

Background Materials March 25, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 3/22/24

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

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 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 #2 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

Correspondence are attached.

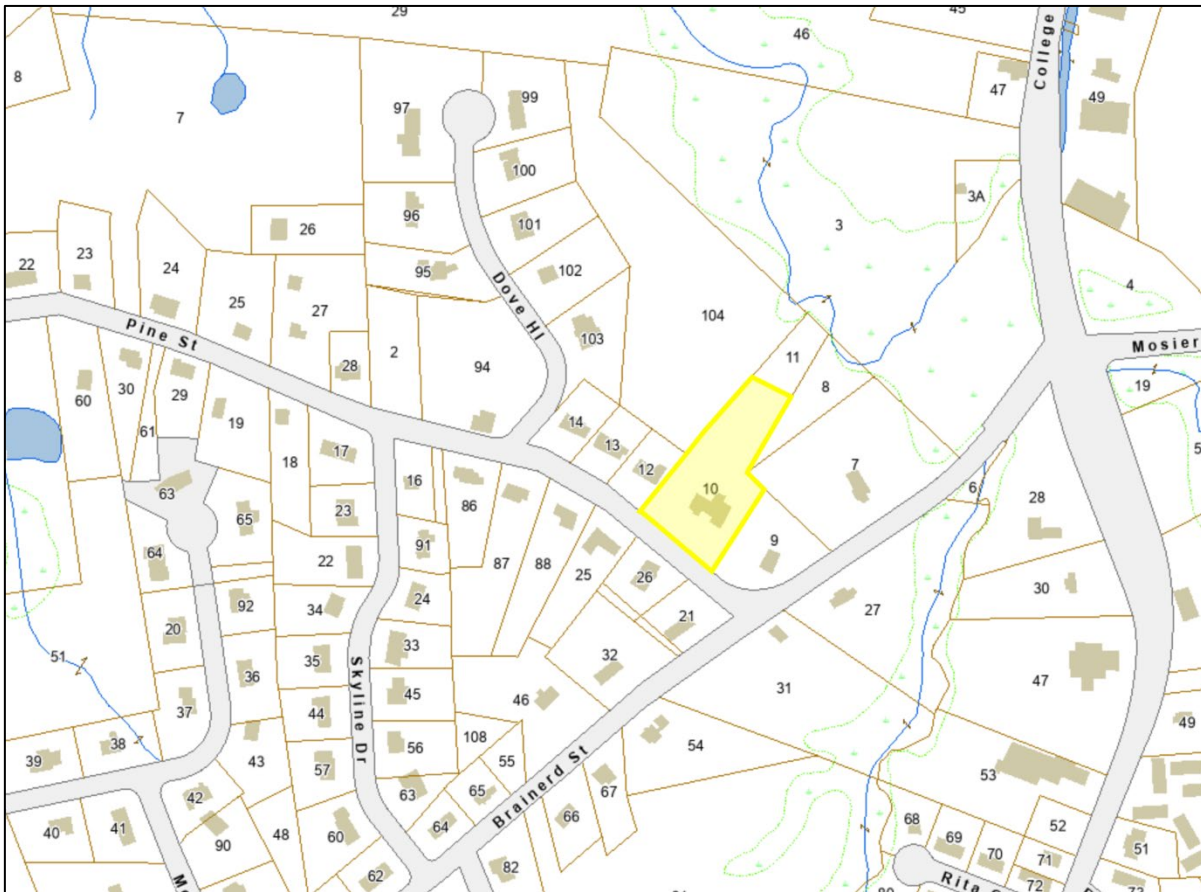
Action Needed: No action needed.

6:30PM AGENDA ITEM #4 Public Hearing – 5 Pine Street Non-owner Occupied Short Term Rental Special Permit

NOTE – applicant has indicated that they will be withdrawing their Special Permit application.

Application online: <https://www.southhadley.org/1406/15091/Pine-Street-5---Short-Term-Rental?activeLiveTab=widgets>

This is a
Special
Permit



application filed by property owner Mary Callahan to establish a non-owner-occupied Short Term Rental at 5 Pine Street (Assessor Map 40, Parcel 10), pursuant to 255-51 Residential Short Term Rentals, and Article IX Special Permits. Although this is a non-owner occupied STR, the property is the primary residence for the applicant. Per the application narrative, she is seeking to rent the home every 4-6 weeks when she travels, but will occupy and live in the home the rest of the time.

The property is in the Residential A-1 zoning district and is an existing single-family home. The Assessor's property card identifies the home as having 4 bedrooms; the applicant's application identified 5 bedrooms for rent, plus the living room for a total rental accommodation of 10 occupants.

As a non-owner occupied Short Term Rental, this application review is two parts: 1) Site Plan Review, and 2) Special Permit.

Site Plan Review

Please refer to the attached Short-Term Rental Zoning Permit Application Review checklist.

Special Permit

Please refer to the attached Special Permit Standards checklist. These are subjective standards, the Board must go through each one and make a finding on each standards, and then a final finding overall based the standards cumulatively.

Comment letters from the public are included in the attached correspondence to the Board.

Recommendations:

- 1) Clarify the number of rooms being rented. It appears that there is a discrepancy between the number of bedrooms assessed and the number of bedrooms documented by the homeowner. The additional bedroom is not a conflict under zoning per se but the additional bedroom will be reported to the Assessor so that the property can be accurately assessed for local property tax valuations. In addition, because the property is on Town sewer, there is no conflict with Title V septic system compliance which would be based on the number of bedrooms in the residence.
- 2) Conduct the Site Plan Review as provided through the checklist. Make a finding as to compliance for each requirement. Determine if the application meets Site Plan Review Approval or not by a simple majority vote of the members present.
- 3) Conduct the Special Permit standards review. Make a finding for each of the standards. Vote to issue the Special Permit or not. This vote is required to be a super majority of the total number of members on the Board. Thus, of the 5-member Board, 4 out of 5 members must vote in favor of approving a Special Permit. If only 4 members are present at the public hearing, all 4 members must vote in favor of approving the Special Permit. If the application meets Site Plan Review approval but fails Special Permit approval, the application is denied the required Special Permit approval and the STR approval is denied.

Note – an application may meet the Site Plan Review criteria but the Board may find it does not meet the Special Permit standards (or does not receive a super majority vote in favor). In such a case, the applicant would be denied a Short Term Rental Special Permit.

Action Needed: Conduct the public hearing, accept public comment, make a finding on the Site Plan Review criteria, make a *finding on each* of the Special Permit standards, and take a vote on the Special Permit approval.

AGENDA ITEM #5 73 Alvord Street ANR (Lauzier Farm)

Application online: [Alvord-Street-73 \(southhadley.org\)](https://southhadley.org/Alvord-Street-73)

The owners of 73 Alvord Street, Diane J. Lauzier & Muriel L. Krebs, have submitted an ANR plan to create three parcels at 73 Alvord Street for the purpose of an Agricultural Preservation Restriction out of the current five parcels known as Assessor Map 42, Parcels 10 & 12; and Assessor Map 43, Parcels 24, 25 & 26. The ANR seeks to convert the existing five parcels into two tax parcels: Tax Parcel A and Tax Parcel B/C. The purpose of this reconfiguration is to prepare the property for the Agriculture Preservation Restriction (APR) transaction. Parcel A will be the homestead with the existing house and barns, not subject to the APR. Parcel B/C will be one tax parcel however under the APR, they are identified separately. Parcel B will be subject to the APR and permanently protected as farmland. Parcel C will be subject to the APR but with different permitted and prohibited uses than Parcel B, mostly because it is the forested portion of the property and will be managed differently than the other agricultural lands.

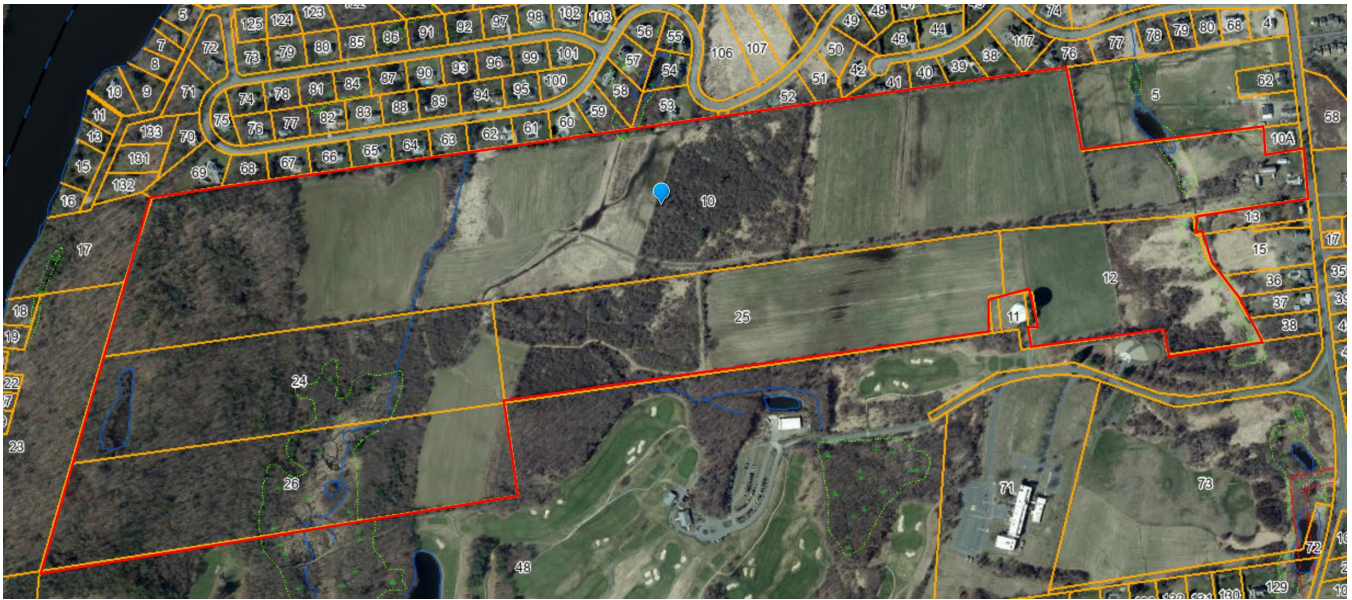
ANR Standards for Approval

1. Type of Way: Alvord Street is a Town-owned and maintained public way. Therefore, this standard is met.
2. Minimum frontage requirements for zoning district: The subject property is within the Agricultural Zoning District, with a minimum frontage requirement of 150'. Parcel A has 200' of

frontage and Parcel B/C has 58.15'. The frontage of Parcel B/C meets standards for the creation of a roadway (50' ROW). Therefore, this standard is met.

3. Vital access: Alvord Street is a Town-owned and maintained public way, with sufficient access to Parcels A and B/C. Therefore, this standard is met.

Action Needed: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board's behalf.



AGENDA ITEM #5 Discussion on Flexible Development Bylaw and Associated Bylaw Amendments

If time permits, we will continue discussion on these 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>

Town Counsel has reviewed the proposed bylaws and provided guidance for some changes that we will discuss. Revised versions of 255-31 Flexible Development and the Use Regulations Schedule are now posted to the website based on her comments.

There was discussion on considering lowering the acreage threshold in the Flexible Development Bylaw from five acres to three acres. To help us envision what increased density might look like, I've uploaded some density studies from other communities provided through MassPlanners. Most are for multifamily developments but thought they were worth sharing for this exploratory discussion (scroll to bottom of page at link below).

[Proposed/Draft Bylaws | South Hadley, MA - Official Website](#)

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

AGENDA ITEM #6

Planning & Conservation Department Report on Planning Projects and Development Updates

A. Next Planning Board Meetings and Other Important Dates

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

TUESDAY 4/9/24 – PB Mtg	Mike Davis’ Last Meeting 6:30 Public Hearing home Occupation II – 20 Meadow Lane Draft Bus A-1 Zoning Amendment Report to Town Meeting
4/22/24 – PB Mtg	New PB Members Terms Starts
5/6 – PB Mtg	
5/8/24	Annual Town Meeting
5/20 – PB Mtg	
6/10/24 – PB Mtg	
6/24/24 – PB Mtg	

B. FY25 Budget and Municipal Reorganization

The proposed FY25 budget as well as additional information on the proposed reorganization of several municipal departments can be found online here: <https://www.southhadley.org/679/Budget-Town-Meeting-Documents> This reorganization includes the proposed renaming of the Planning and Conservation Department to Planning and Community Development. The intent is to elevate the inclusion of other aspects of community planning including housing and economic development. There are not any proposed reductions or changes in programming, budget or services for conservation related community planning, Wetlands Protection Act and South Hadley Wetlands Bylaw administration or conservation area stewardship.

C. Arbor Day Celebration - Friday April 26th from 9:30-10:30 at the Hahn Warner Arboretum

AGENDA ITEM #7 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.

Chapter 255-51 Short-Term Rental Zoning Bylaw: <https://ecode360.com/print/SO1428?guid=44060665>

Chapter 136 Short-Term Rental General Bylaw: <https://ecode360.com/44057973#44057973>

LOCATION: 5 Pine Street

COMPLETE	REQUIREMENT
YES – Assessor’s parcel map with parking identified for 6 cars in existing driveway; aerial photos of property	Site Plan and Parking Plan. Location of parcel boundaries, structures, floor plan, and parking.
YES – online application; floor plan of house with Exits indicated	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 – online application	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 – project narrative supplement	Trash Collection. Narrative detailing how trash will be stored and removed from the property.
YES – project narrative supplement	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; to be confirmed prior to STR License issuance by Building Commissioner	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.
YES – Deed provided – no deed restrictions	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.
Massachusetts Room Occupancy Excise Registration Certificate provided	Other

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.

A. Except in the case of a special permit for changing a nonconforming use or structure, which is governed by § 255-7B, the SPGA must make written findings on the following mandatory standards, requiring that a proposed use will:	
1	<p>Comply with all applicable land use district, overlay district, and other specific requirements of this and other bylaws and regulations, and be consistent with the purpose and intent of this bylaw and of the land use district in which it is located;</p> <p>255-11 Residence A-1 (Low-Density Residential). The purpose of this district is to allow residential and compatible uses, including new development that is in character with existing predominantly single-family housing, while preserving natural open spaces for their scenic quality and for ecosystem services, protection of water resources, recreation, agriculture, and forestry.</p>
2	<p>Be suitable to the surrounding neighborhood and the "Land Use Area" in which it is located. Land Use Areas are identified and described in the section of South Hadley's Master Plan entitled "Land Use Area Vision Statements" (pages 1-10 through 1-19). In making this determination, the Planning Board shall take into consideration any guidance provided by the land use goals articulated in South Hadley's Master Plan, goals articulated in South Hadley's open space and recreation plan, and input from relevant boards, Town officials, and the public;</p> <p>2010 Master Plan has no specific Land Use Areas identified for non-arterial rod corridors with the exception of Alvord Street and Pearl Street.</p>
3	<p>Be compatible with existing uses and uses allowed by right in the neighborhood, Land Use Area, and zoning district;</p> <p>Uses allowed by right in RA-1 District: single-family dwellings, Home Occupation I, attached Accessory Dwelling Unit, agricultural uses, cemeteries, stables and riding academies, public playgrounds and parks.</p>
4	<p>Be compatible with the existing character of the neighborhood and Land Use Area, and/or zoning district. "Character" shall be understood to include prevalent patterns of: site design; setbacks from property lines; amount and location of parking; amount, type, location and quality of open spaces and landscaped areas; amount, type, and location of impervious surfaces; distances and relationships between buildings; density of building(s) relative to land area; building massing; architectural style and detailing; materials; buffering from adjacent uses; traffic volume and timing; noise; odors; and light.</p> <p>Existing single-family dwelling that conforms to RA-1 zoning dimensional requirements. Minimum lot size is 22,500 SF; subject parcel is 43,560 SF. Frontage requirement is 125'; subject parcel has 217'. Rear of the parcel is forested (with a fenced back yard inclusive of a pool) and there is a vegetated buffer between the abutting residential parcels on the south, east and north. Parking is in front of the house, inclusive of a semi-circle driveway, and 2-car garage. Neighborhood is single-family homes.</p>

5	Be suitable for the property on which it is proposed, considering the property's, scenic, cultural and historic significance, and its ability to be buffered or screened from neighboring properties and public roads.	Single-family dwelling on a 1.6 acre lot with a vegetive buffer from abutting residential parcels on the south, east and north.
6	Provide safe access for fire, police, and other emergency vehicles.	Yes
7	Provide adequate water, drainage and waste disposal systems without causing significant harm to any natural water system or overloading any public water, drainage, or sewer system, or any other municipal facility.	Yes, Town water and sewer
8	Not cause significant traffic congestion, impair pedestrian or bicycle safety, or overload existing roads, sidewalks and trails, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.	Driveway accommodates 6 cars, plus two-car garage.
9	Not result in excessive air, water, noise, or light pollution, or create any other public or private nuisance;	For Planning Board determination
10	Not degrade the scenic, rural, or historic character of the Town with structures or other lot features which are deemed visually objectionable in light of prevailing community as reflected in the goals articulated in South Hadley's Master Plan;	For Planning Board determination
11	Be consistent with the South Hadley Master Plan, provided that the Comprehensive Plan provides legally sufficient guidance and that the applicable provision of the Master Plan is not inconsistent with any specific provision of this bylaw;	For Planning Board determination
12	Comply with applicable criteria for site plans under § 255-148.	N/A

<p>B. In addition, the SPGA may include in its written findings, where applicable, consideration of any or all of the following criteria to be satisfied by the proposed use, building or structure:</p>		
1	For projects involving the removal of existing housing, not adversely affect the availability of affordable housing in the Town;	N/A
2	Not have an overall off-site impact that is significantly greater than the overall off-site impact that would be caused by full development of the property with uses permitted by right, considering relevant environmental, social, visual, and economic impacts;	For Planning Board determination
3	The adequacy and configuration of off-street parking and loading areas, including their nuisance impact on adjoining properties and on properties generally in the district;	Adequate off-street parking
4	Harmony of signs and exterior lighting, if any, with surrounding properties;	No exterior signs permitted; exterior lighting consistent with residential dwelling.
5	The location of the site, and proposed buildings or structures thereon, with respect to floodplains and floodways of rivers or streams;	Existing single-family dwelling
6	The absence of any other characteristic of the proposed use that will be hazardous, harmful, offensive or will otherwise adversely affect the environment or the value of the neighborhood or the community; or	For Planning Board determination
7	Provisions for energy conservation, for the use of renewable energy sources, and for protection of solar access.	Existing single-family dwelling