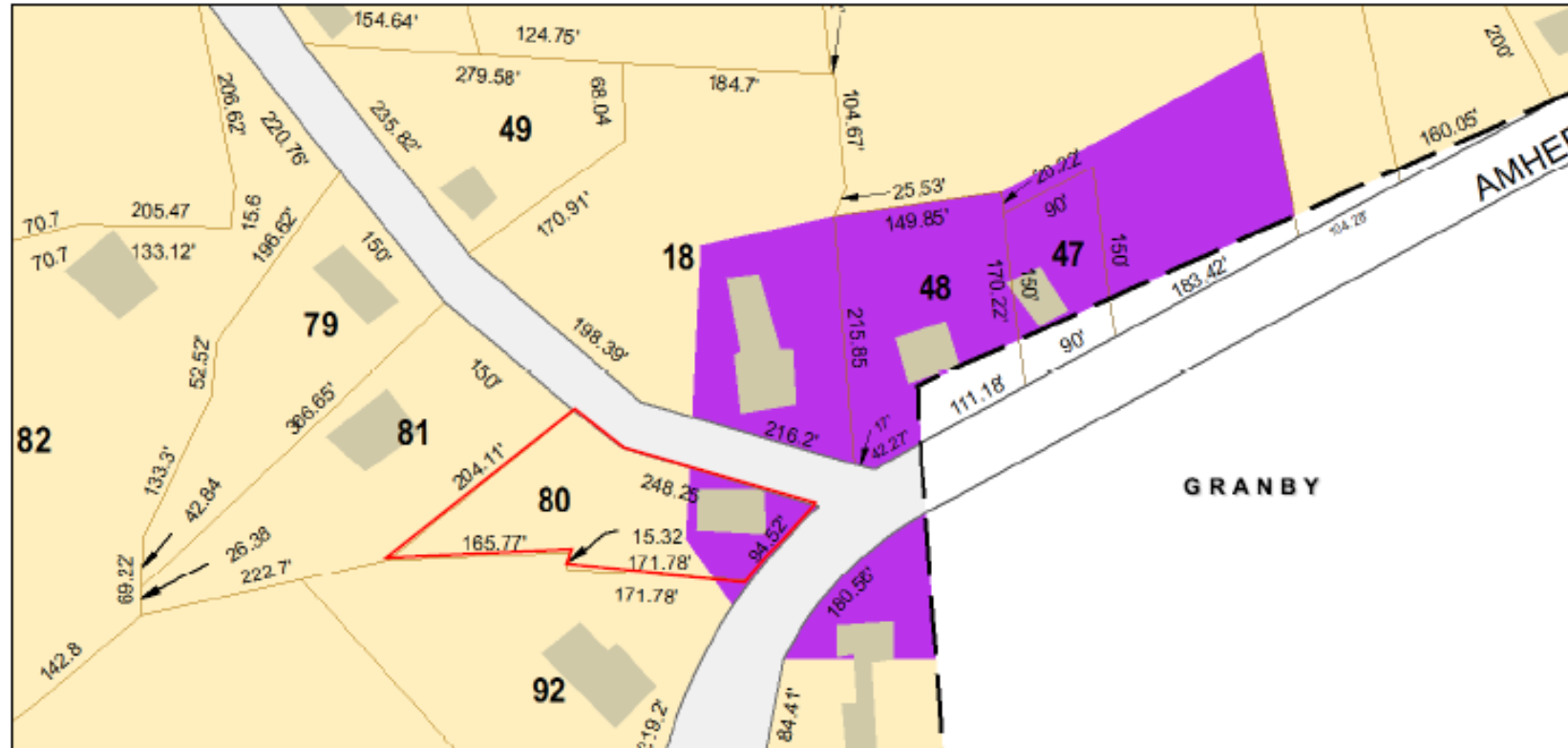
# 460 Amherst Road

South Hadley, MA

January 10, 2023

1 inch = 139 Feet

[www.cai-tech.com](http://www.cai-tech.com)



Large Scale	PROPNOTPAR	Agricultural
CAI Town Line	RoadNotPar	Business B
PROPERTYLINE	Buildings	
ROAD	Right of Ways	

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# Zoning Map Amendment Agricultural to Business B

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## **Agricultural**

- Single-family residential by-right
- Two-family allowed by Special Permit; all other multi-family prohibites
- Business uses prohibited generally
- Open Space uses allowed

## **Business B**

- Single-family and two-family residential by-right
- Multi-family by Special Permit
- Business uses by Site Plan Review or Special Permit
- Open Space uses allowed

# Relationship to Master Plan

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Route 116 from Amherst Line to the Town Commons:

- Future development Amherst Road consistent with residential character
- Small commercial businesses should be considered exception
- Implement design review for corridor to retain historical residential character

# Planning Board Recommendation

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Voted 5 -0 to not recommend Zoning Map Amendment

- Prospective buyer pulled out
- Dangerous corner and intersection, difficult for business use to guarantee safety of patrons
- Preferred use as pocket park and/or new parking area for Lithia Springs Reservoir trailhead off Pearl Street.

QUESTIONS?