

# Background Materials June 10, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 6/7/24

**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 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 is attached.

**Action Needed:** No action needed.

### 6:30 PM AGENDA ITEM #4 Public Hearing – Site Plan Review - 15 Berwyn Street – Owner-occupied Short Term Rental SPR

Application online here: <https://www.southhadley.org/1418/Berwyn-Street-15---Short-Term-Rental>  
STR Rental Zoning Permit Application Checklist attached.

Property owner Ryan Olszewski is seeking to establish an owner-occupied short term rental for his single-family residential property located at 15 Berwyn Street (Assessor’s Map 27, Parcel 24). The rental portion would be the expanded finished attic of this 1.5 stories building. The Building Commissioner has conducted a site visit and confirmed that the configuration/layout of the dwelling

and rental space qualify this property as a single-family dwelling, as currently assessed by the Town. All required information for the Short Term Rental License site plan review has been provided.

Department Comments:

Assessor, M. Ribold – This property is currently listed as a single family home, Bungalow style with single occupancy, within the RA2 zoning district. The property consists of 1,845 square feet of living. It has 3 bedrooms, 2 baths with gas heat. Based on the narrative, I have no further comments.

Building, J. Forgue – Conducted a site visit on 5/17/24 and was able to confirm it is currently configured and being used as a single family as referenced in the Assessor’s records.

Conservation, R. Cornell – I have no comments or concerns.

FD#1 Water, J. Cyr – We have no comment on the project.

DPW, J. Broderick – DPW has no comment or concerns with this project.

Police Dept., J. Gundersen – No comments.

SHELD, M. Delmonte – SHELD has no comments on this application.

**Action Needed:** Conduct the Public Hearing, accept public comment, deliberate on application, and take a vote on the application for Site Plan Review.

**AGENDA ITEM #5 27 Bardwell Street Condominiums – Special Permit Extension Request**

Past Decisions and plans online here:

[Bardwell Street \(27\) - Library Conversion to Condos | South Hadley, MA - Official Website](#)

On May 14, 2024, Architect Raymon Hervieux submitted a request for the extension of the Special Permit for the conversion of the former Bardwell Street library to condominiums. The permit expired on 12/31/2023. The Special Permit was issued in 2016, and amended in 2018 for 5 dwelling units, 3 garage bays in the building, a freestanding accessory garage with 2 bays and 5 open air parking spaces.

Past Decisions and plans online here:

[Bardwell Street \(27\) - Library Conversion to Condos | South Hadley, MA - Official Website](#)

The applicant, Jesse Liu, a representative of the Special Permit holder Yi Sheng, Inc., is seeking a sixth 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. A site visit was conducted on 6/6//24, attended by Diane, Brad, Joanna, Anne and the permit holder Jesse Liu and his architect Ray Hervieux. Units 3, 4 and 5 have final rough electrical and plumbing completed, sheetrock, and some finish work completed including some flooring. In the past year, flooring, tile in the bathrooms and some outdoor flooring at decks and entryways have been completed. Finish work remains ongoing. Units 1 and 2 are framed and rough plumbing and electrical in place, and sprinklers.

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

April 11, 2023 – Special Permit Extension – expired December 2023

As a condition to the 4/11/23 extension, the applicant was to file monthly progress reports. Since then, progress reports were received on 5/3/23, 6/12/23, 7/5/23, 9/6/23, 10/12/23, 11/7/23, and 5/14/24. 5/14/24 progress report:

Only one of the units is still under contract. Our meeting with building commissioner Cote failed to lift his stop work order. He further would not renew our building permit as he could not find any record of previous inspections by commissioner Gardner. Work has continued, but only for finishing work not requiring a permit. My architect, Mr. Hervieux has been traveling extensively, but is still committed to supporting this work.

Status to date: Painting and floor finishes are 90% complete. We are about to install cabinets and doors. I've met with the current commissioner who has agreed to inspect the project and facilitate the building permit renewal. I've discharged all my commitments to other projects and am looking forward to proceeding with this one.

**Recommendations:**

1. Seek clarification as to source of the delays and the reasons for limited submittal of monthly progress reports.

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

**AGENDA ITEM #6**    Old Firehouse Museum Local Historic District Study – Draft Plan Review

Plan online here: [Other Community Plans and Reports | South Hadley, MA - Official Website](#)

Planning Board will review and comment at their June 10, 2024 meeting @ 6:45 PM.

From the Historic District Study Committee:

The South Hadley Historic District Study Committee was established by the Selectboard at its April 2, 2013 meeting. The Committee was charged with exploring the possibility of establishing one or more historic districts in town. Extensive work has been done, specifically in the Falls, culminating in a proposal in 2019 for an historic district around North Main Street. The Committee held a public hearing and planned to continue work on the proposal to address concerns raised. Ultimately, Committee work was paused during Covid.

In 2023, the Trustees of the Old Firehouse Museum approached the Committee about the possibility of creating a local historic district to include the Museum and adjacent Fred M. Smith Memorial Green. As a result, the Committee is now proposing a "Single Property Historic District" as described under the Massachusetts General Law Historic Districts Act (Chapter 40C, Section 3). This District would consist of the town property that contains the Old Firehouse Museum, the Fred M. Smith Memorial Green, and the adjacent parcel.

The Old Firehouse Museum is one of South Hadley's treasured historical resources, now housing important collections, while the Fred M. Smith Memorial Green is a valued green space, honoring a dedicated townsman. They are located just feet away from the remnants of the 1795 canal, which is on the National Register of Historic Places. Establishing a local historic district would highlight the importance of the Falls and would ensure the integrity of these historical resources for future generations.

As the next step in the process under 40C, the Committee will hold a public hearing no less than 60 days after submission of this report (preliminarily planned for August 5, 2024).

Following the public hearing, the Committee will prepare the final report, incorporating the recommendations from the Planning Board, the Massachusetts Historical Commission, and the community. The Committee will then submit the final report to Town Meeting for consideration. Under 40C, it must be adopted by a two-thirds affirmative vote.

---

### Consistency with other Town plans

#### **South Hadley Falls Urban Renewal and Redevelopment Plan, 2019**

Goal IV – Commit to the historic preservation of South Hadley Falls (p.89)

Support the development a Local Historic District along North Main Street, from Main Street west towards the Route 202 Rotary. (p.93)

To support nomination and listing of South Hadley's historic properties to the National Register of Historic Places. (p.110)

#### **Master Plan, 2010**

Goal 2 Caring for cultural natural and historic resources.

No specific action related to designation of a historic district associated with the museum but doing so is clearly consistent with the intent of the plan.

**Action Needed:** Motion to support the Old Firehouse Museum Local Historic District Study and designation, and to submit a letter of support to the Mass Historical Commission.

## AGENDA ITEM #7 Discussion on Hybrid Planning Board Meetings

At the May 8<sup>th</sup> Annual Town Meeting, a vote was passed by 83% of TM members present to recommend the Planning Board go to hybrid meetings. I have received a few questions from Planning Board members seeking clarification about the implications of the vote, and requested guidance from the Town Administrator:

1. There are other Boards that are currently meeting fully virtually - School Committee, Conservation Commission, in addition to a number of committees such as the Commission on Disability, Recreation Commission, and some others. Will Town Administration be asking them to consider meeting hybrid, and consider the same milestones that are being asked of the Planning Board (i.e. hold public hearings in person, choose a date to transition, begin holding some meeting hybrid in the zoom rooms available, etc.)?
2. The remote participation policy adopted by the Selectboard states that “all members of Town Boards should strive to attend meetings in person when possible”. However, this guidance seems to be in the context of Boards that have an in-person meeting component for their meetings as the regulations are mostly about when and how an individual board member may participate remotely. So, “is the decision about hybrid vs. fully remote Board meetings up to the discretion of the Chairs of the individual Boards and Committees or is it up to the Select Board”?

Response from Town Administrator Lisa Wong on 5/14/24 -

*Town Administration has no plans to direct boards to conduct meetings in any way different than the last. Town Administration will help support any efforts that boards and committees undertake to have more hybrid or in person meetings, including understanding and limitations to space, schedule, etc. The discretion is still up to the board chair and as allowed by Open Meeting Law.*

**Action Needed:** Discuss the possibility of hybrid Planning Board meetings. Possible milestones for considering hybrid meetings:

1. Set a date by which meetings will transition to hybrid.
2. Schedule public hearings hybrid.
3. Hold a pilot hybrid meeting at one of the two available “Zoom rooms” – COA Large Conference Room and Public Library Trustees Room.

## AGENDA ITEM #8 Discussion of Flexible Development Bylaw and Associated Bylaws Amendments

Proposed bylaw amendments and 4/22/24 presentation online:

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

Attached is a summary review of the Board’s discussions to date and a proposed revision to the density model based on past meetings and feedback.

**Action Needed:** Review the proposed revisions and identify a final draft bylaw for the purpose of a public hearing in September on the 9<sup>th</sup> or 23<sup>rd</sup>.

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

**A. Master Plan Joint Meeting – MPIC, Selectboard, Planning Board**

Selectboard meetings on June 18 or July 9 or August 6

**B. Climate Resiliency Planning – Seed Project**

A Seed Project is a project selected by the Core Team that will advance the community’s resilience priorities, and that can be completed in 9-10 months. We received \$50,000 from the grant to complete a Seed Project.

**C. Next Planning Board Meetings and Other Important Dates**

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

The Board needs to reserve meeting dates for the Fall and Winter to line up with getting bylaws to Fall Town Meeting and Annual Town Meeting.

<b>6/24/24</b>	
<b>7/8/24</b>	
<b>7/22/24</b>	Director on Medical Leave 7/11-8/23
<b>8/12/24</b>	Director on Medical Leave 7/11-8/23
<b>8/26/24</b>	
<b>9/9/24</b>	
<b>9/23/24</b>	

October Meeting Dates – Columbus/Indigenous People’s Day is on 10/14. Recommending the Board meet on 10/7 and 10/28. I have another project advisory committee meeting on 10/21 (3<sup>rd</sup> Monday).

November Meeting Dates – Veterans Day is on 11/7. Recommending the Board meets on 11/4 and 11/25. I have another project advisory committee meeting on 10/21 (3<sup>rd</sup> Monday).

December Meeting Dates – 12/9 and 12/23. I have another project advisory committee meeting on 10/21 (3<sup>rd</sup> Monday). Confirm the Board wants to meet on 12/23, or select another date (12/2 or 12/30) or meet only once in December.

January Meeting Dates – 1/13 & 1/27/25

February Meeting Dates – 2/10 & 2/24/25

March Meeting Dates – 3/10 & 3/24/25

April Meeting Dates – 4/14 & 4/28/25

**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.

## Flexible Development Bylaw Review – June 7, 2024

Anne Capra, AICP, Director of Planning and Conservation

The Planning Board is currently evaluating the following components of the Flexible Development Bylaw for amendment. Below is a summary of this discussion and recommendations for consideration.

- Revised density and housing choice model that would allow for increased density above the base zoning and allow additional multifamily housing types
- Reducing the minimum acreage from the current requirement of 5 acres
- Mandatory affordable housing requirement (i.e. inclusionary housing) and/or density bonus incentive
- Small dwelling unit density bonus incentives
- Dimensional standards

### **New Density and Housing Choice Model**

The table on the following page shows the discussed edits from the 5/20/24 meeting. Based on the Board’s discussion and the feedback from some members of the public at the last meeting, it seems the Tier 3 multiplier would create residential density that exceeds that which would be consistent with the character desired in South Hadley. Thus, I propose to revise the tiered approach by bumping the Tier 1 (which is the existing base zoning density allowance) to 1.5 and adding duplexes to the allowed housing type, changing the Tier 2 to 50% or more open space, and deleting the Tier 3 category completely.

**Table 1 Recommended Changes**

<b>Tier</b>	<b>Open Space (% total site)</b>	<b>Housing Types Permitted</b>	<b>Density Standards*</b>	
Tier 1	30% - <del>49%</del> 50%	Detached Single Family Attached Single Family Two Family (Duplex)	<i>Existing Preset Method x 1.5</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 x 1.5 = <b>1.125</b> 0.90(WSPD) x 1.5 = <b>1.35</b>
			Residence A-1	1.20 x 1.5 = <b>1.8</b>
			Residence A-2	2.00 x 1.5 = <b>3.0</b>
			Residence B	3.25 x 1.5 = <b>4.8</b>
Tier 2	<del>50%-65%</del> >50%	Detached Single Family Attached Single Family Two Family (Duplex) Three Family (Triplex)	<i>Multiply # units/acre in existing Preset by 2</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 x2 = 1.50 0.90(WSPD) x2 = 1.80
			Residence A-1	1.20 x2 = 2.4
			Residence A-2	2.00 x2 = 4.0
			Residence B	3.25 x2 = 6.5
Tier-3	>65%	Detached Single Family Attached Single Family Two Family (Duplex) Three Family (Triplex) Multifamily 4-8 units	<i>Multiply # units/acre in existing Preset by 3</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 x3 = 2.25 0.90(WSPD) x3 = 2.7
			Residence A-1	1.20 x3 = 3.6
			Residence A-2	2.00 x3 = 6
			Residence B	3.25 x3 = 9.75

Table 2 Edits from the 5/20/2024 Meeting:

Tier	Open Space (% total site)	Housing Types Permitted	Density Standards*	
Tier 1	30% - 49%	Detached Single Family Attached Single Family	<i>Existing Preset Method</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 or 0.90(WSPD)
			Residence A-1	1.20
			Residence A-2	2.00
			Residence B	3.25
Tier 2	50%-65%	Detached Single Family Attached Single Family Two Family (Duplex) Three Family (Triplex)	<i>Multiply # units/acre in existing Preset by 2</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 x2 = 1.50
			Residence A-1	0.90(WSPD) x2 = 1.80
			Residence A-2	1.20 x2 = 2.4
			Residence A-2	2.00 x2 = 4.0
			Residence B	3.25 x2 = 6.5
Tier 3	>65%	Detached Single Family Attached Single Family Two Family (Duplex) Three Family (Triplex) Multifamily 4-8 units	<i>Multiply # units/acre in existing Preset by 3</i>	
			<i>Zoning District</i>	<i># units/acre</i>
			Agricultural	0.75 x3 = 2.25
			Residence A-1	0.90(WSPD) x3 = 2.7
			Residence A-1	1.20 x3 = 3.6
			Residence A-2	2.00 x3 = 6
			Residence B	3.25 x3 = <b>9.75</b>

\*Multiply the gross acreage of the subject site by the following maximum density standard for the subject parcel and round down to the nearest whole number. The resulting number shall be the allowable base number of units for the developed portion of the site.

**Density Bonuses**

- 1. Small Dwelling Units Density Bonus** – Dwelling units ~~<1,000~~ <600 square feet shall count as ~~0.5~~ **0.75** units. Includes detached, attached or part of multifamily building.
- 2. Affordable Housing Units** - Units qualifying as Affordable shall count as ~~0.5~~ **0.25** units. Includes units with deed restrictions on ownership or rental to income qualifying households.

**Density Bonuses**

In terms of *Density Bonuses*, for small units <600 square feet, I think 0.75 is too high and should remain at 0.5. Although smaller units do not guarantee a lower sale price or rental cost, they would be cheaper to build because of the reduced square footage and are highly desired in today’s housing market. If the goal is to transition away from large homes and residential footprints that gobble up open space and harm the environment through traditional lawns and landscaping practices (pesticides/herbicides, non-native plants, fertilizers), we should have regulations that incentive that transition. I would also recommend going to <800 square feet so that the dwelling could reasonably accommodate two bedrooms (i.e. a single parent and a child).

For Affordable Housing Units, a count of 0.25 increases the density significantly. For example, using the revised model proposed herein:

<p>Affordable Housing units count as <i>0.5 units</i> =  1 non-restricted unit = 2 deed restricted units  Example:  Allowed base density for project 3 units/acre = 6  units/acre deed restricted</p>	<p>Affordable Housing units count as <i>0.25 units</i> =  1 non-restricted unit = 4 deed restricted units  Example:  Allowed base density for project 3 units/acre = 12  units/acre restricted</p>
---	--

Limits on Density Bonuses – I recommend possibly keeping a cap on density bonuses given the increased density allowed in the revised models proposed. 255-31 currently has a 50% density bonus cap:

*I (4) Limits on bonuses. Density bonuses shall be cumulative and shall not cumulatively exceed 50% of the base number of dwelling units.*

Using the 3 units/acre project base density allowance example above, rather than the full 6 units/acre, the project would only be allowed 4.5 units per acre (with a 0.5 unit density bonus).

Rounding Density Counts– The current practice is to round down to the nearest whole number on the final dwelling count for the site. The Board may consider rounding up, particularly if the bylaw does provide a density cap.

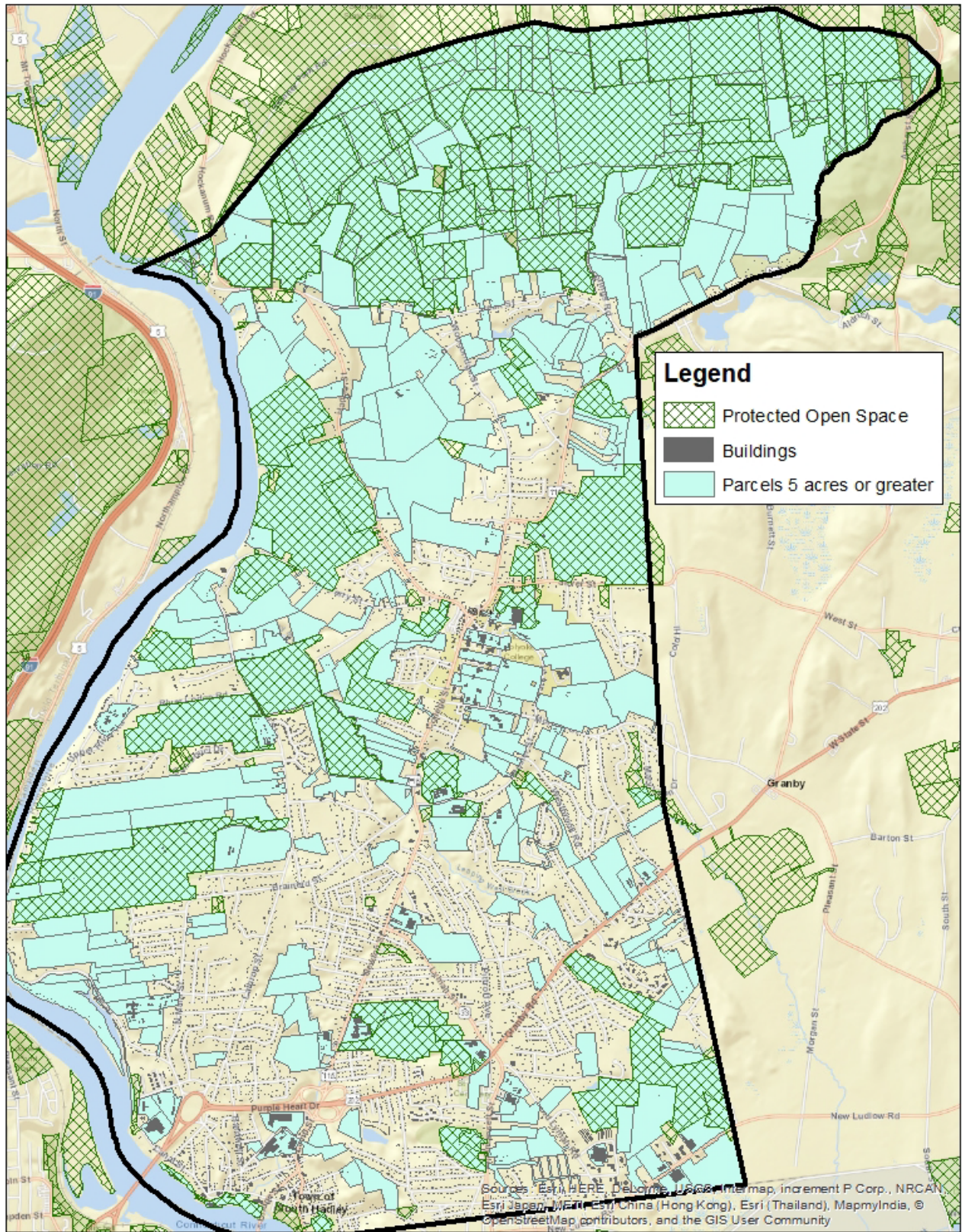
**Minimum Acreage**

255-31 currently sets a five acre minimum for a Flexible Development. Below are maps illustrating the parcels of three acre and five acre minimum size, and of those, what is already protected as open space to help visualize the general areas where Flexible Developments could be created in the future. Some of the parcels are already developed with buildings which further reduces the number of available parcels. Factors such as available road frontage, environmental constraints (wetlands, steep slopes) and zoning district are not evaluated. Although there is an addition of 129 parcels from reducing the threshold from 5 to 3 acres, some of these parcels appear to be either within Industrial Zones where Flexible Development is prohibited or already developed residential or commercial lots.

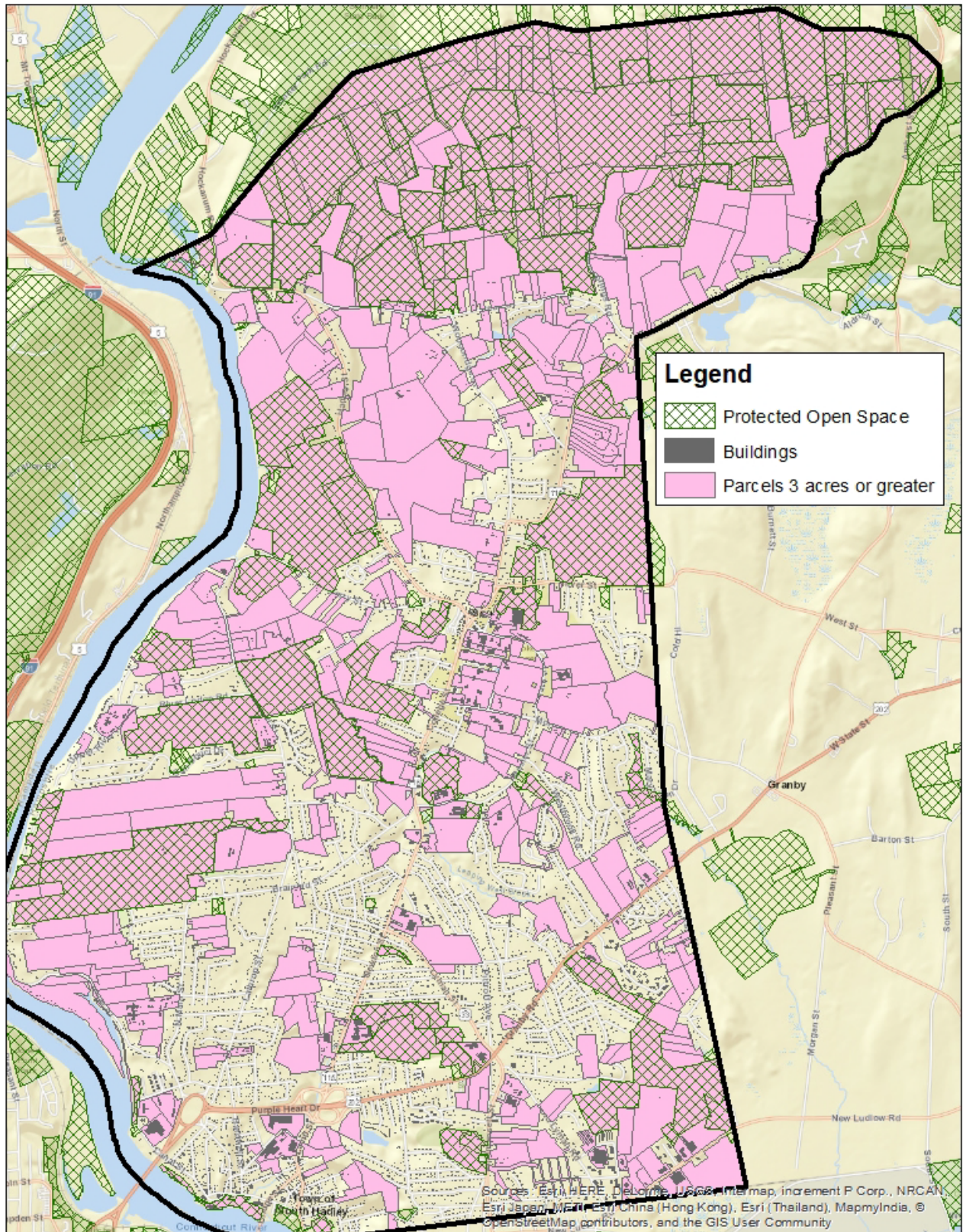
Threshold	# Parcels	# Potentially Available Parcels
5 acre parcels	325	Minus 128 protected = 197 parcels
3 acre parcels	454	Minus 128 protected = 326 parcels

Therefore, it is not obvious that reducing the threshold from 5 to 3 acres actually increases the number of parcels truly available for Flexible Development, it does suggest that it expands the opportunity for Flexible Developments throughout all parts of town residentially zoned.

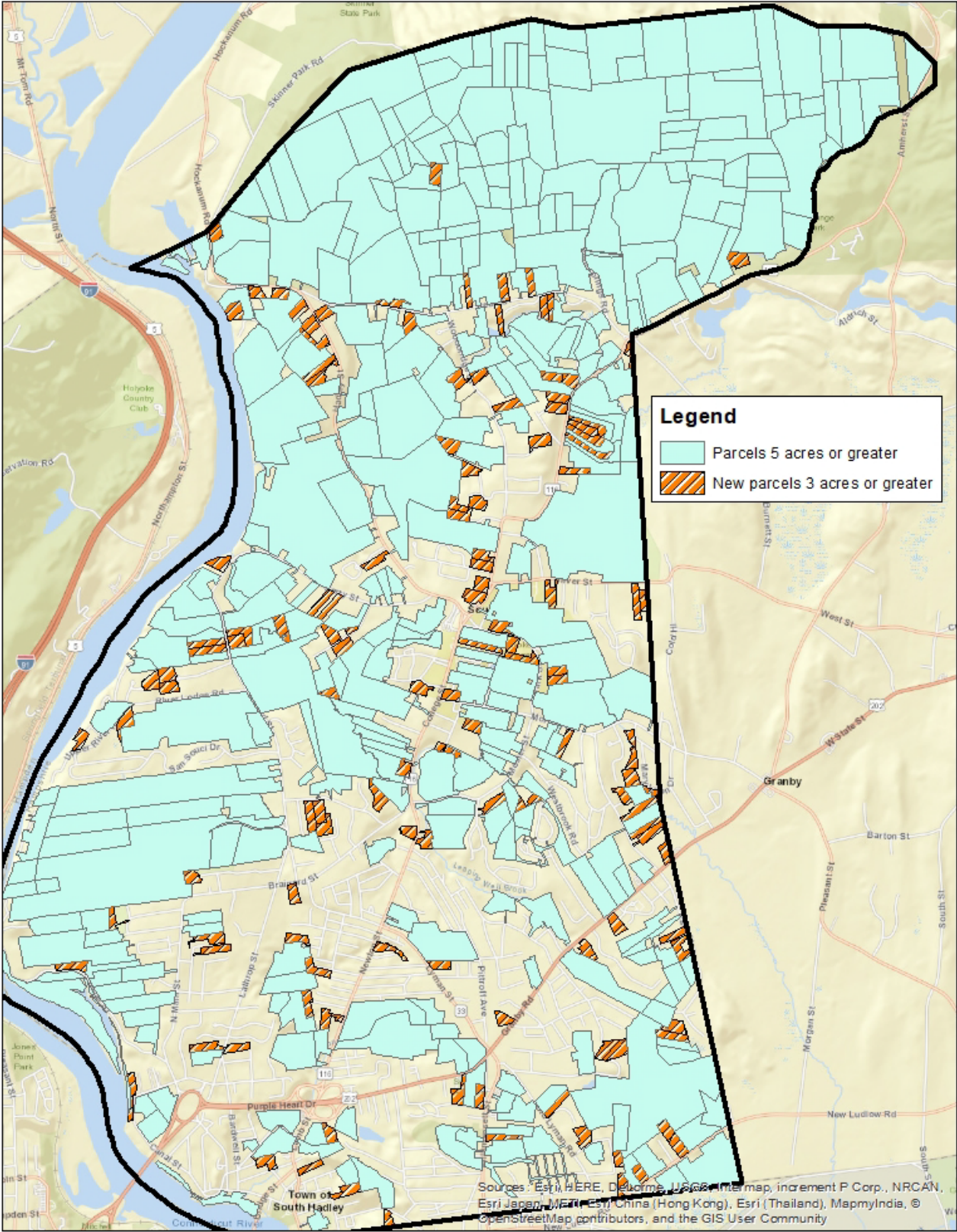
# Parcels 5 Acres or More & Protected Open Space



## Parcels 3 Acres or More & Protected Open Space



# Comparison of Addition of 3 Acres or Greater Parcels



## **Dimensional Standards**

255-31 currently allows the applicant to propose internal dimensional standards for the Flexible Development for approval by the Board. For lots with frontage on existing roadways, dimensional standards of the existing zoning apply. Buffer screening may substitute this requirement by waiver of the Board. Also, not all Flexible Developments have been Subdivisions. Some may be multiple dwellings on a single parcel. For this type of development, internal lot lines would not be applicable.

*255-31 G. Dimensional standards.*

*(1) Minimum tract size. The minimum size of tract that may be considered for a flexible development is five acres.*

*(2) Internal dimensional standards. Lots and buildings without direct access to preexisting public roadways may be developed with dimensional requirements other than those of the underlying zoning district. Therefore, for lots and buildings within a flexible development without direct access to preexisting public roadways, the applicant shall propose dimensional standards including the minimum lot area, minimum lot frontage, maximum lot coverage, and minimum yard setback requirements to create building sites which differ from those specified for the underlying zoning district. These internal dimensional standards are subject to Planning Board approval. The applicant shall have the burden of demonstrating, to the Planning Board's satisfaction, that the proposed dimensional standards are appropriate for the site's natural and cultural attributes and in keeping with the purposes of this section of the Zoning Bylaw.*

*(3) Perimeter dimensional standards.*

*(a) For lots and buildings within a flexible development, but which abut lots or roadways adjoining the proposed development, the dimensional standards of the underlying zoning district as specified in § 255-21 of the Zoning Bylaw shall be applicable.*

*(b) Waiver. The Planning Board may permit a vegetated buffer and/or screening fence to be provided to sufficiently screen the proposed residences from the existing developments in lieu of compliance with the underlying zoning district's dimensional standards. Where such a buffer is permitted as provided in this waiver provision, the following conditions shall apply:*

*[1] The Planning Board may require the buffer area to extend around the perimeter of the subject tract.*

*[2] The Planning Board may require the buffer area to be equal to or greater than double the required rear yard setback of the underlying zoning district.*

*[3] Any required buffer area shall be left undisturbed and the applicant shall provide for its maintenance in perpetuity.*

*[4] If the existing vegetation is inadequate to provide a visual buffer, the Planning Board may require the applicant to add vegetation sufficient to provide a buffer.*

**SOUTH HADLEY PLANNING BOARD  
LIST OF CORRESPONDENCES  
JUNE 10, 2024 REGULAR MEETING**

---

**Letters and Memos**

- June 2 memorandum from Planning Board Vice-Chair Nate Therien regarding Town Meeting recommendation that the Planning Board adopt a hybrid meeting format (attached).

**Legal Notices**

*Amherst*

- Notice from the Amherst Board for public hearings on June 5 to consider the following: 1) Application for Site Plan Review for a philanthropic or charitable medical or residential facility at 51 Hunters Hill Circle; and 2) Application for Site Plan Review to relocate existing bleachers and replace with new game management box associated with Amherst College at 212 Northampton St.

*Chicopee*

- Notice from the Chicopee Planning Board for public hearings on June 6 to consider the following: 1) A new annual wine/malt general on premises liquor license for Aesthetic Beauty Revolution at 20 Center St; and 2) Site Plan with waiver to demolish a portion of existing building and construct addition with site improvements at 2140 Westover Rd.
- Notice from the Chicopee Zoning Board of Appeals for filing a decision to approve a variance to allow a septic system to be installed at 41 Robbins Rd.

*Granby*

- 

*Hadley*

- 

*Holyoke*

-

Nate Therien  
June 2, 2024

RE: Town Meeting (TM) recommendation that the Planning Board (PB) adopt the hybrid meeting format

It seems clear that under current Massachusetts law municipal boards are free to choose how they meet if the format chosen is in keeping with current open meeting laws, as is true of the Board's current virtual meeting format.

Nevertheless, I believe the PB should take seriously TM's recommendation that the PB begin meeting in a hybrid format. At the same time, we should note that at least one TM member, while expressing support for the recommendation that the PB adopt the hybrid format, also expressed interest in learning why the PB has come to prefer the virtual format over the last several years.

The PB discussed this issue at its meeting February 26 and declined to change to a hybrid format. The Minutes of that meeting summarized the majority's view of the question, but these reasons have never been fully documented or communicated. As a result, TM may have voted without a full understanding of the PB's reasons for favoring the virtual format. I believe the Board should discuss and vote on the matter, then publish a memorandum clearly stating the rationale for its decision, whatever that may be.

My own view is that the virtual format has worked well for the PB and the public we serve. Virtual meetings have enabled an increase in public participation, opening the door to persons unable to attend our nighttime meetings in person, ranging from persons reluctant to drive at night or in bad weather to young parents with children who need to be fed and put to bed. People can see and hear one another live, even "look each other in the eyes." In addition, comments made by members of the public are summarized in meeting Minutes. The Board also encourages and actively supports submission of written statements, which are included in the public record and are accessible to the public both before meetings and after. The names of persons attending any public hearing are read aloud by the chair at the start of the hearing, so that all members of the public can know who is attending. The names of everyone attending are also included in the Minutes.

But while the virtual format is working well to support public participation in Planning Board decisions, some argue that the hybrid format would combine the best of the virtual and in-person worlds. They also assume that if the hybrid format works for some boards, it must also be well suited to the needs of the Planning Board. The assumption requires careful examination before we rush into a change that may not be practicable and that could undermine the Board's work in service to the Town.

A good place to begin might be to carefully consider what the PB would require of a hybrid format in order to preserve the advantages of the virtual mode. This exercise could also

make clearer to the Administration and the public what costs might be involved if the Board were to adopt the hybrid format and if such a change is even practicable:

#### Weekly and consistent availability of meeting format and space

- Because the PB is a semi-judicial body with responsibility for approving or denying requests from applicants seeking special approvals, the PB cannot switch between formats from meeting to meeting without appearing to be acting arbitrarily, potentially disadvantaging some applicants on a whim. One means of achieving this would be to state that all public hearings will be hybrid. But if we do this, we need to take into account that the PB conducts legally mandated public hearings far more frequently than other boards, so hybrid would effectively become our assumed format. We should also note that even hearings that are not officially public often attract substantial interest: what would be the basis for conducting those meetings differently than formal public hearings? My conclusion is that if the Board moves to the hybrid format we must use it for all meetings.
- This means that the Board would require reliable access to a meeting space that is equipped to accommodate a hybrid meeting. It would also require consistent provision of whatever staffing might be required on a par with what is currently provided to the Selectboard so that: all meeting participants, whether virtual or in person, can see and hear one another as clearly as persons participating under the current format; that any documentation forming part of presentations is visible to all in real time and in recordings and live broadcasts; that meeting proceedings can be recorded and broadcast live, as is possible now.
- The space must also be consistently available on the same day of the week to avoid public and applicant confusion. For the last several years, the Board has consistently met on Mondays at least every two weeks; and because of the press of business, it has occasionally resorted to meetings every week. So the meeting space would effectively need to be available on the same day of the week from approximately 6:30 p.m. to 9:00 or 9:15 p.m.

#### Large enough space

- Because it would be impossible to predict how many people would elect to attend a hybrid meeting in person, the space required by the Board would need to be large enough to accommodate all those who might attend in person. Recent experience suggests total attendance could be more than 35 or 40 persons at some meetings, not counting five Board members, Town staff, and persons attending as part of an applicant's team. This also limits the number of venues currently available for hybrid meetings of the PB.
- There are very few boards in South Hadley—e.g., the Select Board, the Board of Health, the Cultural Council--that meet in hybrid format currently. Except for the Selectboard, I believe that all of these meet in the small Trustees Conference Room at the library, which is too small and not consistently available. The smaller room at the Senior Center, where the SB sometimes meets, is also too small.

### Hybrid must be supportive of the work of the Board as mandated in law

- My understanding is that Massachusetts law currently allows town boards to choose among the virtual, hybrid, or in-person formats based on their needs. However, once a board selects a format, the law allows Selectboards or another executive authority to specify how meetings must be conducted within that chosen format. The Selectboard's guidelines for remote meetings, which would apparently apply to hybrid meetings held by the PB, seem likely to undermine the work of the PB.
- South Hadley's Selectboard guidelines for remote meetings currently require the physical presence of a quorum of the Board (in the case of the PB, three members), including the chair (or chair designate). In practice this could mean cancelling a meeting, possibly at the last minute, due to contagious illness, or child or elder care demands, or winter weather--even though a quorum of members is available virtually. Given the Board's heavy schedule, and the reality that the Board is required by law to meet and decide some matters within specific time frames based on when applicants file, this requirement could seriously disrupt the work of the Board and undermine its service to the Town.
- The basis for the requirement that a quorum must be present in person seems to be the assumption that physical presence at a meeting is necessary to ensure satisfactory understanding of the matter at hand and any public comment. The assumption doesn't appear warranted based on the experience of the past few years.
- The SB guidelines state that board members not present at a meeting in person may still be counted as "present." This seems inconsistent with the guideline requiring an in-person quorum.
- Some decisions taken by the Board require "supermajorities" of those participating in a meeting. Under the SB guidelines, would the vote of a member of the PB not physically present be considered contributing to the supermajority? Under the assumption that apparently dictates the quorum requirement—that virtual attendance is inadequate for a member to be fully cognizant—why would they be?
- The state's Mullin Law stipulates that members of a PB not present at all public hearings related to a matter before the Board are ineligible to vote on the matter once it comes to a vote. Under the SB's guidelines, would a member not physically present at a public hearing be considered present under the terms of the Mullin Law? Again, under the assumption behind the quorum requirement, why would they be?

### Hybrid should be supportive of renewal of Board membership

- Many Town boards and committees currently conduct meetings virtually. One reason is the difficulty members face attending meetings in person, given their personal schedules and responsibilities. Current and future PB members are no different. It should be noted there has not been a contested seat for the PB in

several years, and that the PB has not been able to recruit an Associate Member. The work of the Board is highly demanding and technical. Attending three-hour meetings at least every other Monday night is only part of that work. Will requiring physical presence at these meetings support the ongoing work of the Planning Board, which inevitably requires attracting and retaining members? And is it truly necessary given what is being done virtually?

## CONCLUSION

Recognizing that there is only one room currently available in Town that is suitable for hybrid meetings and also large enough to accommodate in person meetings reliably, a cost-benefit analysis seems appropriate: how much, given room scarcity and staffing costs, will the Town gain as a result of the PB meeting in a hybrid format, especially considering risks incurred that meetings might have to be cancelled or delayed due to lack of quorum or appropriate meeting space and the potential impact on the recruitment of new members?