

Background Materials – April 24, 2023– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 4/21/23

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

AGENDA ITEM #1 Planning Board Reorganization

Congratulations to Diane Mulvaney and Nate Therien for their successful re-election to the Planning Board for another three year term! Each year after elections, the Board formally reorganizes. Motions need to be made for Chair, Vice Chair, Secretary and Pioneer Valley Planning Commission representative.

Action Needed: Make separate motions for Chair, Vice Chair, Secretary, and PVPC representative, and vote for each position.

AGENDA ITEM #2 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 #3 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #4 Correspondence

Correspondence is attached.

Action Needed: No action needed.

AGENDA ITEM #5

Discuss and Consider Request for Waiver of Special Permit for Expansion of Nonconforming Structure – 53 Woodbridge Street

Waiver Request and Plans online here:

<https://www.southhadley.org/1354/13812/Woodbridge-Street-53?activeLiveTab=widgets>

255-7 Existing Uses, buildings and structures; non-conforming uses:

<https://ecode360.com/30052826>

The applicant has requested a waiver of a Special Permit for the expansion of their non-conforming residential dwelling for the construction of an accessible mudroom and deck platform at their existing residence, to be constructed in an open area between the existing garage and house. The existing nonconformity is the existence of the garage and house within the 40' front setback to Silverwood Terrace. The subject property is located at the corner of Woodbridge Street and Silverwood Terrace. The construction of the new mudroom and platform deck will not increase the nonconformity by projecting closer to the road than the existing garage.

A waiver from the Special Permit for increasing or altering a nonconformity can be granted for those necessary to make the facility handicapped accessible. In this situation, the applicant homeowners are seeking to build an accessible entryway to their home so that they may age in place, an objective that is well documented in the Master Plan (2020) and Age and Dementia Friendly Community Assessment Plan (2021).

255-7(B)(3) Waiver of special permit requirement. The Planning Board may waive the requirement for a special permit when the changes/alterations are minor (such as those of a cosmetic nature, those necessary for users'/occupants' safety, those necessary to make the facility handicapped accessible, or any changes/alterations of a similar nature) and do not increase the capacity or change the use of the facility. Persons desiring such a waiver must submit a written request to the Planning Board and detail the changes/alterations to be made. The Planning Board may act on the request at a regular posted meeting without holding a public hearing. In granting such a waiver, the Planning Board must determine that the proposed changes/alterations will not be more detrimental than the existing nonconforming use to the neighborhood in which it is located. Granting of a waiver pursuant to this section of the Zoning Bylaw requires an affirmative vote by no less than four of the Planning Board members.

Recommendation: Grant the waiver for a Special Permit for the expansion.

Action Needed: Motion to issue a waiver from the Special Permit due to a finding that the alterations will not be more detrimental than the existing nonconforming structure and use to the neighborhood in which it is located.

6:30 PM - AGENDA ITEM #6

93 Mountain View Street Site Plan Review Public Hearing - 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.ecode360.com)

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?
- 7.

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.

Recommendation: I sent an email and left a voice message for the applicant requesting they formally withdraw their application in writing. I have received no response. Thus, I recommend the Board open the hearing and deny the application for a Home Occupation II site plan review 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 #7

Discuss and Consider Planning Board Reports to Town Meeting

The following draft Planning Board Reports to Town Meeting were sent to you directly for your review:

- Article 20 Residential Short-Term Rental Units General Bylaw
- Article 21 Residential Short Term Rental Units Zoning Bylaw
- Article 22 Accessory Dwelling Units Bylaw
- Article 23 Landowner Petition for Zoning Map Amendment at 280 & 286 Granby Road
- Article 24 Citizen Petition for Zoning Map Amendment at 460 Amherst Road

Please come with any comments and edits regarding the reports so that we can make any needed revisions and the Board can vote to approve the reports so that they can be issued to

Town Meeting members and the public on Tuesday 4/25. The reports will be posted on the Planning Board webpage, on the Town Meeting webpage via the Town Clerk, and emailed directly to Town Meeting members.

Action Needed: Discuss an edits and needed revisions to the five reports and vote to approve them so they can be posted for the public and Town Meeting members.

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

Next Meetings and Posted/Pending Agendas

Planning Board meets the 2nd and 4th Mondays of the month.

5/8	
5/10	Annual Town Meeting
5/22	
JUNE	<ul style="list-style-type: none"> • Housing Production Plan Public Hearing – TBD • Schedule joint meeting with Selectboard for Housing Production Plan Adoption TBD
6/12	
6/26	

Zoning Warrant Article Information Sessions

ABC’s of ADUs: Expanding Housing Options for All - 4/19/23

Presentation by AARP representative and a review of the proposed ADU Zoning Bylaw

<https://vimeo.com/819555173>

Zoning Warrant Articles Information - 4/20/23

<https://www.southhadley.org/DocumentCenter/View/11056/Zoning-Articles-Information-Session---Annual-Town-Meeting---April-20-2023>

<https://vimeo.com/819931147>

AGENDA ITEM #11 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 24, 2023 REGULAR MEETING**

Letters & Memos

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Legal Notices

Amherst

- Notice of filing decision from the Amherst Zoning Board of Appeals for approving the withdrawal of an appeal filed by Mohammad Malekniaz for violations at 25 Nutting Ave.
- Notice from the Amherst Zoning Board of Appeals for a hearing on April 27 to consider a request for a special permit for a battery storage facility and associated site improvements at 515 Sunderland Road.

Chicopee

- Notice from the Chicopee Planning Board for a public hearing on May 4 to consider a site plan for an addition to Walmart for online grocery pick-up services at 591 Memorial Drive.

Granby

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Hadley

- Notice from the Hadley Planning Board for a public hearing on May 2 to consider amendments to the zoning bylaw to allow food trucks in certain zoning districts.
- Notice of decision from the Hadley Planning Board for the following: 1) approval of a home business special permit for Pioneer Valley Pelvic Heath at 5 Laurana Lane; 2) site plan approval for a coffee shop at 13 Russell Street; 3) site plan approval for an office building at 401 Russell Street; and 4) site plan and special permit approval for installation of wireless communication equipment at 350 Russell Street.

Holyoke

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