

Background Materials February 12, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 2/9/24

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

Help us help you stay informed!

Receive notifications when Planning Board notices are posted to the Town website. Customize your notifications and whether you want to receive them by email or text here:

[Alerts & Notifications | South Hadley, MA - Official Website](#)

Sign up for [CivicReady](#) notifications *for weather alerts and emergency notifications*.

Background Reports for all Planning Board meetings are posted online:

<https://www.southhadley.org/1274/Agenda-Background-Materials>

AGENDA ITEM #1 Call to Order by Planning Board Chair

The Chair will call the meeting to order and do roll call attendance.

6:30 PM AGENDA ITEM #2 Executive Session

After opening the regular Planning Board meeting, the Chair will declare the following:

Pursuant the MGL c30A sec 21(a)(3), the Board will discuss strategy with respect to litigation in the matter of Chicopee Concrete Service, Inc. v. Hutchison, et al. (South Hadley Planning Board and Board of Health) C.A. No. 2180CV00038, and public discussion of such will have a detrimental impact on the litigation position of the Board. Executive Session may be conducted concurrently with the Board of Health. Therefore, a motion to convene in Executive Session is requested.

A Board member makes a motion; motion is seconded; roll call vote. The Board will reconvene in open session after the executive session is concluded.

This topic was last discussed in Executive Session on September 11, 2023.

AGENDA ITEM #3 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 9/11/23, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://www.southhadley.org/DocumentCenter/View/11705/Policy-on-Open-Comment-Period---As-Adopted-2023-09-11>

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

AGENDA ITEM #4 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #5 Correspondence

Correspondence are attached.

Action Needed: No action needed.

AGENDA ITEM #6 Request for Extension – Site Plan Review Approval and Stormwater Management Permit – Rocky’s Ace Hardware Retail Store, 501 Newton Street

Application materials: [Newton Street \(501\) - Rocky's Hardware | South Hadley, MA - Official Website](#)

South Hadley Plaza LLC was granted Site Plan Review Approval and a Stormwater Management Permit for a commercial retail store at 501 Newton Street on May 18, 2021. Construction has been delayed due to the projects relationship with the planned adjacent 60-unit affordable housing development, to be owned and operated by WayFinders. The commercial project requested and received a one-year permit extension from the Planning Board on 2/27/23 until 2/26/24. At this time, the applicant is requesting another one-year extension to commence construction. The applicant states that their construction process is dovetailed with that of the housing project. The Wayfinders housing project recently announced they have received the final funding needed to initiate construction.

Recommendation: Grant a one-year extension for Site Plan Approval and Stormwater Management Permit, with an expiration date of 2/25/2025.

Action Needed: Discuss request for an extension. Vote on the request.

7:00PM AGENDA ITEM #7

PUBLIC HEARING - Site Plan Review – Short Term Rental – 22 Hollywood Street

An application for an owner-occupied Short Term Rental License was submitted via the Town’s online permitting portal. This type of STR requires Site Plan Review by the Planning Board. The rental is for one bedroom in the applicant’s home. Refer to the attached “Short Term Rental Zoning Permit Application Review” checklist. The applicant has submitted all of the required information with the exception of a description of winter snow removal and has met the application requirements.

Recommendation: Request a description of winter snow removal to confirm a process is in place. Based on all other information submitted, issue Site Plan Review Approval.

Recommended Motion: Move to find that the applicant has met the criteria for Site Plan Review approval for a Short Term Rental.

Action Needed: Hold the Public Hearing, making a finding on the application.

AGENDA ITEM #8 Discussion on Flexible Development Bylaw and Associated Bylaw Amendments

The Board began discussion of these bylaw amendments on 1/22/24. A detailed report summarizing the comprehensive bylaw amendment package is attached to this report. All proposed bylaw amendments are online [here](https://southhadley.org/1318/ProposedDraft-Bylaws):

<https://southhadley.org/1318/ProposedDraft-Bylaws>

Due to the other agenda items, we may not have time for this agenda item.

Action Needed: Continue discussion on amendments to Flexible Development Bylaw and associated bylaws.

AGENDA ITEM #9

Planning & Conservation Department Report on Planning Projects and Development Updates

A. Zoning Amendment Petition – Business A-1 Zoning District – Public Hearing 3/4/2024 at 7pm

The Board will hold a Public Hearing on this zoning amendment petition on March 4, 2024 at 7pm via Zoom. A letter from Marc Derosiers is included in the Board's correspondence requesting this hearing be held in a hybrid format. Staff are checking availability of the Council on Aging Senior Center's Multipurpose Room for that night. Cable Studio staff are available for technical assistance on that night.

A petition for a zoning amendment has been submitted to the Selectboard by the owner of 506 Granby Road, Himanshu Patel, and referred to the Planning Board for review at their 1/16/24 meeting. The amendment seeks to amend the Business A-1 zoning district to allow multifamily residential uses as part of a mixed-use development. This proposed amendment was the subject of an informational meeting with the Planning Board held on November 13, 2023.

The process for a Zoning Bylaw amendment is outlined in [MGL c.40A sec.5: General Law - Part I, Title VII, Chapter 40A, Section 5 \(malegislature.gov\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section5)

B. Housing Production Plan Approved by State

South Hadley's Housing Production Plan has been approved by the Massachusetts Executive Office of Housing and Livable Communities. The effective date for the HPP is December 22, 2023, the date that EOHLC received a complete plan submission. The HPP has a five-year term and will expire on December 21, 2028.

C. PVPC DLTA Grant Award

South Hadley was awarded a DLTA Grant from the PVPC for \$7,500 worth of technical assistance to conduct a review of the Falls 40R Smart Growth District zoning bylaw and design guidelines. The purpose of the project is to look at ways to make the district more attractive to developers for affordable housing. We anticipate getting started in March.

D. Next Planning Board Meetings and Other Important Dates

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

2/26/24 – PB Mtg	• Ethan Circle Subdivision Request for Release of Performance Guarantee
3/4/24 – 7:00pm	Special PB Meeting – Bus A-1 Zoning Amendment Public Hearing
3/11/24 – PB Mtg	
3/25/24 – PB Mtg	
4/8/24 – PB Mtg	
4/22/24 – PB Mtg	
TBD	<u>May Meeting Schedule</u> 5/27 Memorial Day Meet 1 st and 3 rd Wednesday that month? 5/6 and 5/20
5/8/24	Annual Town Meeting
6/10/24 – PB Mtg	
6/24/24 – PB Mtg	

Regulation and Bylaw Amendment Schedule - January 5, 2024

Meeting Date	Topic	Discussion/ Hearing
February 26	Flexible Development Bylaw Multifamily Bylaw Amendment – Common Open Space Multifamily Bylaw Amendment – Common Driveway Common Driveways Bylaw – New (associate with Multifamily Developments)	Discussion
March 4	<ul style="list-style-type: none"> Bus A-1 Zoning Amendment – Landowner Petition 	Public Hearing
March 11	Flexible Development Bylaw Multifamily Bylaw Amendment – Common Open Space Multifamily Bylaw Amendment – Common Driveway Common Driveways Bylaw – New (associate with Multifamily Developments)	Discussion
March 25	Multifamily Bylaw Amendments	Public Hearing
	Common Driveway Bylaw – New Common Open Space Bylaw - New	
	Flexible Development Bylaw Amendment	
April 8	Sign Bylaw Amendment <ul style="list-style-type: none"> Board Review Public Hearing (August) 	Send to Fall Town Meeting for adoption
April 22	Agricultural Uses Amendments <ul style="list-style-type: none"> Board Review Public Hearing (August) 	Send to Fall Town Meeting for adoption
May 8th	Annual Town Meeting	
May 1 st mtg	Subdivision Regulations - Article VIII – Pre-Endorsement, Endorsement, Performance Guarantees, and Implementation of Definitive Plan 360-33 thru 360-43 Subdivision Regulations Appendices	Discussion
May 2 nd mtg		
June 10	Subdivision Regulations Amendment	Public Hearing
June 24	Subdivision Regulations Amendment - Adoption	
July 8 & 22	Common Driveway <i>Regulations</i> – New <ul style="list-style-type: none"> Board Review Planning Board Hearing Planning Board adoption only (after adoption of Common Driveway <i>Bylaw</i> by Town Meeting)	Discussion Public Hearing
August	Sign Bylaw Amendments Public Hearing Agricultural Uses Amendments Public Hearing	Public Hearing

Process Notes

Updated Subdivision Regulations should not be adopted by the Planning Board until Town Meeting has adopted zoning amendments for Flexible Development Bylaw and Multifamily Bylaw, and a new Common Driveway Bylaw.

After Common Driveway Bylaw adopted, the Planning Board needs to develop and adopt Common Driveway Regulations which will include the design standards for common driveways.

AGENDA ITEM #10 Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No additional business has been submitted to me as of the date of this notice.

Short-Term Rental Zoning Permit Application Review Site Plan Review and Special Permits

APPLICATION REQUIREMENTS

The following information is required for all Short-Term Rental Zoning Permit application (Site Plan Review and Special Permit). Before being issued a Short-Term Rental License by the Building Commissioner, Zoning Permit must be issued by the Planning Board.

LOCATION: 22 Hollywood Street – Georgia Malcolm

COMPLETE	REQUIREMENT
YES - Parcel Map; Guest Parking Space annotated photo; Emergency exit diagram	Site Plan and Parking Plan. Location of parcel boundaries, structures, floor plan, and parking.
YES – online application; list of rooms attachment; emergency exit diagram	List of Dwelling Unit Rooms. Including bedrooms, offices, dens, living rooms, kitchen, sunroom, in the Dwelling Unit. The list shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
YES	Owner and Emergency Contact Information. Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners, or agent of the owner, and person who can be contacted 24 hours a day/ 7 days a week in case of Emergency.
YES	Trash Collection. Narrative detailing how trash will be stored and removed from the property.
Not included	Snow removal. Narrative detailing how and where snow will be removed and stored on site.
YES – online application	Owner Applicant Certification. Certification by the Applicant that the Applicant is the owner of the Principal Residence which is the subject matter of the Application.
YES – online application	Self-Certification Checklist. Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner’s Self-Inspection and Certification Checklist provided by the Town.
None; copy of deed provided	Deed Restrictions. Applicant shall provide certification that there are no deed restrictions on the property and if there are, that short term rentals do not violate said restrictions. Applicant must provide a copy of any restrictions.

YES – online application	Compliance Affidavit. An affidavit certifying that the Owner will comply with all of the provisions of the Residential Short-Term Rental Property Bylaw.
OTHER	Rental guidebook, list of past renters, copy of deed, copy of DOR Room Occupancy Excise Registration Certificate provided by applicant

PERMIT CONDITIONS

The following shall apply to any Site Plan Review Approval or Special Permit issued:

- A. Only spaces intended for human habitation may be offered for rent as Short-Term Rentals. For example, the applicant cannot offer for rent an accessory structure such as a shed or garage.
- B. Only legally established Dwelling Units may be offered for rent as Short-Term Rentals. Structures including but not limited to campers, mobile homes, RVs, tents/tent platforms, yurts, and any other temporary structure or mobile vehicle do not qualify as Dwelling Units for the purpose of short term rental lodging.
- C. Short-Term Rentals may not be advertised using any exterior signs or displays.
- D. All Short-Term Rental advertisements must include the license number issued by the Town.
- E. Only Owner-Occupants may offer all or part of their Principal Residence as a Short-Term Rental.
 - a. Owner Occupied
 - i. The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
 - ii. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
 - iii. In the event the property is owned by a business entity, a designated owner representative must reside on the property in a permanent or ongoing basis to carry out the functions as if they were the owner of the property.
 - b. Non-Owner Occupied
 - i. The owner-occupant must be the license applicant.
 - ii. The owner-occupant does not reside on the property during the rental period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints as herein defined.
 - iii. In the event the property is owned by a business entity, a designated owner representative must be identified including their name and contact information.
- F. Licensees shall maintain liability insurance appropriate to cover Short-Term Rental use.
- G. Short-Term Rentals may only be rented to one party or group at a time, individual rooms may not be rented to separate, unrelated parties or groups at the same time.
- H. The number of individual bedrooms made available for Short-Term Rentals within a Dwelling Unit shall not be greater than the number of lawful bedrooms in the Dwelling Unit.
- I. Renting for less than Twenty-Four (24) hours is prohibited.
- J. Commercial meetings and uses are prohibited.
- K. License Posted. A license shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- L. Transferability. Short Term Rental Licenses shall not be transferable upon a change of ownership.

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
FEBRUARY 12, 2024 REGULAR MEETING**

Letters & Memos

- February 2 email (attached) from Marc Desrosiers, 310 Amherst Road, regarding the format for the scheduled public hearing on March 4 to consider a petition to amend the Business A-1 zoning district.

Legal Notices

Amherst

- Notice from the Amherst Zoning Board of Appeals for filing a decision to approve modifications to an existing comprehensive permit to change commercial space from retail to a photography studio for a project at 81 Cows Road.
- Notice from the Amherst Zoning Board of Appeals for a hearing on February 8, 2024 to consider a variance to reduce the required area of non-residential space on the first floor of a mixed used building at Gould Way and Lannon Lane.

Chicopee

- Notice from the Chicopee Planning Board for a hearing on February 1 to consider a new wine/malt liquor license for Island Spice Restaurant at 32 Center St.

Granby

-

Hadley

- Notice from the Hadley Planning Board for filing a decision of approval to grant a Home Occupation Special Permit for Hadley Mill Works at 43 East St.
- Notice from the Hadley Planning Board for Site Plan and Special Permit approval for a J. P. Morgan Chase Branch Bank with drive-thru at the Hampshire Mall, 367 Russell Street.

Holyoke

-

Fwd: Zoning Bylaw Amendment Request filed by SAI Shyam LLC

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

Fri, Feb 9, 2024 at 12:36 PM

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

From: **Marc Desrosiers** <marcalexdesrosiers@gmail.com>
Date: Fri, Feb 2, 2024 at 1:12 PM
Subject: Zoning Bylaw Amendment Request filed by SAI Shyam LLC
To: <acapra@southhadleyma.gov>
Cc: <lwong@southhadleyma.gov>

Dear Ms Capra and Ms Wong,

I am writing this letter to express my concern on the meeting March 4th for the change to Business A-1 Zoning District. I would appreciate that my concerns be distributed to all Planning Board members and alternate members.

My concern is the format, i.e., Virtual Public Hearing. Rezoning all Business A-1 zoning properties to facilitate SAI Shyam LLC interests bears a thorough review of the potential impact to the other (88?) parcels included in the district.

As such I feel a Virtual Public Hearing is an insufficient format for adequate public input. It should be a Hybrid meeting to allow people to come and articulate their concerns.

Given the need for the Board to understand how this zone change will impact the town as a whole I would think the Board would welcome the Hybrid format in order to garner as much citizen input as possible. For whatever reason the Planning Board has resisted the use of the Hybrid format. This issue typifies the need to go to the Hybrid format.

One of the strategies presented in the recent Housing Production Plan was to have a Route 202/33 Corridor study. I have been informed that the study is complete and just needs to be converted to the appropriate zoning language.

My feeling is that this Zone change be voted down pending the review of the changes recommended in the Route 202/33 Corridor study. I understand that the applicant wants immediate results but feel that it should not come at the expense to the other properties impacted and the Town's well being.

Sincerely
Marc Desrosiers
310 Amherst Road