

COMMONWEALTH OF MASSACHUSETTS
SOUTH HADLEY, MASSACHUSETTS

WARRANT

Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, please contact the Office of the Selectboard at (413) 538-5030 ext. 6136 or Selectboard@southhadleyma.gov by May 6, 2025 in order that reasonable accommodations may be made.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the ANNUAL TOWN MEETING will be held at 153 Newton Street, South Hadley, Massachusetts on Wednesday, May 14, 2025 at 6:00 PM or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following articles;

Election of Redevelopment Authority

1. Term from July 1, 2025 - 2030

REPORTS

ARTICLE 1: HEAR REPORTS

To see if the town will hear and act upon the reports of the Town Officers, Boards, and Committees; or take any other action in relation thereto.

ARTICLE 2: BORROW

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2025, in accordance with the provisions of G.L. c. 44, § 4 and to renew any note or notes as may be given in accordance with the provisions of G.L. c. 44, § 17, or take any other action relative thereto.

ARTICLE 3: **BANKING AGREEMENTS**

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during Fiscal Year 2026, as permitted by G.L. c. 44, § 53 (F), or take any other action relative thereto.

ARTICLE 4: **DEFEND AGAINST SUITS**

To see if the Town will vote to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2026 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable, or take any other action relative thereto.

ARTICLE 5: **APPLY/ACCEPT FEDERAL, STATE GRANTS**

To see if the Town will vote to authorize the Selectboard to apply for and accept such federal or state grants or monies as may be available and to authorize the Selectboard to expend any funds received there from in accordance with the terms of said grants, or take any other action relative thereto.

ARTICLE 6: **CHAPTER 90 HIGHWAY FUNDS**

To see if the Town will vote to accept a sum of money for highway improvements under the authority of Massachusetts General Laws Chapter 90 and other applicable law; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing, or by any combination of these methods; authorize the Selectboard to apply for, accept, expend and borrow in anticipation of state aid for such projects, or take any other action relative thereto.

ARTICLE 7: **ELECTIVE OFFICER SALARIES**

To see if the Town will vote to fix the salary and compensation of the following elective officers of the Town of South Hadley during Fiscal Year 2026 as provided by G.L. c. 41, § 108, as amended: Moderator, Selectboard Members, Assessors, or take any other action relative thereto.

ARTICLE 8: **REVOLVING FUNDS**

To see if the Town will vote to authorize the total expenditures for the following Revolving Funds pursuant to G.L. c. 44 § 53E ½ for the Fiscal Year beginning July 1, 2025 to be expended in accordance with Chapter 65 - 5 of the town bylaws, or take any other action relative thereto:

Buttery Brook Park \$40,000
COA Woodlawn Café \$50,000

ARTICLE 9: **CONTRACTS OVER 3 YEARS**

To authorize the Selectboard and School Committee, pursuant to G.L. c. 30B Section 12, to enter into contracts in excess of 3 years in Fiscal Year 2026, or take any other action in relation thereto.

FINANCIAL ARTICLES

ARTICLE 10: **OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and transfer from available funds and retained earnings the sum of \$58,070,759 or a greater or lesser sum, to constitute the Operating Budget for Fiscal Year 2026 as further articulated in “Appendix A” as attached, or take any other action relative thereto.

ARTICLE 11: **CAPITAL BUDGET**

To see if the Town will transfer from Unreserved Free Cash or other Available Funds the sum of \$1,505,000 to make the following capital purchases, repairs, or replacements:

Fiscal Year 2026	Capital Request Detail	Request
Cable	2 editing computers w/display	\$20,000
DPW	10 Wheel and 6 Wheel Dump/Plow combo vehicles	\$350,000
DPW	Titus Pond restoration	\$250,000
DPW	Pickup/Flatbed/Plow vehicle - Parks	\$60,000
Library	HVAC fan retrofit	\$25,000
Police	2 Police Vehicles	\$140,000

Police	Upgrade computers	\$10,000
School	Middle School - Building Automation System	\$300,000
School	High School - Roof Repairs and Maintenance	\$25,000
School	High School - Intercom System	\$75,000
School	Middle School - Elevator Replacement	\$175,000
School	High School - HVAC Repairs and Maintenance	\$75,000

, or take any other action relative thereto.

ARTICLE 12: WASTEWATER CAPITAL BUDGET

To see if the Town will transfer from WWTP Enterprise Fund Receipts the sum of \$233,000 to make the following purchases, repairs, or replacements:

Fiscal Year 2026	Capital Request Detail	Request
WWTP	Pickup with Plow vehicle	\$68,000
WWTP	Inflow and Infiltration Study	\$50,000
WWTP	Gate	\$45,000
WWTP	Water heater and underground tank removal	\$45,000
WWTP	Channel grinder #2 - electrical repairs	\$25,000

; or take any other action relative thereto.

ARTICLE 13: LEDGES CAPITAL BUDGET

To see if the Town will transfer from Ledges Retained Earnings the sum of \$150,000 to make capital purchases, repairs, and replacements, or take any other action relative thereto.

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE 14: ADOPT MGL CHAPTER 90 SECTION 17C

To see if the Town will vote to accept the provisions of MGL Ch. 90 Section 17C in the interests of public safety and without further authority, to allow the Selectboard to establish a speed limit of 25 mph on any roadway inside a thickly settled or business district in the Town of South Hadley on any way that is not a state highway; or take any action relative thereto.

ARTICLE 15: AFFORDABLE HOUSING TRUST

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 55C, to establish a trust to be known as the South Hadley Affordable Housing Trust Fund, the purpose of which shall be to provide for the preservation and creation of affordable housing in the Town of South Hadley for the benefit of low- and moderate-income households, to support efforts to improve housing affordability for the Town of South Hadley in general, and to fund community housing, as defined in General Laws Chapter 44B, and, in implementation thereof, to vote to amend the General Bylaws by adding a new Article 7-24 – South Hadley Affordable Housing Trust Fund, under Chapter 7 as follows:

Section 7-24, Affordable Housing Trust Fund

A. Name of the Trust

Pursuant to the authority of G.L. Chapter 44, Section 55C, there is hereby created a local municipal affordable housing trust fund, which shall be called the “Town of South Hadley Affordable Housing Trust Fund” (referred to hereinafter as “the Trust”).

B. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of South Hadley for the benefit of low- and moderate-income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real property, personal property, or money, both tangible and intangible, of every sort and description; to use such property, both real and personal, and money in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property and money held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of South Hadley of affordable housing.

C. Board of Trustees

There shall be a board of trustees of the South Hadley Affordable Housing Trust Fund, in this section called “the Board,” which shall consist of seven Trustees appointed by the Selectboard as follows:

- one member of the Town’s Selectboard
- the Town Administrator or designee
- five members to be appointed by the Selectboard, with a preference for members who have professional expertise in fields such as real estate law, architecture, planning, banking, finance, and real estate, as well as a member who currently lives in affordable housing

Excluding the Town Administrator, only persons who are residents of the Town of South Hadley shall be eligible to hold the office of Trustee. Trustees shall serve two year terms, except that three of the initial trustee appointments shall be for a one year term, and may be re-appointed at the discretion of the Selectboard. Any Trustee who ceases to be a resident of the Town of South Hadley shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument, signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee ceases to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Selectboard to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

D. Declaration of Trust

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the South Hadley Affordable Housing Trust Fund to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.

E. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Special Meetings may be called by the Chair or by two (2) Trustees. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25. A quorum at any meeting shall be a majority of the Trustees, qualified and present in person.

F. Powers of Trustees

The powers of the board of trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from Chapter 44B;

- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral; however, the Trust borrowing shall not exceed \$15,000,000 at any one time without Town Meeting approval.

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

G. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

H. Funds Paid to Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning Bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

I. Taxes

The Trust is exempt from G.L. Chapters 59 and 62 and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

J. Governmental Body

The Trust is governmental body for the purposes of the Open Meetings Law, G.L. Chapter 30A, Sections 18 – 25.

K. Board of Town

The Trust is a board of the Town of South Hadley for the purposes of G.L. Chapter 30B and Chapter 40, Section 15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments of public instrumentalities of the Town of South Hadley shall be exempt from said Chapter 30B.

L. Compensation of Trustees

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of South Hadley by virtue of their position as Trustee. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for each such expenses prior to reimbursement by the Trust.

M. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer, and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

N. Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

O. Amendments

The provisions of this Trust can only be amended by a vote of the South Hadley Town Meeting.

P. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Selectboard for affordable housing

purposes. In making any such distribution, the Trustees may, subject to the approval of the Selectboard, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Q. Titles

The title to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

;or take any other action thereon.

ARTICLE 16: OLD FIREHOUSE MUSEUM LOCAL HISTORIC DISTRICT

To see if the Town of South Hadley will establish the Old Firehouse Museum Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, and amend the Town of South Hadley General Bylaws by adding a new Chapter 130, Old Firehouse Museum Local Historic District as follows and establish the District as set forth herein:.

130-1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of South Hadley, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

130-2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

DISTRICT AREA- A portion of land in the Town as listed in Section 13 (Appendices) of this Bylaw.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of

more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

130-3. DISTRICT

The DISTRICT shall consist of one DISTRICT AREA as listed in Section 13 (Appendices) of this Bylaw and shown on the map included herewith.

130-4. COMMISSION

130-4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven members, to be appointed by the Selectboard, two members initially to be appointed for one year, two for two years, and three for three years, and each successive appointment to be made for three years.

130-4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the South Hadley Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering South Hadley; one member from two nominees solicited from licensed realtors covering South Hadley; and a representative of the Old Firehouse Museum Board of Trustees appointed by the Selectboard. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Selectboard may proceed to make appointments as it desires.

130-4.3 The Selectboard may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote and such alternate member is designated by the Chair to act and vote in place of such regular member. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

130-4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

130-4.5 Meetings of the COMMISSION shall be held at the call of the Chair, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

130-4.6 Four members of the COMMISSION shall constitute a quorum.

130-5. COMMISSION POWERS AND DUTIES

130-5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

130-5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

130-5.3 The COMMISSION, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in any local newspaper, may adopt and from time to time or amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

130-5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chair and a Vice Chair from its own number and a Secretary from within or without its number, and file notice of such election with the office of the Town Clerk.

130-5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

130-5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

130-6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

130-6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

130-6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

130-7. PROCEDURES FOR REVIEW OF APPLICATIONS

130-7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

130-7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

130-7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

130-7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The

COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a news source of general circulation in South Hadley such as the Town Reminder. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

130-7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

130-7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

130-7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

130-7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

130-7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

130-7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

130-7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

130-7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

130-7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its Chair or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

130-7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the

applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

130-8. CRITERIA FOR DETERMINATIONS

130-8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

130-8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

130-8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

130-8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

130-9. EXCLUSIONS

130-9.1 The COMMISSION shall exclude from its purview the following:

130-9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify. Consideration would be given to educational displays and resources useful for the mission of the Museum and District.

130-9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

130-9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

130-9.1.4 The color of paint.

130-9.1.5 The color of materials used on roofs.

130-9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

130-9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

130-9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

130-9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

130-10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a news source of general circulation in South Hadley such as the Town Reminder, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

130-11. ENFORCEMENT AND PENALTIES

130-11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

130-11.2 The COMMISSION, upon a written complaint of any resident of South Hadley, or owner of property within South Hadley, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of South Hadley to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

130-11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$200 for each offense, payable to a fund for the preservation of the DISTRICT. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

130-11.4 The COMMISSION may designate the Building Commissioner of the Town of South Hadley to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

130-12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

130-13. APPENDICES

The Historic District shall consist of the following:

Appendix 1:

South Hadley Old Firehouse Museum District

The South Hadley Old Firehouse Museum District shall be a DISTRICT area under this Bylaw. The Location and boundaries of the South Hadley Old Firehouse Museum District are defined and shown on the Local Historic District Map of the Town of South Hadley, which is a part of this Bylaw. Sheet 1 is based on the current Assessor's map and is current to January 1, 2023. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.



Sheet 1: Proposed boundaries of the South Hadley Old Firehouse Museum Local Historic District

, or take any other action relative thereto:

ARTICLE 17: Zoning Map Amendment - Old Lyman Road

To see if the Town will vote to amend in the Zoning Map by changing the designation of a 1.5949 +/- acre portion of a parcel of land located on the west side of Old Lyman Road and also identified on Tax Assessor's Map #8 as Parcel #1 from the present zoning designation of Business C to Residence A-1, as further articulated in the Planning Board's Report to Town Meeting (Appendix B), or take any other action relative thereto.

ARTICLE 18: Zoning Bylaw and Zoning Map Amendment - Village District

To see if the Town will vote to amend the Zoning Bylaw Chapter 255 and the Zoning Map to create a Village District by amending: Section 255-11 Establishment of Districts by inserting a new Village District (VD) Zoning District (Mixed-Use); Chapter 255 Attachment 1, Use Regulations Schedule by inserting the Village District (VD) and indicate the uses which are permitted/prohibited; Chapter 255 Attachment 2 Dimensional Regulations Schedule for Building and Structures by inserting a dimensional table for principal and accessory uses in the Village District (VD); Chapter 255 Article VII Supplemental District Regulations by inserting a new Section 255-52 Village District; and amend the Zoning Map, as incorporated into the Zoning Bylaw at Section 255-12, by changing the zoning on a 7.810 +/- acre parcel (as depicted on an ANR Plan endorsed by the Planning Board and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Plan Book 257, Page 77) from Business A-1, Residence A-2, and Residence A-1 to the Village District zoning district, as further articulated in the Planning Board's Report to Town Meeting (Appendix C), or take any other action relative there to.

ARTICLE 19: Zoning Bylaw Chapter 255-50 Accessory Dwelling Units Amendment

To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined to insert various terms and their definitions, and amend the definition of Accessory Dwelling Unit; and, Chapter 255 Article VII Supplemental District Regulations by repealing subsection 255-50 Accessory Dwelling Units and inserting a replacement subsection 255-50 Accessory Dwelling Units, as further articulated in the Planning Board's Report to Town Meeting (Appendix D), and change subsection 255-50 C(1) to read "...failure to provide the required submittal requirements." or take any other action relative there to.

ARTICLE 20: South Hadley Welcoming Community Ordinance (Citizen Petition)

I propose that the town of South Hadley adopt the following Welcoming Community Trust Ordinance:

The purpose of this ordinance is to affirm that the town of South Hadley is a welcoming community, to promote trust between community members and employees of the town of South Hadley, and to facilitate effective law enforcement and public safety policies.

Definitions:

“Town officials” refers to any South Hadley town departments and their employees and any employee of the town authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.

“Civil immigration detainer request” means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement (“ICE”) or by any other federal immigration officer or agency to a local law enforcement official either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.

“Eligible for release from custody” means that there is no judicial warrant, judicial order, or law that prevents an individual from being released from the custody of a South Hadley official.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

1. A town official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit. Nothing in this subsection shall prohibit the South Hadley Police department from using other investigatory tools to establish information about the suspect of a crime.
2. A town official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
3. A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
4. Equal Treatment: South Hadley town officials will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of South Hadley agencies or departments.
5. Notwithstanding sections A and C above, a person’s immigration status shall not prohibit or inhibit the Town or any town official’s participation in any government operation or program that confers and immigration benefit, or temporarily or permanently protects

noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.

6. When an individual is eligible for release from custody, a town official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
7. A town official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, or phone number of a person in custody.
8. To the extent permissible by law, a town official shall not perform the function of an immigration officer, whether pursuant to 8 U.S.C. section 1357(G) or any other law, regulation, or policy, whether formal or informal.
9. Nothing in this ordinance shall prohibit or restrain any town official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

Implementation:

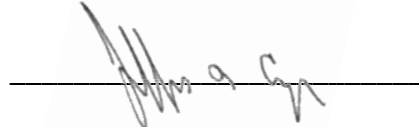
1. The provisions of this ordinance shall be effective immediately upon passage.
2. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed, promulgated, and implemented by the town and its departments.
3. If any part of this ordinance is declared invalid for any reason, the remainder of the ordinance shall remain in full force and effect.

, or take any other action relative thereto:

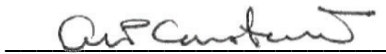
Given under our hands this 29th day of April 2025:



Andrea Miles



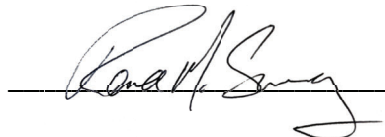
Jeff Cyr



Carol Constant



Nicole Casolari



Renee Sweeney

SELECTBOARD
TOWN OF SOUTH HADLEY

True copy, attest:



Sarah Gmeiner, Town Clerk

Town of South Hadley

Appendix A
FY2026
Summary Budget Request

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
1220 Selectboard				
Selectboard-Personnel Services	\$ 228,112	\$ 238,345	\$ 238,228	\$ 245,510
Selectboard-Other Expenses	<u>\$ 40,399</u>	<u>\$ 35,174</u>	<u>\$ 33,350</u>	<u>\$ 30,650</u>
Total Selectboard	\$ 268,511	\$ 273,519	\$ 271,578	\$ 276,160
1250 Cable Access				
Cable Access-Personnel Services	\$ 85,844	\$ 84,136	\$ 96,029	\$ 100,431
Cable Access-Other Expenses	<u>\$ 26,123</u>	<u>\$ 25,571</u>	<u>\$ 24,600</u>	<u>\$ 24,100</u>
Total Cable Access	\$ 111,967	\$ 109,707	\$ 120,629	\$ 124,531
1320 Reserve Fund				
Total Reserve Fund	\$ -	\$ -	\$ 25,000	\$ 25,000
1350 Accountant/Auditor				
Accounting/Auditing- Personnel Services	\$ 223,734	\$ 231,257	\$ 240,446	\$ 244,062
Accounting/Auditing- Other Expenses	<u>\$ 84</u>	<u>\$ -</u>	<u>\$ 300</u>	<u>\$ 300</u>
Total Accounting/Auditing	\$ 223,818	\$ 231,257	\$ 240,746	\$ 244,362
1360 Wage and Classification				
Merit Plan	\$ 225,000	\$ 90,000	\$ 50,000	\$ 100,000
Transferred/Expended	<u>\$ (61,217)</u>	<u>\$ (84,003)</u>	<u>\$ (12,303)</u>	<u>\$ -</u>
Total Wage and Classification	\$ 163,783	\$ 5,997	\$ 37,697	\$ 100,000
1370 Human Resources				
Human Resources Personnel Services	\$ 64,637	\$ 117,671	\$ 141,651	\$ 147,060
Human Resources Other Expenses	<u>\$ 47,382</u>	<u>\$ 27,031</u>	<u>\$ 34,600</u>	<u>\$ 31,600</u>
Total Human Resources	\$ 112,019	\$ 144,702	\$ 176,251	\$ 178,660
1410 Assessor				
Assessor-Personnel Services	\$ 151,641	\$ 154,712	\$ 165,203	\$ 168,359
Assessor-Other Expenses	<u>\$ 37,225</u>	<u>\$ 37,977</u>	<u>\$ 30,840</u>	<u>\$ 30,765</u>
Total Assessor	\$ 188,866	\$ 192,689	\$ 196,043	\$ 199,124

Appendix A
FY2026
Summary Budget Request

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
1460 Treasurer/Collector				
Collector/Treasurer-Personnel Services	\$ 178,266	\$ 190,112	\$ 157,341	\$ 160,394
Collector/Treasurer-Other Expenses	<u>\$ 42,128</u>	<u>\$ 45,056</u>	<u>\$ 46,050</u>	<u>\$ 45,875</u>
Total Collector/Treasurer	\$ 220,394	\$ 235,168	\$ 203,391	\$ 206,269
1490 Town Audit				
Total Town Audit	\$ 39,000	\$ 35,000	\$ 35,000	\$ 36,000
1500 Town Clerk				
Town Clerk-Personnel Services	\$ 134,398	\$ 154,375	\$ 165,413	\$ 165,833
Town Clerk-Other Expenses	<u>\$ 7,023</u>	<u>\$ 5,445</u>	<u>\$ 15,000</u>	<u>\$ 14,500</u>
Total Town Clerk	\$ 141,421	\$ 159,820	\$ 180,413	\$ 180,333
1510 Legal Services				
Total Legal Services	\$ 80,729	\$ 83,224	\$ 95,000	\$ 95,000
1550 Information Technology				
Information Technology-Personnel Services	\$ 71,834	\$ 80,644	\$ 83,980	\$ 85,652
Information Technology-Other Expenses	<u>\$ 323,136</u>	<u>\$ 341,897</u>	<u>\$ 354,336</u>	<u>\$ 378,140</u>
Total Information Technology	\$ 394,970	\$ 422,541	\$ 438,316	\$ 463,792
1620 Elections				
Elections-Personnel Services	\$ 25,027	\$ 14,915	\$ 40,000	\$ 12,500
Elections-Other Expenses	<u>\$ 30,250</u>	<u>\$ 38,583</u>	<u>\$ 39,650</u>	<u>\$ 30,150</u>
Total Elections	\$ 55,277	\$ 53,498	\$ 79,650	\$ 42,650
1750 Planning/Conservation				
Planning/Conservation-Personnel Services	\$ 200,882	\$ 205,215	\$ 210,972	\$ 215,194
Planning/Conservation-Other Expenses	<u>\$ 41,879</u>	<u>\$ 57,524</u>	<u>\$ 53,100</u>	<u>\$ 48,875</u>
Total Planning/Conservation	\$ 242,761	\$ 262,739	\$ 264,072	\$ 264,069

**Appendix A
FY2026
Summary Budget Request**

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
1920 Public Building Maintenance				
Public Bldg Mtce P/S	\$ 79,779	\$ 181,104	\$ 104,400	\$ 105,970
Public Bldg Mtce O/E	<u>\$ 200,786</u>	<u>\$ 236,130</u>	<u>\$ 292,900</u>	<u>\$ 312,500</u>
Total Building Maintenance	\$ 280,565	\$ 417,234	\$ 397,300	\$ 418,470
1930 Internal Service Fund				
Total Internal Service Fund	\$ 8,647	\$ 7,870	\$ 8,000	\$ 8,000
1950 Town Reports				
Total Town Reports	\$ 1,126	\$ 1,223	\$ 1,000	\$ 1,000
2100 Police				
Police-Personnel Services	\$ 2,794,212	\$ 3,044,234	\$ 3,527,367	\$ 3,555,088
Police-Other Expenses	<u>\$ 254,923</u>	<u>\$ 283,896</u>	<u>\$ 285,230</u>	<u>\$ 269,030</u>
Total Police	\$ 3,049,135	\$ 3,328,130	\$ 3,812,597	\$ 3,824,118
2410 Inspection Services				
Inspection Services-Personnel Services	\$ 176,907	\$ 202,488	\$ 238,363	\$ 199,662
Inspection Services-Other Expenses	<u>\$ 18,814</u>	<u>\$ 14,149</u>	<u>\$ 28,600</u>	<u>\$ 28,450</u>
Total Inspection Services	\$ 195,721	\$ 216,637	\$ 266,963	\$ 228,112
2440 Weights and Measures				
Total Weights and Measures	\$ 7,299	\$ 7,087	\$ 8,000	\$ 8,200
4000 Department of Public Works				
DPW-Personnel Services	\$ 836,885	\$ 889,469	\$ 972,630	\$ 971,753
DPW-Other Expenses	<u>\$ 565,037</u>	<u>\$ 630,812</u>	<u>\$ 655,970</u>	<u>\$ 663,260</u>
Total Department of Public Works	\$ 1,401,922	\$ 1,520,281	\$ 1,628,600	\$ 1,635,013

Appendix A
FY2026
Summary Budget Request

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
4230 Snow and Ice Removal				
Snow and Ice-Personnel Services	\$ 25,619	\$ 25,433	\$ 21,000	\$ 21,000
Snow and Ice-Other Expenses	<u>\$ 171,791</u>	<u>\$ 165,808</u>	<u>\$ 80,760</u>	<u>\$ 81,100</u>
Total Snow and Ice Removal	\$ 197,410	\$ 191,241	\$ 101,760	\$ 102,100
4240 Street Lighting				
Total Street/Signal Lighting	\$ 90,624	\$ 90,604	\$ 105,000	\$ 105,000
5110 Board of Health				
Board of Health-Personnel Services	\$ 201,211	\$ 240,540	\$ 231,906	\$ 236,153
Board of Health-Other Expenses	<u>\$ 58,427</u>	<u>\$ 53,854</u>	<u>\$ 77,600</u>	<u>\$ 75,725</u>
Total Board of Health	\$ 259,638	\$ 294,394	\$ 309,506	\$ 311,878
5300 Human Services				
Human Services-Personnel Services	\$ 526,567	\$ 622,629	\$ 555,023	\$ 536,014
Human Services-Other Expense	<u>\$ 381,200</u>	<u>\$ 289,129</u>	<u>\$ 390,353</u>	<u>\$ 400,094</u>
Total Total Human Services	\$ 907,767	\$ 911,758	\$ 945,376	\$ 936,108
6100 Library				
Library-Personnel Services	\$ 520,036	\$ 520,069	\$ 555,071	\$ 575,483
Library-Other Expenses	<u>\$ 266,846</u>	<u>\$ 293,364</u>	<u>\$ 290,202</u>	<u>\$ 267,440</u>
Total Library	\$ 786,882	\$ 813,433	\$ 845,273	\$ 842,923
6710 Old Firehouse Museum				
Total Old Firehouse Museum	\$ 8,369	\$ 4,680	\$ 6,750	\$ 7,650
7110 Retirement of Debt				
Total Principal: Long-Term Debt	\$ 2,426,185	\$ 2,432,472	\$ 2,418,885	\$ 2,490,428
7510 Interest: Long-Term Debt				
Total Interest: Long-Term Debt	\$ 1,007,254	\$ 930,765	\$ 843,791	\$ 762,971
7520 Interest: Short-Term Debt				
Total Interest: Short-Term Debt	\$ -	\$ -	\$ 3,000	\$ 3,000

**Appendix A
FY2026
Summary Budget Request**

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
9110 Retirement				
Total Retirement	\$ 4,019,387	\$ 4,343,569	\$ 4,765,712	\$ 5,170,346
9130 Unemployment Compensation				
Total Unemployment Insurance	\$ 26,271	\$ 62,641	\$ 101,000	\$ 101,000
9140 Group Health Insurance				
Total Group Health Insurance	\$ 4,252,598	\$ 4,596,638	\$ 5,318,448	\$ 6,179,927
9160 Fica/Medicare				
Total Fica/Medicare	\$ 434,482	\$ 443,131	\$ 500,000	\$ 520,000
9450 Liability Insurance				
Total Liability Insurance	\$ 368,677	\$ 431,742	\$ 493,200	\$ 578,430
2950 Ct. River Channel Marker				
Total Ct. River Channel Marker	\$ 4,000	\$ 2,920	\$ 3,000	\$ 5,000
4340 DPW: Landfill				
DPW:Landfill-Personnel Services	\$ 81,297	\$ 67,662	\$ 103,108	\$ 107,351
DPW:Landfill-Other Expenses	\$ 1,219,573	\$ 1,232,510	\$ 1,357,236	\$ 1,284,500
Total DPW: Landfill	\$ 1,300,870	\$ 1,300,172	\$ 1,460,344	\$ 1,391,851
4360 DPW:Sewerage				
TOTAL DPW:Sewerage	\$ 66,415	\$ 73,347	\$ 82,500	\$ 82,500
4430 DPW:Water Pollution Control				
DPW:WWTP-Personnel Services	\$ 523,382	\$ 592,547	\$ 628,738	\$ 643,615
DPW:WWTP-Other Expenses	\$ 932,326	\$ 1,005,804	\$ 1,156,300	\$ 1,166,300
Total DPW: Water Pollution Control	\$ 1,455,708	\$ 1,598,351	\$ 1,785,038	\$ 1,809,915
6800 Ledges Golf Course/Valley View				
Total Ledges Golf Course	\$ 1,370,653	\$ 1,439,329	\$ 1,593,762	\$ 1,624,409

Appendix A
FY2026
Summary Budget Request

	FY 23	FY 24	FY 25	FY 26
Department	Expended	Expended	Budgeted	TA Recommended
SCHOOL				
Total School	\$ 23,608,877	\$ 24,584,772	\$ 25,521,460	\$ 25,771,460
Conservation Land Fund				
	Budgeted	Budgeted	Budgeted	TA Recommended
Conservation Land Fund	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Workers' Compensation				
	Budgeted	Budgeted	Budgeted	TA Recommended
Total Workers' Compensation	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000
Injured on Duty				
	Budgeted	Budgeted	Budgeted	TA Recommended
Total Injured on Duty	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
OPEB				
	Budgeted	Budgeted	Budgeted	TA Recommended
Total OPEB	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
Capital Stabilization				
	Budgeted	Budgeted	Budgeted	TA Recommended
Total Capital Stabilization	\$ 122,000	\$ -	\$ -	\$ -
Mosier School Stabilization				
	Budgeted	Budgeted	Budgeted	TA Recommended
Total Mosier School Stabilization	\$ 200,000	\$ 750,000	\$ -	\$ -
Total				
Total General Fund	\$ 21,973,475	\$ 23,255,389	\$ 25,243,947	\$ 26,670,624
Total Misc. Trust	\$ 1,037,000	\$ 1,465,000	\$ 715,000	\$ 715,000
Total Receipts Reserved	\$ 4,000	\$ 2,920	\$ 3,000	\$ 5,000
Total DPW: Landfill	\$ 1,300,870	\$ 1,300,172	\$ 1,460,344	\$ 1,391,851
Total DPW: WWTP	\$ 1,522,123	\$ 1,671,698	\$ 1,867,538	\$ 1,892,415
Total Ledges	\$ 1,370,653	\$ 1,439,329	\$ 1,593,762	\$ 1,624,409
Total School	\$ 23,608,877	\$ 24,584,772	\$ 25,521,460	\$ 25,771,460
	\$ 50,816,998	\$ 53,719,280	\$ 56,405,051	\$ 58,070,759

Appendix B

Planning Board Report to Town Meeting Old Lyman Road Zoning Map Amendment April 25, 2025

ARTICLE 17: To see if the Town will vote to amend in the Zoning Map by changing the designation of a 1.5949 +/- acre portion of a parcel of land located on the west side of Old Lyman Road and also identified on Tax Assessor's Map #8 as Parcel #1 from the present zoning designation of Business C to Residence A-1, as further articulated in the Planning Board's Report to Town Meeting, or take any other action relative thereto.

PUBLIC HEARING: The Planning Board conducted a public hearing on the proposed Zoning Map amendment on April 22, 2025 (see Attachment B for the public hearing minutes).

REPORT:

A petition was filed by Christine J. Walton to amend the South Hadley Zoning Map to change a portion of property located at Old Lyman Road, Map 8 Parcel 1, from Business C to Residence A-1. The parcel subject to the zoning map amendment request is a 13.71-acre parcel with mixed zoning (Business C and Residence A-1). The Res A-1 portion of the parcel also has 50' of frontage on Old Lyman Road; the Bus C portion of the parcel does not have any frontage on Old Lyman Road. They are seeking to convert approximately 1.5949 +/- acres from Business C to Residence A-1, contiguous to the current frontage on Old Lyman Road. The result would be a new 5.85-acre Residence A-1 development site.

Most of Old Lyman Road is characterized as predominantly single-family dwellings, particularly within the vicinity of the subject parcel. North of the utility ROW crossing at the intersection with Eagle Drive, there is a mix of uses including a residential medical facility, MassDOT's regional highway division facility, and an undeveloped parcel which is the rear of the Willimansett Street shopping plaza and Big Y grocery store. To the south and east of Old Lyman Road to the intersection with New Ludlow Road is an industrial park for several small-scale manufacturing businesses, construction businesses, a self-storage business, and the South Hadley DPW, transfer station and closed landfill.

Zoning in the Area

The parcel subject to the zoning map amendment request is located in the southwest corner of town on Old Lyman Road, approximately ¼-mile north of the town boundary with Chicopee. As noted above, the parcel has mixed zoning with approximately 4.3 acres in Residence A-1 in the southeast corner of the parcel, and 9.4 acres in Business C covering the remaining northern portion of the parcel. Zoning to the east, south, and southwest of the subject parcel is Residence A-1; and, Business C to the West and northwest. Industrial A zoned land is located to the southeast on the east side of Old Lyman Road, but not immediately abutting the subject parcel. The Business C portion of the parcel abuts another large Business C parcel with frontage on Willimansett Street to the west, under the same ownership.

Development Considerations

Listed below are some types of land uses and whether or not they are permitted within the Residence A-1 and Business C zoning districts. In general, the Residence A-1 zoning district allows for low-density residential development and limited commercial development whereas the Business C district is defined as a "planned business" district and restricts residential development to mixed use developments and supports large-scale business development by either Site Plan Review or Special Permit. Per the Zoning Bylaw Chapter 255-11, the two zoning districts are defined as follows:

- 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.

- **Business C (Planned Business).** This purpose of this district is to provide development methods that accommodate large-scale businesses, while mitigating impacts on pedestrians and traffic, as more fully described in § [255-37A](#).

Excerpt from 255 Attachment 1 Use Regulation Schedule

Land Use	Residence A-1	Business C
Single-family dwellings	Y	SP (part of mixed use development)
Single-family dwellings – flag lot	SP	N
Two-family dwellings	SP	N
Three-family dwelling	SP	N
Multifamily dwellings	SP	SP (part of mixed use development)
Retail sales	N	SPR
Personal, business and professional services	N	SPR
Offices	N	SPR
Wholesale sales and warehousing	N	SP
Professional Business	SP	SPR
Restaurants	N	SPR

Relationship to the 2020 Master Plan

Old Lyman Road is not specifically identified within any of the eleven land use areas with articulated vision statements in the 2010 Master Plan. Nor is this neighborhood specifically discussed in the 2020 Master Plan update. In general, the Master Plan promotes supporting the character of existing neighborhoods while allowing for increased opportunities for new housing and housing diversity, and economic development in appropriate locations. The proposed zoning map amendment would allow for a slight increase in the amount of land zoned for low-density residential development and decrease land available for large-scale business development.

PUBLIC HEARING DISCUSSION:

The petitioner’s representative presented the proposed zoning map amendment, stating that the intent is to create a 5-acre site suitable for a single family residential subdivision. Board members inquired about the extent of the proposed zone change on the parcel and intent to leave the remaining portion of the site as Business C.

One comment was received from the public, inquiring about whether or not any buffer would be required in the Business C district along the part of the site that would abut this potential future housing. The petitioner’s representative stated that although here are no development plans for that portion of the site currently, the zoning does require a buffer, and access would need to be acquired off of Willimansett Street from development in the Business C part of the site. No other comments were received.

RECOMMENDATION:

The Planning Board, during the public hearing held at their April 22, 2025 meeting, voted to recommend to Town Meeting amendment of the Zoning Map for a portion of the parcel on Old Lyman Road, as

further articulated in the Planning Board's Report to Town Meeting, by a vote of five (5) out of five (5) members in favor (D. Mulvaney, N. Therien, B. Hutchison, R. Watchilla, R. Szklarz).

ATTACHMENTS:

Attachment A: Landowner Zoning Map Amendment Petition Request

Attachment B: Public Hearing Minutes – April 22, 2025

ATTACHMENT A

CHRISTINE J. WALTON
143 OLD LYMAN RD
South Hadley, MA 01075

March 12, 2025

Ms. Andrea Miles, Chair
South Hadley Selectboard and
Ms. Lisa Wong, Town Administrator
116 Main Street, Room M18
South Hadley, MA 01075

Dear Ms. Miles and Ms. Wong,

This request is initiated pursuant to MGL Chapter 40A, Section 5 and § 255-6 of the South Hadley Zoning Bylaw to amend the South Hadley Zoning Map in reference to a triangular shaped parcel described herein from its current Business C zoning district to the Residence A-1 zoning district. MGL Chapter 40A, Section 5 allows "an individual owning land to be affected by" enactment of a proposed zoning bylaw amendment to initiate proposals for adoption of an amendment to the Zoning Bylaw.

I, Christine J. Walton affirm that I own the property subject to this request. The subject property is a 1.5949+/- acres triangular shaped portion of Parcel 1 as identified on Assessors Map #8 and generally depicted on the attached map. The subject 1.5949+/- acres parcel is more particularly described as follows:

- Beginning at the southwest corner of Parcel 133 on Assessors Map #8;
- Thence, running westerly a distance of approximately 740 +/- feet to a point on the west line of Parcel 1 on Assessors Map #8;
- Thence, running southerly along the west line of said Parcel 1 to a point at which the Business C and the Residence A-1 zoning districts abut (a distance of approximately 175 +/- feet);
- Thence, running northeasterly along a line which marks the existing division between the Business C and Residence A-1 zoning districts to the point of beginning at the southwest corner of Parcel 133 as shown on Assessors Map #8;
- Said area being approximately 1.5949± ACRES.

Wayne Walton and Dan Luis are hereby authorized to represent me regarding this petition before any and all Town Boards and bodies. Their contact information is as follows:

Wayne Walton
8 Prospect Street
South Hadley, MA 01075
waltonev@comcast.net
413-626-9723

Dan Luis
Luis Builders, Inc.
37 Westbrook Road
South Hadley, MA 01075
Luis.builders@yahoo.com
413-246-0604

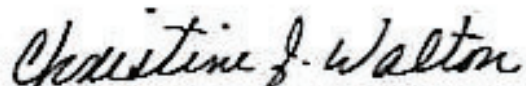
I recognize this may be a bit tight, but respectfully request that this petition be incorporated into the May 2025 Annual Town Meeting Warrant and be processed accordingly.

By way of a brief background, as will be discussed further at the Planning Board public hearing, this request is being made to enable the development of a new residential development. This will expand the Town's tax base and provide new homes for residents. The portion of land subject of this request will be added to another 4.2587 +/- acres already lying in the Residence A-1 zoning district (also a portion of said Parcel 1 as identified on Assessors Map #8 and under my current ownership) to create a 5.85+ acre development site as depicted on the attached map.

I understand and acknowledge that § 255-6 of the South Hadley Zoning Bylaw provides that I, as the petitioner, am responsible for payment of the cost of notice of the public hearing. Accordingly, please have the newspaper in which the notice is published forward the bill to me.

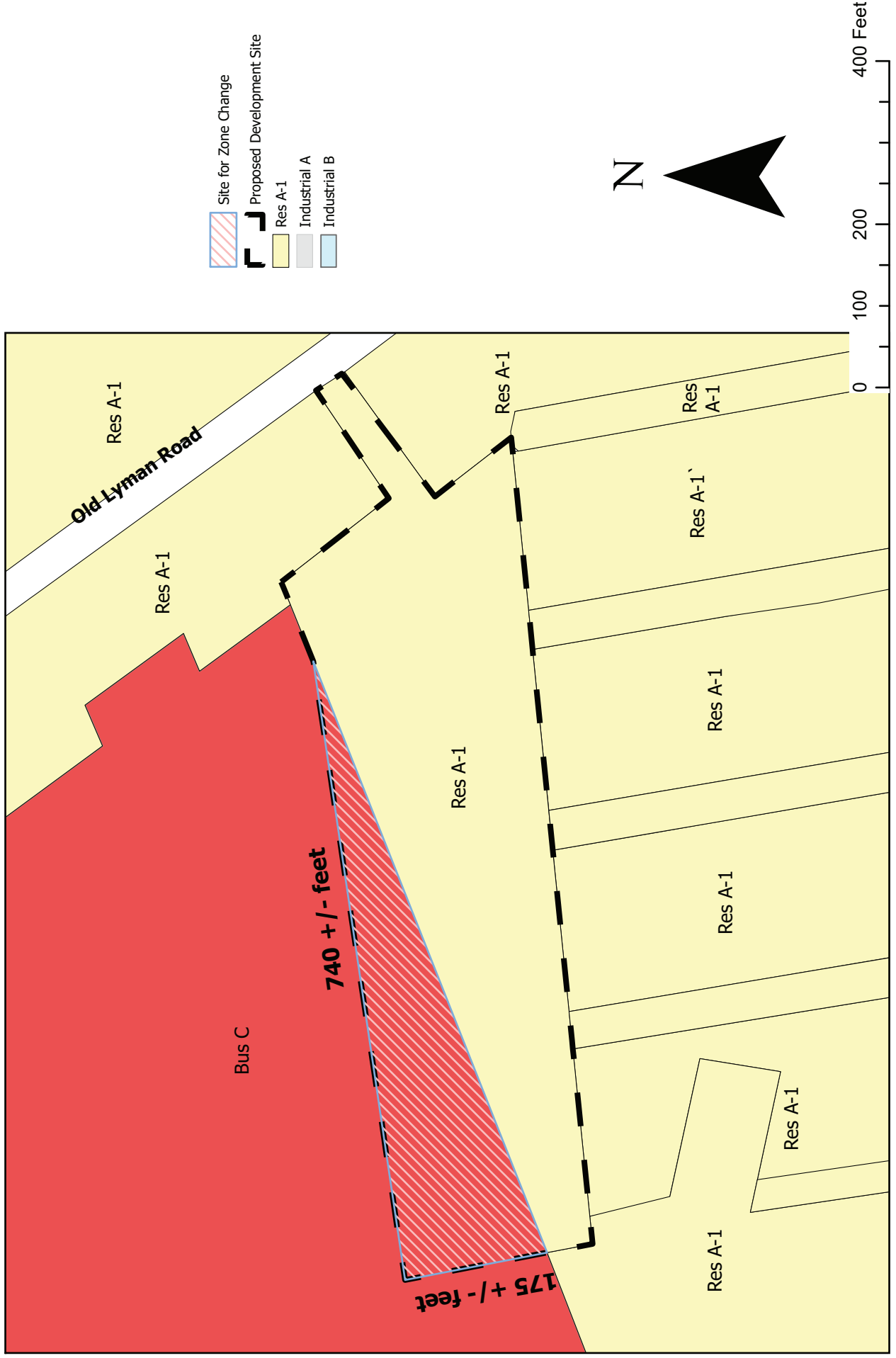
We look forward to participating in the public hearing process upon your referral of this request to the Planning Board. If you, the other members of the Selectboard, Planning Board, or the Planning Department have any questions, please feel free to reach out to either myself, Wayne, or Dan.

Thank you,



Christine J. Walton, Owner and Petitioner
143 Old Lyman Road
South Hadley, MA 01075

Areas of Proposed Zone Change and Proposed Development Request by Christine Walton Change Parcel from Bus C to Res A-1



ATTACHMENT B

SOUTH HADLEY PLANNING BOARD HYBRID PUBLIC HEARING:

Petition filed by Christine J. Walton to amend the South Hadley Zoning Map to change a portion of property located at Old Lyman Road, Map 8 Parcel 1, from Business C to Residence A-1.

MEETING MINUTES OF APRIL 22, 2025

Present: Diane Mulvaney (in-person), Chair; Nate Therien (in-person) ; Vice-Chair; Brad Hutchison (in-person), Clerk; Rob Watchilla (virtual), Member; Bob Sklarz (in-person), Member; John Parentu (in-person), Associate Member; Anne Capra (in-person), Director of Planning and Conservation; Colleen Canning (in-person), Planning/Conservation Coordinator

In-person location: South Hadley Senior Center, 45 Dayton Street, South Hadley MA

Virtual location: Zoom Webinar

4 attendees were present virtually as indicated in the Zoom attendance report (attached) and 9 attendees were present in-person.

Chair Mulvaney called the public hearing to order at 7:02 PM and Clerk Hutchison read the public hearing notice out loud as follows:

The South Hadley Planning Board will hold a public hearing on Tuesday April 22, 2025 at 6:30 p.m. to consider a petition by Christine J. Walton to amend the Town of South Hadley Zoning Map regarding a 1.5949+/- acres parcel from Business C to Residence A-1. The subject property is described as follows:

Beginning at the southwest corner of Parcel 133 on Assessors Map #8; Thence, running westerly a distance of approximately 740+/- feet to a point on the west line of Parcel 1 on Assessors Map #8; Thence, running southerly along the west line of said Parcel 1 to a point at which the Business C and the Residence A-1 zoning districts abut (a distance of approximately 175+/- feet); Thence, running northeasterly along a line which marks the existing division between the Business C and Residence A-1 zoning districts to the point of beginning at the southwest corner of Parcel 133 as shown on Assessors Map #8. The subject property is part of a tract with frontage along the west side of Old Lyman Road.

The public hearing will be located in the multipurpose room of the South Hadley Senior Center, 45 Dayton Street South Hadley MA 01075. The materials relative to the petition are available on the Town's website at the following link: <https://www.southhadley.org/1477/Zoning-Amendment-Requests>. Alternatively, hard copies of the documents may be viewed at the South Hadley Planning and Conservation Department office.

Any person interested in, or wishing to be heard, should appear/join the hearing at the time and in the manner designated.

*Brad Hutchison, Clerk
South Hadley Planning Board*

*Publication: Friday, March 21, 2025
Friday, March 28, 2025*

Richard Harris, 22 Hillcrest Park, was present at the hearing as the planning consultant for the petitioners, Luis Builders and Wayne Walton. He explained that his clients were seeking a zoning map amendment on a portion of property on Old Lyman Road (Map 8, Parcel 1). The lot had split zoning with Business C to the north and Residence A-1 to the South. The amendment

sought to change a portion of the Business C zoning to Residential A-1 to enable development of a 6-lot Subdivision. The current zoning map configuration would not enable this type of development as residential uses were prohibited in the Business C zoning district.

Director Capra further explained the request and shared maps of the subject parcel. The amendment would result in 5.85 acres of Residential A-1 zoned land on the 13.71 acre parcel, with the land remaining in the Business C zoning district. She also detailed the allowed uses within both districts and the existing character of the location. The property existed within a largely residential area, primarily consisting of single family homes, with a mix of business, industrial and utility uses to the north near Willimansett Street and to the south near New Ludlow Road. The location was not explicitly identified in the Master Plan but supporting existing neighborhood character, and enabling housing and economic development was supported in the Master Plan where appropriate.

Clerk Hutchison asked if the petitioner intended to leave the remainder of the parcel in the Business C zoning district, as it was currently, and asked if that location would be accessible after proposed residential development. Richard Harris replied that his client did not have plans to propose additional zoning map amendments for the remainder of the lot in the Business C zoning district. The Business C portion of the lot would be accessible from Willimansett Street.

Member Watchilla asked for clarity on plans for future development in the newly proposed bounds of Residential A-1 zoning on the parcel. Richard Harris replied that his client was seeking to develop single family homes. Member Watchilla indicated that the topography of the site appeared to be appropriate for development and had no further concerns with the proposal.

Chair Mulvaney opened the hearing to public comment.

Joanna Brown, 25 Charon Terrace, addressed the Board. She observed that the zone change would enable residential development that would abutt property remaining in the Business C zoning district. She questioned how close future residences could be built to the Business C zone. Richard Harris replied that the Planning Board had the ability to condition future developments to mitigate potential negative impacts. He added that his client intended on proposing an easement to buffer the border between the Business C and Residential A-1 districts if development were to proceed.

Motion: Clerk Hutchison moved to recommend that Town Meeting adopt the amendment to the South Hadley Zoning Map as identified in the petition filed by Christine J. Walton to change a portion of the property located at Old Lyman Road, Map 8 Parcel 1, from Business C to Residence A-1. Member Watchilla seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call vote.

Motion: Clerk Hutchison moved to close the hearing. Vice-Chair Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call vote.

The regular meeting reconvened at 7:20 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zoom Attendance List	Attached
In person Attendance List	Attached
Zoning Map Amendment Petition - Old Lyman Road (portion of Map 8, Parcel 1)	Planning Files

Attendee Report

Report generated time 4/24/2025 13:55

Topic Webinar ID

Planning Board Special Hybrid 854 8574 4438

Meeting

Host Details

Attended

Yes

User Name (Original Name)

Colleen Canning# Staff (Town of

South Hadley 2)

Join Time

4/22/2025 18:11

Leave Time

4/22/2025 20:37

Actual Duration (minutes)

147

Unique Viewers

4

Total Users

17

Time in Session (minutes)

147

Panelist Details

Attended

Yes

User Name (Original Name)

Member Robert Szklarz

Join Time

4/22/2025 18:19

Leave Time

4/22/2025 20:37

Yes

lindalyoung

4/22/2025 20:11

4/22/2025 20:13

Yes

Senior Center (Chris Tucker)

4/22/2025 18:28

4/22/2025 20:37

Yes

Member Rob Watchilla

4/22/2025 18:36

4/22/2025 18:38

Yes

Member Rob Watchilla

4/22/2025 18:39

4/22/2025 20:18

Yes

Member Rob Watchilla

4/22/2025 20:18

4/22/2025 20:37

Yes

Director Anne Capra

4/22/2025 18:20

4/22/2025 20:37

Yes

Daniel Pease

4/22/2025 18:42

4/22/2025 18:49

Yes

Daniel Pease

4/22/2025 18:53

4/22/2025 18:54

Yes

Chair Diane Mulvaney

4/22/2025 18:11

4/22/2025 20:37

Attendee Details

Attended

Yes

User Name (Original Name)

lindalyoung

Join Time

4/22/2025 18:24

Leave Time

4/22/2025 20:11

Yes

lindalyoung

4/22/2025 20:13

4/22/2025 20:37

Yes

Susan Newton

4/22/2025 18:29

4/22/2025 18:51

Yes

Susan Newton

4/22/2025 19:03

4/22/2025 20:37

Yes

Mark Adams

4/22/2025 18:28

4/22/2025 19:21

Yes

Marie Rohan

4/22/2025 18:41

4/22/2025 18:43

Time in Session (minutes)

108

Time in Session (minutes)

25

Time in Session (minutes)

22

Time in Session (minutes)

95

Time in Session (minutes)

54

Time in Session (minutes)

2

Planning Board Meeting Attendance Sheet

Meeting Date: 9/22/25

Name	Address/ Affiliation
Richard Harris	22 Hillcrest Park, SH Consultant for Applicants
BARRY MSPHEE	3 WOODBRIDGE ST.
Tom Reilly	Baron Wilson P.C. Atty for Applicant
Max Desjardins	310 Ashford Road
Danny Plyis	37 Westbury Rd
Charles Kalkton	143 Old Lyman Rd
Walter Hamilton	77 Hadley St
Ann Stockton	325 Hadley St
Joanne Brown	25 Chara Ter

Appendix C

Planning Board Report to Town Meeting Village District Zoning Bylaw and Zoning Map Amendments April 24, 2025

ARTICLE 18: To see if the Town will vote to amend the Zoning Bylaw Chapter 255 and the Zoning Map in regard to creation of a Village District by amending: Section 255-11 Establishment of Districts by inserting a new Village District (VD) Zoning District (Mixed-Use); Chapter 255 Attachment 1, Use Regulations Schedule by inserting the Village District (VD) and indicate the uses which are permitted/prohibited; Chapter 255 Attachment 2 Dimensional Regulations Schedule for Building and Structures by inserting a dimensional table for principal and accessory uses in the Village District (VD); Chapter 255 Article VII Supplemental District Regulations by inserting a new Section 255-52 Village District; and amend the Zoning Map, as incorporated into the Zoning Bylaw by Section 255-12, by changing the zoning on a 7.810+/- acre parcel (as depicted on an ANR Plan endorsed by the Planning Board and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Plan Book 257, Page 77) from Business A-1, Residence A-2, and Residence A-1 to the Village District zoning district, as further articulated in the Planning Board’s Report to Town Meeting, or take any other action relative there to.

PUBLIC HEARING: The Planning Board conducted a public hearing on these proposed amendments on April 22, 2025 (see Attachment D for the public hearing minutes).

REPORT:

A petition has been filed by the Center Redevelopment Corporation to amend the South Hadley Zoning Bylaw to create a new ‘Village District’ zoning district and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to a new “Village District” zoning district for property located along Hadley and College Streets, Map 47 Parcel 64 & 65; and Map 49 Parcels 63, 64, 68, 85 & 86. The parcel subject to this petition is a 7.810+/- acre parcel known as the Village Commons, owned by the Center Redevelopment Corporation. At the Planning Board’s January 13, 2025 meeting, the Board endorsed an ANR plan to combine the eight parcels that encompass the Village Commons development into one parcel (recorded Hampshire County Registry of Deeds Plan Book 257 Page 77, 1/24/25). The proposed zoning bylaw and map amendments would apply to the one newly combined parcel. (Note, the ANR plan is not yet reflected in the South Hadley Assessor’s maps. Updates to digital mapping occur annually and have not been completed for these parcels.)

The petitioner has not submitted any specific development plans related to the proposed zoning bylaw and map amendments but rather has stated that they have identified issues and limitations on future mixed-use development of the property due to the existing assortment of zoning districts which imposes significant challenges for a coordinated approach for future development. The proposed amendments are as follows:

- 255-11 Establishment of districts – New Village District Zoning District (Mixed-Use)
- Chapter 255, Attachment 1 Use Regulations Schedule – Indicate uses that are permitted/prohibited
- Chapter 255, Attachment 2 Dimensional Regulations Schedule – Insert dimensional standards for the lot, and principal and accessory structures
- Chapter 255, Article VII Supplemental District Regulations – Insert new 255-52 Village District regulations
- Zoning Map – Change the zoning on the subject parcel from Business A-1, Residence A-2, and Residence A-1 to the proposed “Village District”

A. Zoning Bylaw Amendment – Village District Zoning District (Mixed-Use)

The purpose of the proposed Village District is “to encourage mixed-use development characterized by a mix of office, retail, entertainment, and residential uses consistent with the traditional scale, density, design, and mix of uses that characterize South Hadley’s historic village centers in a manner that is pedestrian-friendly through high quality site planning, architecture, and landscape design.” Proposed allowable uses are residential, some commercial, and open space, as indicated in the table below. All other uses would be prohibited.

Table 1 Proposed Village District Allowed Uses

Residential Uses – only permitted as part of mixed-use development	
Two-family dwellings (new)	Site Plan Review
Three-family dwellings	Site Plan Review
Multifamily dwellings for more than three families	Site Plan Review
Open Space Uses	
Agricultural, horticultural, or floricultural uses exempt under MGL Chapter 40A, Section 3 (5 acres or more)	Yes
Add footnote for Use category	This restriction regarding “Agricultural, horticultural, or floricultural uses” is not to be interpreted as a prohibition on temporary, special events which may include agricultural related activities such as, but not limited to, farmers markets or outdoor concerts. Such other temporary events may be permitted in accordance with the approved Mixed-Use plan and applicable Bylaws, statutes, and regulations.
Public and Institutional Uses – only permitted as part of a mixed-use development	
Town buildings	Site Plan Review
Public and private nonprofit educational institutions	Site Plan Review
Structures used for religious purposes	Site Plan Review
Federal and state government buildings	Site Plan Review
Public playgrounds and parks	Site Plan Review
Clubs, lodges, social and community center buildings	Site Plan Review
Hospitals, sanitariums, and charitable services	Site Plan Review
Business Uses - only permitted as part of a mixed-use development	
Retail sales	Site Plan Review
Personal, business and professional services	Site Plan Review
Open-air parking for 25 vehicles or fewer	Site Plan Review
Public parking areas and garages (unrestricted capacity)	Site Plan Review
Offices	Site Plan Review
Motels-Hotels	Site Plan Review
Restaurants	Site Plan Review
Other Uses - only permitted as part of a mixed-use development	
Accessory uses to permitted principal uses, as provided in Article VII Other earth removal, extraction, and/or fill activities	Site Plan Review

Dimensional Standards

The proposed dimensional standards have been developed based on the unique site conditions of the Village Commons parcel. They also reflect a combination of dimensional standards that currently exist in the Business A, Business B, and Business C Districts.

Table 2 Proposed Village District (VD) Dimensional Standards

Zoning District - Requirement	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Minimum Yard Setback (feet)			Maximum Height	
					Front	Side	Rear	Stories	Feet
Village Commons Zoning District									
Basic requirements:									
- Principal uses	87,120/a	50	75/a/b	85%/a/b	0/a	6/a	5/a	4/5/a	65/a
- Accessory uses/a	None	None	25/a/b	95%/a/b	0/a	6/a	5/a	4/5/a	65/a

Footnote a – In accordance with the provisions of 255-52 (proposed Village District Zoning Bylaw).

Footnote b – Total building coverage of principal and accessory uses shall not exceed the principal use coverage.

Village District Summary

- Maximum height not to exceed 5 stories, plus a drive under parking area and rooftop mechanicals;
- Buildings w/in 150’of Route 116 shall not exceed 4 stories;
- Max density – Minimum of 3,000 square feet of land area per dwelling unit plus 300 square feet per bedroom;
- No residential dwellings on first floor of buildings fronting Route 116;
- Parking must conform to 255-86 Off-street Parking standards; shared parking with commercial spaces may be allowable;
- Planning Board may adopt Mandatory Design Standards for the Village District
- Planning Board may adopt suggestive design guidelines.
- Design Principles for Village District mixed-use developments:
 - Promote family-friendly walkable village center that predominantly serves local residents and visitors while accommodating all street users;
 - Pedestrian access and safety by encouraging design strategies to reduce conflicts between drivers and pedestrians;
 - Reduce negative impacts on the natural environment from stormwater overflow and lighting glare or overspill;
 - Support a consistent level of design for a complementary mix of uses within the Village District;
 - The public realm should be characterized by street trees, street furniture, sidewalks with ample width for diverse users, and attractive furnishings and infrastructure;
 - Architectural design shall be compatible with the character and scale of buildings in the Town’s traditional village centers. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings. The Planning Board may take into consideration whether exterior building facades and materials are

consistent with South Hadley's character. The Planning Board may consider whether the roofline is peaked or is otherwise consistent with the Town's character.

Relationship to Master Plan

The Master Plan identifies the area centered around the Village Commons as a commercial node or center of activity. The priorities for this subarea area:

- Increase economic development opportunities for small-scale businesses in the area centered on the Village Commons and Mount Holyoke College at Route 47 and Route 116.
- Increase the variety of housing choices between the neighborhood core and periphery. Housing options should meet a wide range of needs for affordability, household sizes, life-stages, and the ability to age in place within the community.
- Enhance and expand open spaces on the periphery of the neighborhood, such as a small park, a community garden, a playground, a dog park, or recreational/sports facilities.

Zoning in the Area

The subject parcel currently consists of three zoning districts: Residence A-1, Residence A-2 and Business A. The subject parcel is bordered by several zoning districts as follows:

North, across the street on Hadley Street	Residence A-2, Business A and Business A-1
East, across the street on College and Woodbridge Streets	Residence A-1 and Residence A-2
South	Residence A-1 and Residence A-2
West	Residence A-1 and Residence A-2

The petitioner has chosen to create a new zoning district (Village District) rather than try to convert the entire parcel to one of the existing districts. There are numerous uses allowed in the Business A and Business A-1 zoning districts that the petitioner is not interested in allowing including gas stations and other automotive uses and wholesale sales and warehousing.



— PROPERTYLINE	— Travel Way	— Right of Ways	■ Residence A-2
— P WATER	— Water Lines	■ Business A	■ Residence B
— ROAD	■ Buildings	■ Business A-1	
— HOOK		■ Residence A-1	

Image 1 Village Commons Mixed-Use Buildings at Upper Parking Lot



Image 2 Upper and Lower Parking Lots

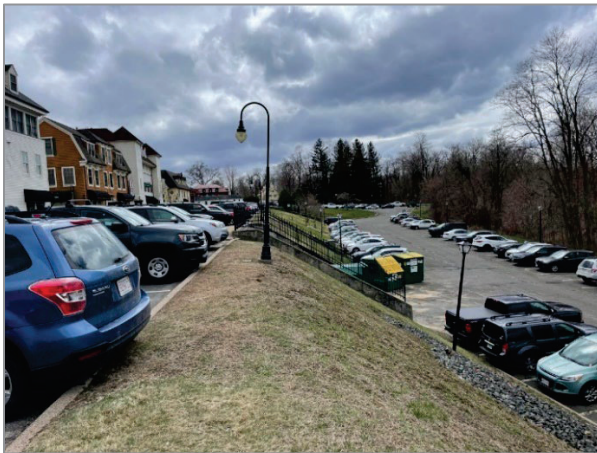


Image 3 View from Lower Parking Lot to Upper Parking Lot and Mixed-Use Buildings



B. Zoning Map Amendment

The Zoning Map amendment would be to change the zoning on the subject parcel from Business A-1, Residence A-2, and Residence A-1 to the proposed “Village District”.

PUBLIC HEARING DISCUSSION:

After a presentation by the Center Redevelopment Corporation CEO and the corporation’s representatives, Planning Board members asked for further clarification on the proposed dimensional and density standards. The petitioner stated that they had been working with a design team and based on that professional analysis and understanding of market conditions for both construction as well as rental housing and retail, the proposed standards would allow them to build a development with around 9 to 13 housing units per acre depending on the number of bedrooms in the units. Member Hutchison asked if they had considered seeking allowance for greater housing density and expressed concerns that given construction costs associated with State Building Code standards, they might need more units, upwards of 20 units per acre, for a financially viable project.

The Board discussed a process for the Board to develop the proposed Design Standards and Guidelines with the applicant and there was no desire to establish a moratorium on development until such was adopted. Questions about the specific location and design of future developments were posed by the board and members of the public, however the applicant stated they would not be developing detailed plans until a zoning framework was adopted that they could definitely design for. Images of the site were shared on a screen to show the extent of the lower parking lot and potential areas for new buildings, including along Route 47/Hadley Street and the southwest corner of the parking lot at the rear of the site.

Comments and questions from the public included the proposed maximum height of buildings, parking and traffic impacts on Route 47/Hadley Street and Route 116/College Street, and long-term management of the property. The petitioner discussed the significant grade change on the site, dropping approximately 60’ from College Street on the eastern boundary to the rear of the site at the western edge of the lower parking lot. The site is very unique both due to this grade change and the existing buildings on the Village Commons campus are currently three and four-story buildings. The property is managed by an onsite company – Center Redevelopment Corporation – and would continue to be so for future development.

Several members of the public spoke in favor of the proposed new zoning and expansion of the Village Commons.

RECOMMENDATION:

The Planning Board, during the public hearing held at their meeting on April 22, 2025, voted to recommend to Town Meeting adoption of the proposed Zoning Bylaw and Zoning Map amendments, by a vote of five (5) out of five (5) members in favor (D. Mulvaney, N. Therien, B. Hutchison, R. Watchilla, R. Szklarz).

ATTACHMENTS:

- Attachment - Zoning Amendment Petition Request
- Attachment A - Proposed Village District with Existing Zoning
- Attachment B - Description of boundaries of Proposed Village District Zoning District & ANR Plan
- Attachment C – Proposed Zoning Bylaw and Zoning Map Amendment: Proposed Village District Zoning Bylaw, Rev 2025-04-22
- Attachment D - Public Hearing Minutes, April 22, 2025

Attachment: Zoning Amendment Petition Request



March 12, 2025

Ms. Andrea Miles, Chair
South Hadley Selectboard and
Ms. Lisa Wong, Town Administrator
116 Main Street, Room M18
South Hadley, MA 01075

Dear Ms. Miles and Ms. Wong,

The Village Commons has been a partner with and an asset for the Town of South Hadley for thirty-eight (38) years. We enjoy and value the working relationship with our partners. As our Village ages and market trends evolve, it's only natural that we will all experience headwinds and growth together. In preparation for the future and in hopes of maintaining exceptional mixed-use occupancy rates, relationships and opportunities, the entities must plan for those market trends and sustainability.

As we have always, the Center Redevelopment Corporation ("the Corporation") is planning for the future. To this end, we have engaged with architects, engineers, and planning consultants to assist as it prepares for the next 3 decades. Earlier this year the Corporation consolidated its multiple parcels into a single parcel as a first step in putting this planning into action.

We have identified some issues with the current myriads of zoning districts and their associated different limitations and opportunities – often times at conflict with one another in the context of a mixed-use development such as The Village Commons. Accordingly, the Corporation has prepared an approach to zoning which will provide a coordinated framework for The Village Commons as we move forward, which can also be used for similar developments of different scales where appropriate.

Therefore, pursuant to Massachusetts General Laws Chapter 40A, Section 5 and § 255-6 of the South Hadley Zoning Bylaw, the Corporation requests that the Town consider amending the South Hadley Zoning Bylaw and Zoning Map as detailed in the attached Zoning Bylaw and Map Amendment. This request relates to the below described parcel currently zoned Business A-1, Residence A-2, and Residence A-1 zoning districts. Massachusetts General Laws Chapter 40A, Section allows "an individual owning land to be affected by" enactment of a proposed zoning bylaw amendment to initiate proposals for adoption of an amendment to the Zoning Bylaw.

The Corporation affirms that it owns the subject property described below and that I, Jeffrey Labrecque as Chief Executive Officer am empowered to represent the Corporation in this matter.

The subject property is a 7.810+/- acre parcel (see Attachment A) generally referenced as “The Village Commons” and depicted on the attached ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) and more particularly described as follows:

- Bounded on the east by Hadley Street (Route 47)
- On the south by “College Street” for approximately 389 feet;
- On the south and west by parcels owned by Mount Holyoke College and depicted on Parcels 85 and 86 on Assessors Map 49 and Parcel 65 as depicted on Assessors Map 47; and,
- On the north by Parcel 64 as depicted on Assessors Map 47 and Parcels 63, 64, and 68 as depicted on Assessors Map 49.

A further description is provided in Attachment B.

This request is to amend the Zoning Bylaw (in § 255-11, Article VII, Attachment 1, and Attachment 2) to create a new zoning district – “Village District” and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to the new “Village District” zoning district. The details of the proposed amendment are provided in Attachment C.

I respectfully request that this petition be incorporated into the May 2025 Annual Town Meeting Warrant and be processed accordingly.

I understand and acknowledge that § 255-6 of the South Hadley Zoning Bylaw provides that I, as the petitioner, am responsible for payment of the cost of notice of the public hearing. Accordingly, please have the newspaper in which the notice is published forward the bill to me.

I look forward to participating in the public hearing process upon your referral of this request to the Planning Board. If you or the Planning Department have any questions, please feel free to reach out to me at 413-532-3600 or via email jlabrecque@thevillagecommons.com



Thank you for your consideration.

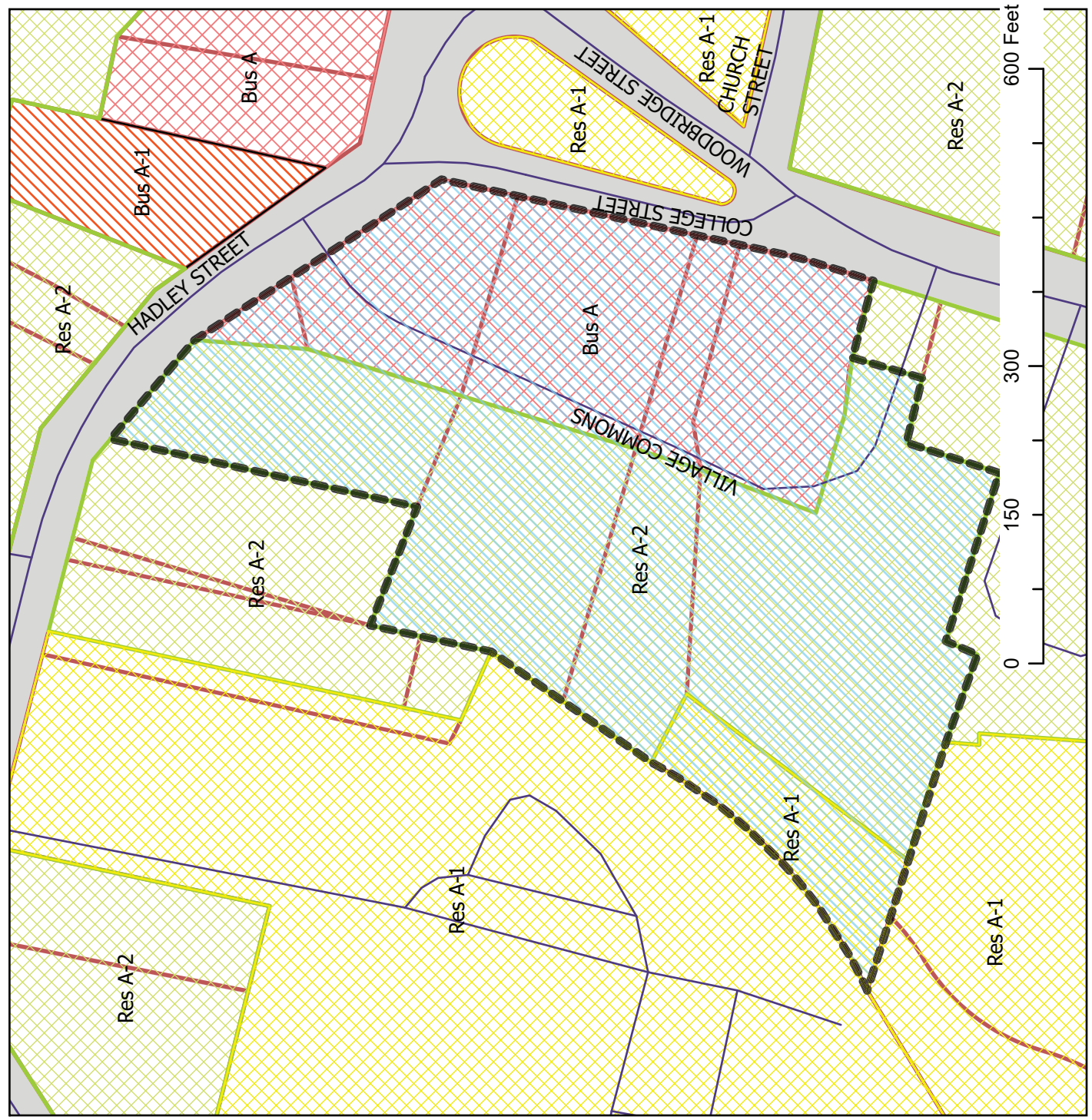
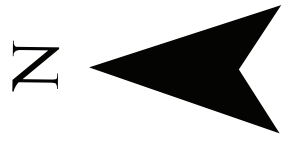


Jeffrey Labrecque, Chief Operating Officer
Center Redevelopment Corporation

Attachment A Proposed Village District with Existing Zoning

Legend

-  Proposed Village District
-  Res A-1
-  Bus A
-  Res A-2
-  Bus A-1
-  Res B



Attachment B

Description of Boundaries of Proposed Village District Zoning District

- Beginning at a point at the intersection of Hadley Street (aka Route 47) and “College Street” run westerly along said “College Street” approximately 389 +/- feet;
- Thence, north 79.93 feet;
- Thence, west 101.05 feet;
- Thence, north 63.40 feet;
- Thence, west 102.95 feet;
- Thence, north 174.95 feet;
- Thence, west 40.78 feet;
- Thence, north 208.94 feet;
- Thence, west 23.14 feet;
- Thence, north 75.38 feet to a point in the center of a stream which is also a point on the southerly line of Parcel #64 as depicted on Assessors Map #47;
- Thence, easterly along the southerly line of said Parcel #64 to a point at the southwest corner of Parcel #68 as depicted on Assessors Map #49 (approximately 340 +/- feet);
- Thence, continuing easterly along the southerly lines of Parcels #68 and #64 as depicted on Assessors Map #49 (approximately 199 +/- feet);
- Thence, south along the west line of Parcel #63 as depicted on Assessors Map #49 (approximately 119 +/- feet);
- Thence, easterly along the south line of said Parcel #63 to a point on the right of line of Hadley Street (Route 47) (approximately 308 +/- feet);
- Thence, continuing easterly along the right of way line of Hadley Street (Route 47) (approximately 427 +/- feet) to the Point of Beginning.

NOTE: In the event of any conflict with or deviation from the ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) said ANR plan dimensions and courses are to be read as correct and shall apply.

Attachment C
Proposed Zoning Bylaw and Zoning Map Amendment REV 2025-04-22

To see if Town Meeting will vote to amend Chapter 255 Zoning Bylaw including the Zoning Map as follows:

1. In § 255-11 “Establishment of districts.” Insert a new district as follows:

Village District (“VD”) Zoning District (Mixed-Use). The purpose of this district is to encourage mixed-use development characterized by a mix of office, retail, entertainment, and residential uses consistent with the traditional scale, density, design, and mix of uses that characterize South Hadley’s historic village centers in a manner that is pedestrian-friendly through high-quality site planning, architecture, and landscape design.

2. In Attachment 1, Use Regulations Schedule by inserting the Village District (VD) and indicate the uses which are permitted/prohibited as follows:

- a) In the “Residential Uses” category, indicate that only the following uses are permitted:

- 1) Two-family dwellings (new)
- 2) Three-family dwellings
- 3) Multifamily dwellings for more than three families/g

- b) In the “Residential Uses” category, indicate that all other uses are prohibited.

- c) In the “Residential Uses” category, insert the following footnote:

Allowed residential uses are only permitted by Site Plan Review and as part of a Mixed-Use development or as a proposed addition to an existing "Mixed Use Development" as detailed in § 255-52.

- d) In the “Open Space Uses” category, indicate that only “Agricultural, horticultural, or floricultural uses” exempt under MGL Chapter 40A, Section 3 are permitted.

- e) In the “Open Space Uses” category, insert the following footnote:

This restriction regarding “Agricultural, horticultural, or floricultural uses” is not to be interpreted as a prohibition on temporary, special events which may include agricultural related activities such as, but not limited to, farmers markets or outdoor concerts. Such other temporary events may be permitted in

Attachment C

accordance with the approved Mixed-Use plan and applicable Bylaws, statutes, and regulations.

- f) In the “Public and Institutional Uses” category indicate the following uses are permitted by Site Plan Review:
 - 1) Town buildings
 - 2) Public and private nonprofit educational institutions/d/f
 - 3) Structures used for religious purposes/e/f
 - 4) Federal and state government buildings
 - 5) Public playgrounds and parks
 - 6) Clubs, lodges, social and community center buildings
 - 7) Hospitals, sanitariums, and charitable services

- g) In the “Public and Institutional Uses” category, note that the allowed uses are only permitted by Site Plan Review.

- h) In the “Public and Institutional Uses” category, insert the following footnote:

Allowed uses are only permitted as part of a Mixed-Use development as detailed in § 255-52 unless they are exempt under MGL Chapter 40A, Section 3.

- i) In the “Business Uses” category, insert the use “Indoor Theater” and “Financial Institution including or separate ATM”

- j) In the “Business Uses” category indicate the following uses are permitted by Site Plan Review:
 - 1) Retail sales
 - 2) Personal, business, and professional services
 - 3) Open-air parking for 25 vehicles or fewer/d
 - 4) Public parking areas and garages (unrestricted capacity)
 - 5) Offices
 - 6) Motels – hotels
 - 7) Restaurants

- k) In the “Business Uses” category, indicate that all other uses are prohibited.

- l) In the “Business Uses” category, insert the following footnote:

Attachment C

Allowed uses are only permitted by Site Plan Review and as part of a Mixed-Use development as detailed in § 255-52.

- m) In the “Industrial Uses” category indicate that all listed uses are prohibited.
- n) In the “Other Uses” category, indicate that only the following uses are permitted By Site Plan Review:

Accessory uses to permitted principal uses, as provided in Article VII Other earth removal, extraction, and/or fill activities/b

- o) In the “Other Uses” category, indicate that all other uses are prohibited.
- p) In the “Other Uses” category, insert the following footnote:

Allowed uses are only permitted if consistent with the Mixed-Use Development’s approved Site Plan as detailed in § 255-52.

- 3. In Attachment 2, Dimensional Regulations Schedule for Buildings and Structures by inserting the following table for Village District (VC) specifying the following Basic requirements for Principal Uses and Accessory Uses including the associated footnotes

Zoning District - Requirement	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Minimum Yard Setback (feet)			Maximum Height	
					Front	Side	Rear	Stories	Feet
Village Commons Zoning District									
Basic requirements:									
- Principal uses	87,120/a	50	75/a/b	85%/a/b	0/a	6/a	5/a	4/5/a	65/a
- Accessory uses/a	None	None	25/a/b	95%/a/b	0/a	6/a	5/a	4/5/a	65/a

NOTES:

- a. In accordance with the provisions of § 255-52.
- b. Total building coverage of principal and accessory uses shall not exceed the principal use coverage.

Attachment C

4. In Article VII Supplemental District Regulations”, insert a new §255-52 “Village District” to read as follows:

A. Purpose

The purpose of this district is to encourage mixed-use development characterized by a mix of office, retail, entertainment, and residential uses consistent with the traditional scale, density, design, and mix of uses that characterize South Hadley's historic village centers in a manner that is pedestrian-friendly through high-quality site planning, architecture, and landscape design.

B. Uses permitted. Uses permitted Village Common District are as listed in Attachment 1, Use Regulations Schedule.

C. Dimensional requirements. Dimensional requirements are as listed in Attachment 2, Dimensional Regulations Schedule for Buildings and Structures as supplemented and clarified upon in this § 255-52.

(1) Building Heights

- (a) The Maximum building height as provided in Attachment 2 is not to exceed 5 stories as provided below. The variable maximum height provided in Attachment 2 is permitted to reflect the variation in ground elevation and elevation of Route 116 relative to the Village District.
- (b) The variable story height limitation is to be interpreted and administered as follows:

[1] Portions of buildings occupied by dwelling units or business uses shall not exceed 5 stories. However,

[a] One story providing drive under parking and/or enclosure of building support equipment may also be provided.

[b] To enhance the aesthetic appearance of the building and/or to better enable use of the roof for solar energy collecting/generating operation, use of an enclosed “story” exclusively or primarily for housing of mechanical equipment or other facilities necessary for the building’s operation shall not be counted as one of the permitted “stories”.

[2] No building or portion thereof lying within 150 feet of Route 116 shall exceed 4 stories, except as provided in 255-52C(1)(b)[3] below.

[3] Where a building is located on grades which diminish as the site gets further away from Route 116, the building height may vary with the portion further away and not visible from Route 116 being allowed to be one story higher than the portion of the building nearest Route 116 up to the maximum height (in feet) as provided in Attachment 2.

[4] To accommodate screening of rooftop uses and equipment, measurement of building height shall not include such screening elements.

Attachment C

- D. Site Plan Review. Development in the Village District is subject to Site Plan Review as provided in Article XII of this Zoning Bylaw and as further modified herein.
- (1) Design Review is to be incorporated into the Site Plan Review process, so the integration of the uses and design are collectively reviewed. Design Review is the process of reviewing the architectural and site plans to determine if the project is consistent with the provisions of § 255-52 J. Design Standards and any Mandatory Design Standards and Advisory Design Guidelines adopted pursuant to said § 255-52 J.
 - (2) Once Site Plan is approved and the buildings are constructed to completion and occupancy permits have been issued, further site plan review for location of individual uses within an approved building space is not required; provided the development maintains compliance with the approved site plan and this §255-52.
 - (a) Exception. Conversion of Business Use space to a Residential Use space will require Site Plan Review.
 - (b) The Planning Board may, in their Site Plan Review Rules and Regulations provide that any “post-approval” Site Plan Reviews will be processed as “Minor Site Plan Review”.
- E. Residential Development
- (1) Dwelling units are permitted only as an integral part of a mixed-use development. The dwelling units may be provided either in a mixed-use building or a separate “residential only” building in accordance with this § 255-52.
 - (2) Density. The maximum number of dwelling units permitted shall be determined as follows:
 - (a) A minimum of 3,000 square feet of land area for each dwelling unit located thereon plus 300 square feet of land area per bedroom in each dwelling unit.
 - (b) Given the integrated design and nature of the multi-use development, calculation of the allowed number of dwelling units shall consider the entire mixed-use development site.
 - (3) Placement of dwellings. No dwelling units are to be located on first floor of any building fronting on Route 116.
 - (a) Waiver Permitted. The Planning Board may grant a waiver from this provision if the finished grade declines from the front of the building to the rear of the building by an amount of no less than eight (8) feet. In such an event, the Planning Board may permit dwelling units on the ground floor of this building provided it is located to the rear of the building and the entrance is not visible from Route 116.

Attachment C

- (4) No entrance to a building or dwelling shall be greater than 100 feet from an access street or drive, or greater than 200 feet from an off-street parking area which shall be located on the same lot or tract of land.

F. Minimum Development Site

- (1) The minimum parcel size for development in the Village District must be sufficient for a mixed-used building. Therefore, the minimum parcel size in the Village District is 87,120 square feet.
- (2) This minimum parcel size does not apply to a “lease pad” which may be used for placement of equipment or “minor” facilities (such as, an ATM, walk up kiosk, etc.).

G. Mixed Use Development

- (1) The Village District is intended to accommodate the incorporation of buildings with an internal mix of businesses and residences as well as free standing buildings which are exclusive to business or residential uses on a single parcel. However, the intent of the Village District is to have development in which varied uses are integrated together and are mutually supportive. Applicants for Site Plan Review/Design Standards Review must demonstrate how the mixture of uses supports the Village District purpose.
 - (a) Buildings with no residential occupancy must be developed and operated in common with other mixed-used and residential-only buildings in accordance with an approved site plan and management plan.
 - (b) A schedule for development of the mixed uses is to be provided as part of the Site Plan Review submission and incorporated into the Planning Board decision.
 - (c) Infrastructure is to be provided which interconnects all of the buildings and uses areas on the development site.
 - (d) There is not a mandated ratio of residential to business square footage in the Village District; however, the Planning Board may incorporate advisory guidelines regarding such ratios into their Rules and Regulations based on robust objective research and public involvement.

H. Parking

- (1) All developments must conform to the requirements for off-street parking and loading areas as specified in § 255-86 of this Zoning Bylaw.
- (2) Shared Parking. Consistent with the nature of New England village centers, the purposes of this § 255-52, and § 255-86, parking provisions for mixed-use developments in the Village District are encouraged to incorporate shared-parking arrangements between uses and entities. Strict application of the “provisional standards” for each use is not appropriate. Applicants for mixed-use developments shall sufficiently demonstrate that the quantity and layout of the parking plan for the proposed development is appropriate.

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- (3) Parking needs for the residential dwelling units may be partially satisfied by the parking provided for the commercial building space if the Planning Board determines that the shared parking will be sufficient to meet the needs of the residential and commercial uses.

I. Signs

- (1) Except as provided herein, all signs are to conform to the signage requirements as specified in § 255-85 of this Zoning Bylaw.
 - (a) Exception. As part of the Site Plan Review/Design Standards Review for a mixed-use development, applicants may submit, and the Planning Board may approve a comprehensive signage plan which ensures that signage is context sensitive to the proposed development. Applicants must demonstrate to the Planning Board's satisfaction that the variations from 255-85 are supported by the proposed designs and are in keeping with the purpose of the Village District.

J. Design Standards

- (1) Overview and Authorization
 - (a) The Village District is intended to be developed in an architectural and integrated style compatible with the Village Commons as it exists in 2025. This site has variable grades associated with decreasing elevations as the site departs the Route 116 roadway westerly. Recognizing the intent of the District and the existing conditions, consideration of design during the plan review process is essential.
 - (b) The Planning Board may adopt and amend, by simple majority vote, Mandatory Design Standards which shall be applicable to all Projects.
 - (c) Mandatory Design Standards must be objective and not subjective, clear but sufficiently flexible to address the needs of the project, the community, and the neighborhood consistent with the Purpose of the Village District, and may only address:
 - [1] Scale and proportions of buildings;
 - [2] Alignment, width, and grade of accessways, drives, and sidewalks;
 - [3] Type and location of publicly maintained infrastructure;
 - [4] Location of building and garage entrances, off-street parking;
 - [5] Protection of significant natural site features;
 - [6] Location and design of on-site open spaces and landscaping,
 - [7] Exterior signs; and
 - [8] Screening and Buffering in relation to adjacent properties and roadways.
 - (d) Design Standards must address the topics in the context of the purpose of the Village District.
 - (e) Advisory Design Guidelines. The Planning Board may adopt suggestive design guidelines which amplify, clarify aspects of this § 255-52J and

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address issues which the Planning Board determines are essential to achieving the purpose of the district but are not adequately addressed within § 255-52.

(2) Design Principles

- (a) Promote family-friendly walkable village center that predominantly serves local residents and visitors while accommodating all street users;
 - (b) Pedestrian access and safety by encouraging design strategies to reduce conflicts between drivers and pedestrians;
 - (c) Reduce negative impacts on the natural environment from stormwater overflow and lighting glare or overspill;
 - (d) Support a consistent level of design for a complementary mix of uses within the Village District;
 - (e) The public realm should be characterized by street trees, street furniture, sidewalks with ample width for diverse users, and attractive furnishings and infrastructure;
 - (f) Architectural design shall be compatible with the character and scale of buildings in the Town's traditional village centers. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings. The Planning Board may take into consideration whether exterior building facades and materials are consistent with South Hadley's character. The Planning Board may consider whether the roofline is peaked or is otherwise consistent with the Town's character.
5. On the "Zoning Map" incorporated into the Zoning Bylaw by § 255-12, change the zoning on the following parcel from Business A-1, Residence A-2, and Residence A-1 to the "Village District" zoning district:

A 7.810+/- acre parcel (see Attachment A) generally referenced as "The Village Commons" and depicted on the attached ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257) and more particularly described as follows:

- Bounded on the east by Hadley Street (Route 47)
- On the south by "College Street" for approximately 389 feet;
- On the south and west by parcels owned by Mount Holyoke College and depicted on Parcels 85 and 86 on Assessors

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Map 49 and Parcel 65 as depicted on Assessors Map 47;
and,

- On the north by Parcel 64 as depicted on Assessors Map 47 and Parcels 63, 64, and 68 as depicted on Assessors Map 49.

ATTACHMENT D

SOUTH HADLEY PLANNING BOARD HYBRID PUBLIC HEARING:

Petition filed by the Center Redevelopment Corporation to amend the South Hadley Zoning Bylaw to create a new 'Village District' zoning district and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to the new "Village District" zoning district for property located along Hadley and College Streets; Map 47 Parcel 73, and Map 49 Parcel 60, 61, 62, 69, 83, 84, 90

MEETING MINUTES OF APRIL 22, 2025

Present: Diane Mulvaney (in-person), Chair; Nate Therien (in-person) ; Vice-Chair; Brad Hutchison (in-person), Clerk; Rob Watchilla (virtual), Member; Bob Sklarz (in-person), Member; John Parentu (in-person), Associate Member; Anne Capra (in-person), Director of Planning and Conservation; Colleen Canning (in-person), Planning/Conservation Coordinator

In-person location: South Hadley Senior Center, 45 Dayton Street, South Hadley MA

Virtual location: Zoom Webinar

4 attendees were present virtually as indicated in the Zoom attendance report (attached) and 9 attendees were present in-person.

Prior to opening the public hearing, Chair Mulvaney and Clerk Hutchison both shared that disclosures with the Town Clerk had been filed regarding review of this zoning petition as both their employers had professional relationships with the petitioner and/or the petitioner's attorney. However, neither of their professional roles were directly involved with the petitioner and both were capable of reviewing the petition and making an impartial recommendation.

Chair Mulvaney called the public hearing to order at 7:20 PM and Clerk Hutchison read the public hearing notice out loud as follows:

The South Hadley Planning Board will hold a public hearing on Tuesday April 22, 2025 at 6:30 p.m. to consider a petition by the Center Redevelopment Corporation to amend the Town of South Hadley Zoning Bylaw in § 255-11, Article VII, Attachment 1, and Attachment 2 to create a new zoning district – "Village District" and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to the new "Village District" zoning district.

The subject property is a 7.810+/- acre parcel generally referenced as "The Village Commons", depicted on the ANR Plan endorsed by the Planning Board at their January 13, 2025 meeting (and recorded in the Hampshire County Registry of Deeds on January 24, 2025 at Page 77 in Book 257), and more particularly described with boundaries as follows:

- *On the east by Hadley Street (Route 47)*
- *On the south by "College Street" for approximately 389 feet;*
- *On the south and west by parcels owned by Mount Holyoke College and depicted on Parcels 85 and 86 on Assessors Map 49 and Parcel 65 as depicted on Assessors Map 47; and,*
- *On the north by Parcel 64 as depicted on Assessors Map 47 and Parcels 63, 64, and 68 as depicted on Assessors Map 49.*

The public hearing will be held in the multipurpose room of the South Hadley Senior Center, 45 Dayton Street South Hadley MA 01075.

The materials relative to the petition are available on the Town's website at the following link: <https://www.southhadley.org/1477/Zoning-Amendment-Requests> Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office. Any person interested in, or wishing to be heard, should appear/join the hearing at the time and in the manner designated.

*Brad Hutchison, Clerk
South Hadley Planning Board*

*Publication: Friday, March 21, 2025
Friday, March 28, 2025*

The petitioner, the Center Redevelopment Corporation, was represented by the corporation's President and Chief Executive Officer, Jeff Labrecque, as well as their permitting attorney, Tom Reidy Esq. of Bacon Wilson P.C., and planning consultant, Richard Harris of 22 Hillcrest Park.

Jeff Labrecque explained that a petition had been filed to create a new zoning district, the 'Village District', and to change the zoning map to allow the current Village Commons property to adopt the new zoning designation. He explained that the Village Commons was initially developed in the 1980s, with subsequent expansions in later decades. The site's current various zoning districts; Business A-1, Residence A-2, and Residence A-1; and the site's complicated zoning permitting history created challenges with managing the Village Commons diverse business uses and planning for the future. The petition sought to implement corrective zoning measures to reflect the current use of the property and to streamline permitting processes. As the Board was aware, an Approval Not Required (ANR) plan had recently been endorsed which consolidated the site's various property parcels into one. These were all efforts to benefit the Village Common's current and future operations.

Tom Reidy added that none of the site's three present zoning districts captured the needs of the Village Commons. Creating a new zoning distinct, that appropriately captured the uses on site, would limit challenges that potential new tenants could face and allow for appropriate future planning.

Director Capra shared photographs of the site which demonstrated the grade change between the upper and lower parking lot areas. With the site's unique features and topography, different development options could be possible with adoption of the new zoning district.

Member Watchilla asked for more information on proposed dimensional and density standards. He noted that the Village Commons property was about 8 acres but the petition identified a site minimum of 2 acres. He considered if additional parcels could be eligible to adopt the proposed zoning in the future. Richard Harris responded that it would be possible for additional parcels to adopt the zoning through future Town Meeting action. This was an additional reason why the petition identified the creation of a new zoning district, rather than creation of an overlay district only including the Village Commons. The allowable density would be between nine and 13 units per acre, depending upon the number of bedrooms per dwelling unit. He added that the density was selected based upon underlying density allowed in the zoning bylaw. Clerk Hutchison asked if the petitioner envisioned downsides to including maximum allowable density. Richard Harris replied that, if no maximum density was provided, the onus to determine appropriate density

would be placed on the Board during application review. He added that development cost was expected to be feasible with the allowable density.

Member Sklarz asked what future development could look like under the new proposed zoning district. Richard Harris replied that, as no regulatory framework was in place, there were no parameters for which to develop a proposal at this time. Any concepts would only be hypothetical.

Vice-Chair Therien identified that previous zoning petitions included moratoriums on development to enable the Planning Board to develop design standards. Richard Harris stated that the petition did not include a moratorium but that did not preclude the Board from developing design guidelines. He added that design guidelines may not necessarily be beneficial given development standards provided in the petition and already existing site development.

Chair Mulvaney opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She expressed concern for potential new building heights and asked for more information about the heights of the current buildings. Jeff Lebrecque explained that, due to grade changes, the impression of height changed depending upon the vantage point. For example, a building would appear to be around 40 feet from College Street but around 60 feet from the rear upper parking lot. When considering the grade change from the upper to lower parking lot, the impression of building height was even less drastic. Martha Terry asked where potential future development could be sited. Jeff Lebrecque responded that hypothetical development plans at the southern corner of the site had been considered over previous decades, as well as along Hadley Street. However, no formal development plans were in place and he was mindful of concerns for building height and architectural harmony.

Dan Luis, Westbrook Road, addressed the Board. He supported new development at the Village Commons. He asked for more information on the current density and range of uses existing at the Village Commons. He also asked if future development would change the flow of traffic on site. Jeff Lebrecque responded that the Village Commons had around 70 tenants, around 19 of which were residential. New development was not anticipated to change the flow of traffic on site.

Joanna Brown, 25 Charon Terrance, addressed the Board. She understood that no particular development was being proposed at this time. However, she asked what hypothetical development the petitioner envisioned. Jeff Lebrecque responded that the Village Commons had considered different development options over the past decades but none came to fruition. In the early 2000s, development of 40 units at the southern corner of the site was considered, with the potential for underground parking, but the plan only remained a consideration. Any potential future development would depend upon density, height, and other related factors. He could hypothetically envision 20-30 units along Hadley Street but reiterated no formal plans had been made. Joanna Brown shared that the South Hadley was in need of deed restricted Affordable Housing and advocated for the petitioner to consider such when planning future development.

Ellen Hays, 19 Hadley Street, addressed the Board. She shared her experiences dealing with high levels of traffic at the intersection of Hadley and College Street. She was concerned that more dwelling units would lead to increased traffic and less available parking. She inquired how the potential new development would be managed. Jeff Lebrecque responded that the Village Commons was managed by the Center Redevelopment Corporation and any new development on site would also be managed by the same entity.

Linda Young, Precinct E, addressed the Board. She supported the proposal and saw the importance of development at the Village Commons. She advocated for transparency in the development process with Planning Board review of new development.

Member Wachilla considered if the design standards for the newly proposed Village District could be considered alongside the Board's current process for development of design standards for the Route 202/33 corridor. Director Capra responded that it could be considered but the Village Commons had a unique character that differed from the Route 202/33 corridor. Member Watchilla understood the challenge but recommended that, if design guidelines were considered, it would be beneficial for all design guidelines in a central document, rather than in various locations throughout the bylaw.

Vice-Chair Therien considered how future development within the Village Commons would balance the need for commercial and residential development. Jeff Lebrecque appreciated the consideration and shared how successful the Village Commons had been at retaining occupancy. He also shared that many long-term residential tenants were aging and existing units were not equipped with elevators. Understanding the needs of tenants, as well as the Town's need for housing, he was aware of housing importance.

Clerk Hutchison supported the proposal but thought the proposed density was low, with around 13 units allowable per acre being previously referenced. Richard Harris responded that the density proposed mirrored density already present in the zoning bylaw. If the Board were to consider zoning amendments in the future to increase allowable density, then amendments could also be considered for the 'Village District' zoning.

Director Capra identified that a revised 'Attachment C' had been submitted earlier in the day, April 22. The revisions included some language changes to offer greater clarity and removal of other language as to not create conflict with the current zoning bylaw.

Member Watchilla appreciated the revisions provided by the petitioner and supported the Board reviewing density standards within the current zoning bylaw and further considering how design guidelines across town could be consolidated or streamlined.

Motion: Vice-Chair Therien to recommend that the Town Meeting adopt amendments to the South Hadley Zoning Map and Zoning Bylaw as identified in the petition filed by the Center Redevelopment Corporation to amend the South Hadley Zoning Bylaw to create a new 'Village District' zoning district and amend the Zoning Map to change the zoning of the subject property from Business A-1, Residence A-2, and Residence A-1 to a new "Village District" zoning district for property located along Hadley and College Streets; Map 47 Parcel 73, and Map 49

Parcel 60 ,61, 62, 69, 83, 84, 90. Member Watchilla seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion through roll call vote.

Motion: Clerk Hutchison moved to adjourn the meeting. Member Sklarz seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion through roll call vote.

The regular meeting reconvened at 8:33 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zoom Attendance List	Attached
In person Attendance List	Attached
Zoning Map & Bylaw Amendment Petition – Village Commons, Hadley & College Streets	Planning Files
Zoning Map & Bylaw Amendment Petition – Village Commons, Hadley & College Streets – Attachment C Revision (2025.04.22)	Planning Files

Attendee Report

Report generated time 4/24/2025 13:55

Topic Webinar ID

Planning Board Special Hybrid 854 8574 4438

Meeting

Host Details

Attended

Yes

User Name (Original Name)

Colleen Canning# Staff (Town of

South Hadley 2)

Join Time

4/22/2025 18:11

Leave Time

4/22/2025 20:37

Actual Duration (minutes)

147

Unique Viewers

4

Total Users

17

Time in Session (minutes)

147

Panelist Details

Attended

Yes

User Name (Original Name)

Member Robert Szklarz

Join Time

4/22/2025 18:19

Leave Time

4/22/2025 20:37

Time in Session (minutes)

139

Yes

lindalyoung

4/22/2025 20:11

4/22/2025 20:13

2

Yes

Senior Center (Chris Tucker)

4/22/2025 18:28

4/22/2025 20:37

130

Yes

Member Rob Watchilla

4/22/2025 18:36

4/22/2025 18:38

3

Yes

Member Rob Watchilla

4/22/2025 18:39

4/22/2025 20:18

99

Yes

Member Rob Watchilla

4/22/2025 20:18

4/22/2025 20:37

20

Yes

Director Anne Capra

4/22/2025 18:20

4/22/2025 20:37

138

Yes

Daniel Pease

4/22/2025 18:42

4/22/2025 18:49

7

Yes

Daniel Pease

4/22/2025 18:53

4/22/2025 18:54

2

Yes

Chair Diane Mulvaney

4/22/2025 18:11

4/22/2025 20:37

147

Attendee Details

Attended

Yes

User Name (Original Name)

lindalyoung

Join Time

4/22/2025 18:24

Leave Time

4/22/2025 20:11

Time in Session (minutes)

108

Yes

lindalyoung

4/22/2025 20:13

4/22/2025 20:37

25

Yes

Susan Newton

4/22/2025 18:29

4/22/2025 18:51

22

Yes

Susan Newton

4/22/2025 19:03

4/22/2025 20:37

95

Yes

Mark Adams

4/22/2025 18:28

4/22/2025 19:21

54

Yes

Marie Rohan

4/22/2025 18:41

4/22/2025 18:43

2

Planning Board Meeting Attendance Sheet

Meeting Date: 9/22/25

Name	Address/Affiliation
Richard Harris	22 Hillcrest Park, SH Consultant for Applicants
BARRY MSPHEE	3 WOODBRIDGE ST.
Tom Reilly	Baron Wilson P.C. Atty for Applicant
Max Desjardins	310 Ashford Road
Danny Plyis	37 Westbury Rd
Charles Kalkton	143 Old Lyman Rd
Walter Hamilton	77 Hadley St
Ann Stockton	325 Hadley St
Joanne Brown	25 Charva Ter

Appendix D

Planning Board Report to Town Meeting Zoning Bylaw Amendment Chapter 255-50 Accessory Dwelling Units April 29, 2025

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined to insert various terms and their definitions, and amend the definition of Accessory Dwelling Unit; and, Chapter 255 Article VII Supplemental District Regulations by repealing subsection 255-50 Accessory Dwelling Units and inserting a replacement subsection 255-50 Accessory Dwelling Units, as further articulated in the Planning Board’s Report to Town Meeting (Appendix D), and change subsection 255-50 C(1) by adding “...failure to provide the required submittal requirements”, or take any other action relative there to.

PUBLIC HEARING: The Planning Board conducted a public hearing on these proposed amendments on March 24, 2025 (see Attachment A for the public hearing minutes).

REPORT:

Background

On August 6, 2024, Massachusetts passed the Affordable Homes Act (the Act) which among other provisions, allows for certain Accessory Dwelling Units (ADUs) across the state by-right. ADUs are intended to help address the local and statewide housing shortage by increasing housing stock through infill development with small housing units. Section 3 of Massachusetts’ Zoning enabling legislation (M.G.L. c.40A) was amended by Section 8 of Chapter 150 of the Acts of 2024 making certain ADUs a protected use under local zoning. Massachusetts further promulgated regulations under 760 CMR 71:00 Protected Use Accessory Dwelling Units further clarifying what reasonable restrictions could be imposed to effectively address legitimate municipal interests without significantly reducing or limiting how property owners can use their land or buildings for ADUs.

South Hadley’s Zoning Bylaw Chapter 255-50 is currently not in compliance with the new Regulations as promulgated under [760 CMR 71.00](#). In summary:

1. The Act amends M.G.L. c. 40A, § 3 to encourage the production of accessory dwelling units throughout the Commonwealth.
2. The Act establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment.
3. The Act explicitly prohibits municipalities from imposing owner-occupancy requirements of either the ADU or the principal dwelling and impose limitations on parking requirements in excess of that defined in 760 CMR 71.03(2)(b). *255-50 has an owner occupancy requirement that needs to be eliminated, and off street parking requirements in excess off allowable limits.*
4. Municipalities may impose reasonable restrictions and regulations but may not exceed the limitations set for dimensional standards required for principal dwellings or a single-family

residential dwelling or accessory structure in zoning districts where ADUs are permitted, which ever results in more permissive regulation. [760 CMR 71.03(3)(b)(2)]

255-50 has restrictions on the number of bedrooms, number of occupants, height limitations, and set back requirements. These restrictions are either not applicable to single-family dwellings or are more restrictive than what is allowed for single-family dwellings within zoning districts which permit single-family residential dwellings by-right.

5. ADUs are allowed by-right within or on lots with a Principal Dwelling in all zoning districts that allow single-family residential dwellings. 255-50 restricts ADUs to single-family principal dwellings only, whereas the Regulation expands this to other residential dwellings in zoning districts that allow single-family dwellings by-right.

Public Hearing Discussion

The Director of Planning and Conservation gave a presentation on the new Regulation 760 CMR 71.00: Protected Use Accessory Dwelling Units and offered recommendations for the repeal and replacement of Zoning Bylaw 255-50 (see Attachment A). The Executive Office of Housing and Livable Communities (EOHLC) had released additional guidance to municipalities on the Regulations since the Planning Board's last discussion about potential bylaw amendments at their meeting on February 24, 2025. Additionally, an earlier draft of a proposed amendment to 255-50 had been reviewed by the Attorney General's Office and they responded with comments stating that the provision restricting ADUs to single-family dwellings was not consistent with the Regulations and likely would not be approved. After reviewing all of this guidance, it was determined to be more prudent to put forth a full replacement of the bylaw to ensure compliance with the Regulations stated purpose that the use of land or structures for ADUs are protected from zoning restrictions while still honoring legitimate municipal interests.

Board members discussed how the dimensional standards for lot coverage would be calculated as well as how nonconforming lots and structures would be regulated. Board members discussed the Purposes section and agreed to "greater" density rather than "gentle" density as a stated purpose of allowing ADUs.

Public comments were received from two attendees. One inquired about how the floor area of an ADU would be calculated, and the other inquired if any lawsuits had been filed against the State regarding provisions of the Affordable Homes Act and whether the Town should wait to adopt the proposed amendments. Director Capra noted that the Town had been advised by their legal counsel to adopt bylaw amendments as soon as possible to remain in compliance with the state law and regulations. No other written or verbal comments were received.

Proposed Amendments

The proposed amendments are as follows:

- 1. Amend Section 255-10 Terms Defined of the South Hadley Zoning Bylaw by adding the following terms, and amending the following definitions:**

[New text underlined and highlighted; Deleted text ~~striketrough~~]

§ 255-10. Terms defined.

As used in this bylaw, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT (ADU) — (definition from MGL c.40A, § 1A)

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;
- ii) is not larger in **Gross Floor Area** floor area than 1/2 the **Gross Floor Area** floor area of the principal dwelling or 900 square feet, whichever is smaller; and
- iii) is subject to such additional restrictions as described herein.

BUS STATION – A location serving as a point of embarkation for any bus operated by a Transit Authority.

PROTECTED USE ADU - An attached or detached ADU that is located, or is proposed to be located, on a lot in a Single-Family Residential Zoning District and is protected by M.G.L. c.40A, §3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to the Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT – Any Zoning District where single-family residential dwellings are permitted or an allowable use, including any Zoning District where single-family residential dwellings are allowed as-of-right or by Special Permit.

TRANSIT STATION – A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

2. Repeal and replace Section 255-50 Accessory Dwelling Units of the South Hadley Zoning Bylaw with the following:

§ 255-50 Accessory Dwelling Units.

A. Purpose.

The purpose of this Section 255-50 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

- 1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
- 2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing greater density.
- 3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
- 4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

B. Definitions.

Refer to §255-10 Terms Defined, and 760 CMR 71.00. Any discrepancy between similar terms defined shall be resolved in favor of the definitions as contained in 760 CMR 71.00.

For the purposes of calculating allowable size of an accessory dwelling unit, **Gross Floor Area (GFA)** is defined as follows:

The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Gross Floor Area Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected ADU.

C. Regulations

For the purposes of this Section 255-50, the following regulations shall apply:

1. Procedural requirements.
 - a. Refer to Chapter 255, Attachment 1, Use Regulations Schedule, and Article XII, Site Plan Review for procedures for applications requiring Site Plan Review hereunder.
 - b. The Building Commissioner shall approve a building permit authorizing Protected Use ADU installation and use within or on a lot with a Principal Dwelling in a Single-Family Residential Zoning District, including within or on a lot with a preexisting nonconforming structure, if the dimensional standards and off-street parking standards listed herein are met.
 - c. For a proposed new detached accessory dwelling unit, Site Plan Review from the Planning Board is required, except that the Planning Board may not deny an application for Site Plan Review as set forth in Section 255-149(B)(2) herein but shall approve or approve with conditions but may only deny for failure to provide the required submittal requirements.
 - d. ADUs are not eligible for Short-Term Rentals, as defined by the Town of South Hadley.
2. Dimensional Standards and Code Compliance

A Protected Use ADU must meet the following standards:

 - a. Shall not be larger than the Gross Floor Area of 900 square feet or $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
 - b. Shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the State Building Code and Fire Code.
 - c. Construction shall be in conformity with the State Building Code, and 310 CMR 15.00 The State Environmental Code, Title V regulations, where not serviced by a public sewer.
 - d. On a lot with a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards, as defined in Dimensional Regulations Schedule, than those required for a single-family residential dwelling or accessory structure within the same zoning district, whichever results in more permissive regulation.
 - e. On a lot with a principal dwelling that is not a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards than those required for a single-family residential dwelling or accessory structure, as defined in Dimensional Regulations Schedule, within the same zoning district, whichever results in more permissive regulation.
3. Off-Street Parking Requirements
 - a. No more than one additional off-street parking space shall be required for a Protected Use ADU if the lot subject to the ADU is located outside of a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00; or,

- b. No additional on-street or off-street parking space shall be required for an ADU if any portion of the lot subject to the Protected Use ADU is located within a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00.
- 4. Per M.G.L. c.40A, to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the permit granting authority shall allow reasonable deviation from the stated conditions where necessary to install features and facilitate access and mobility for disabled persons.
- 5. Nonconformance
 - a. A Protected Use ADU shall be permitted within, or on a lot with a preexisting nonconforming structure so long as the Protected Use ADU can be developed in conformance with the State Building Code and 760 CMR 71.00.
 - b. A Protected Use ADU shall be exempt from any required finding under M.G. L. c.40A §6.
- 6. Administration and Enforcement
 - a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
 - b. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued the appropriate building permits. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained by the Board of Health and the proposed building and location thereof conform to the Town's bylaws. No building or ADU shall be occupied until a certificate of occupancy has been issued by the Building Commissioner, where required.
 - c. The Building Commissioner may issue a cease and desist order or enforcement order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

RECOMMENDATION:

The Planning Board, during the public hearing held at their March 24, 2025 meeting, voted to recommend to Town Meeting a full repeal and replace of Zoning Bylaw Chapter 255-50 Accessory Dwelling Units with the bylaw as contained herein, inclusive of amendments to Chapter 255-10 Terms Defined, by a vote of five (5) out of five (5) members in favor (D. Mulvaney, N. Therien, J. Brown, B. Hutchison, R. Watchilla).

ATTACHMENTS:

Attachment A: Public Hearing Minutes - March 24, 2025

SOUTH HADLEY PLANNING BOARD HYBRID PUBLIC HEARING:

Consideration for proposing articles to Town Meeting for the purpose of amending the Accessory Dwelling Unit (ADU) Zoning Bylaw (255-50) to conform to the Affordable Homes Act(H. 4977),legislation amending MGL Chapter40A Sections 1A and 3 to allow ADUs by-right
MEETING MINUTES OF MARCH 24, 2025

Present: Diane Mulvaney, Chair; Nate Therien; Vice-Chair; Joanna Brown, Clerk; Brad Hutchison, Member; Rob Watchilla, Member; John Parentu, Associate Member; Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

In-person location: South Hadley Senior Center, 45 Dayton Street, South Hadley MA

Virtual location: Zoom Webinar

9 attendees were present virtually as indicated in the Zoom attendance report (attached) and 10 attendees were present in-person.

Chair Mulvaney called the public hearing to order at 7:39 PM and Clerk Brown read the public hearing notice out loud as follows:

The South Hadley Planning Board will hold a hybrid public hearing on Monday, March 24 at 6:30 p.m. to discuss proposing articles to Town Meeting for the purpose of amending the Accessory Dwelling Unit (ADU) Zoning Bylaw (255-50) to conform to the Affordable Homes Act (H. 4977), legislation amending MGL Chapter 40A Sections 1A and 3 to allow ADUs by right. The public hearing will be held through hybrid format with in-person attendance to be located in the multipurpose room of the South Hadley Senior Center, 45 Dayton Street South Hadley MA 01075. Virtual attendance will be hosted through the log-in information below:

URL to join: <https://us02web.zoom.us/j/81902402093?pwd=tcbF0nKVarqb7Z3kqm3ItRAFua5U8U.1>

Or join by phone: +1 (305) 224 1968 Webinar ID: 819 0240 2093 Passcode: 075713

The current drafts of the proposed bylaws and any accompanying documentation can be found here: <https://www.southhadley.org/1318/ProposedDraft-Bylaws>.

Alternatively, hardcopies of the documents can be viewed at the Planning & Conservation Department Office (Room U6) in Town Hall. Any person interested in, or wishing to be heard, should appear/join the hearing at the time and in the manner designated. This meeting is being conducted consistent with Chapter 2 of the Acts of 2023 which extends the March 2020 Governor's Order suspending certain provisions of the Open Meeting Law MGL Ch. 30A Sec. 20 until March 31, 2025.

*Joanna Brown, Clerk
South Hadley Planning Board*

*Publication: Friday, February 28, 2025
Friday, March 7, 2025*

Director Capra explained that the Board had been discussing updates to the Town's current ADU (Accessory Dwelling Unit) Bylaw to conform to recent State requirements which now allow ADUs by right. These requirements went into effect in February and the EOHL (Executive Office of Housing and Livable Communities) has now provided new guidance to help municipalities establish and amend local bylaws to conform to the new requirements. The previous draft bylaw amendment discussed by the Board had been sent to Town Counsel and the

State Attorney General’s Office for review and comment. Based on the new information and guidance offered, Director Capra recommended the Town repeal the existing ADU Bylaw and replace it with the newly proposed language for Protected Use ADUs. She provided a slideshow (attached) which detailed the proposal.

Vice-Chair Therien inquired how lot coverage was calculated. Director Capra responded that the Protected Use ADU bylaw could not impose regulations more restrictive than that applied to accessory structures. Lot coverage was calculated based on the amount of structures on site, both principal and accessory. However, a Protected Use ADU could not be denied even if dimensional standards were not met under the new state requirements.

Clerk Brown inquired how nonconformities would be addressed given ADUs were exempt from satisfying dimensional requirements. Director Capra responded that the drafted bylaw modeled after the ELOHC regulations provided a section addressing nonconformities. The local zoning bylaw could either: 1) indicate that Protected Use ADU were exempt from a required finding typical of expansion/alteration of nonconformities; or 2) allow for the Board to make a finding through a process that could not deny the Protected Use ADU or require additional discretionary or special permitting. Director Capra found the process which allowed for a finding to be confusing and reductant and recommended that the bylaw proceed allowing for the exemption. Members indicated agreement and reference to allowing for a finding would be removed.

Members discussed the language of the bylaw. Member Watchilla observed that Protected Use ADUs would be allowed in any zoning district which allowed single-family homes by right. This could also mean that preexisting/nonconforming residential dwellings in districts not allowing single-family homes by right did not have the same access to Protected Use ADUs.

Clerk Brown addressed the language within the ‘purpose’ section of the bylaw which identified Protected Use ADUs as providing ‘gentle/hidden’ density. She recommended that the words ‘gentle/hidden’ be removed as that would not be everyone’s experience, particularly property abutters. Vice-Chair Therien thought the language was appropriate but was amenable to its removal. The language would be removed from the draft.

Chair Mulvaney opened the hearing to public comment.

Robert Sklarz, 566 Amherst Road, addressed the Board. He inquired about the calculation for Floor Area as the Protected Use ADU definition allowed basement area to be calculated. Member Watchilla responded that the definition better enabled small and mid-size homes to build Protected Use ADUs. As a Protected Use ADU could not be more than half the Floor Area of the Principal Dwelling, at a maximum of 900 sq. ft., allowing a Principal Dwelling’s basement to contribute to the calculation allowed for Protected Use ADUs to be sized at the maximum in more cases.

Susan Newton, Precinct B, addressed the Board. She asked if any lawsuits had been filed against the State relating to the Protected Use ADU mandates. Director Capra was not aware of any such lawsuits. Town Counsel had advised that the current ADU bylaw should be amended to conform to state law. Director Capra did note that some communities, more often in Eastern

Massachusetts, had challenged that State’s new MBTA (Massachusetts Bay Transit Authority) zoning requirements but those mandates had no impact on South Hadley.

Motion: Member Hutchison moved to make a recommendation to Town Meeting to repeal and replace the existing 255-50 ADU Zoning Bylaw with the ADU bylaw as discussed during the hearing inclusive of revisions as discussed. Member Watchilla seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call vote.

Motion: Member Watchilla moved to close the public hearing. Vice-Chair Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call vote.

The public hearing adjourned and the regular meeting reconvened at 8:25 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zoom Attendance List	Attached
In person Attendance List	Attached
Public Hearing Slideshow	Attached
Protected Use ADU Bylaw Draft	Attached

Attendee Report		4/10/2025 17:41		Max Concurrent Views	
Report Generated:		Webinar ID		Total Users	Views
Topic	Webinar ID	Actual Duration (minutes)	Unique Viewers	Total Users	Max Concurrent Views
Planning Board Hybrid Meeting	819 0240 2093	159	9	19	8
Host Details Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)	Is Guest
Yes	Anne Capra (Town of South Hadley 2)	3/24/2025 18:04	3/24/2025 20:42	159	Yes
Yes	Colleen Canning# Staff (Town of South Hadley 2)	3/24/2025 18:08	3/24/2025 20:42	155	Yes
Panelist Details Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)	Is Guest
Yes	SHCTV15 (Chris Tucker)	3/24/2025 18:07	3/24/2025 20:42	156	Yes
Yes	lindalyoung	3/24/2025 18:36	3/24/2025 18:38	2	Yes
Yes	Chair Diane Mulvaney	3/24/2025 18:04	3/24/2025 20:42	159	Yes
Yes	Martha Terry	3/24/2025 18:37	3/24/2025 18:39	2	Yes
Yes	Jennifer Gundersen	3/24/2025 18:57	3/24/2025 19:40	44	Yes
Attendee Details Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)	Is Guest
Yes	iPhone4132440932	3/24/2025 18:31	3/24/2025 19:40	70	Yes
Yes	Jm	3/24/2025 18:33	3/24/2025 19:08	36	Yes
Yes	Nads	3/24/2025 18:30	3/24/2025 19:43	74	Yes
Yes	lindalyoung	3/24/2025 18:28	3/24/2025 18:36	9	Yes
Yes	lindalyoung	3/24/2025 18:38	3/24/2025 20:42	125	Yes
Yes	AL	3/24/2025 18:30	3/24/2025 18:31	2	Yes
Yes	AL	3/24/2025 18:32	3/24/2025 19:51	79	Yes
Yes	14133888160	3/24/2025 18:49	3/24/2025 19:41	52	Yes
Yes	Martha Terry	3/24/2025 18:04	3/24/2025 18:37	34	Yes
Yes	Martha Terry	3/24/2025 18:39	3/24/2025 20:42	124	Yes
Yes	JD	3/24/2025 18:21	3/24/2025 18:30	10	Yes
Yes	Jennifer Gundersen	3/24/2025 18:29	3/24/2025 18:57	28	Yes

Planning Board Meeting Attendance Sheet

Meeting Date: 3/24/25

Name	Address/ Affiliation
Wendy Kelleher	1 Julia Way S.H.
Zoe Zeknes	Anthony's Dance Club
Tedd Marion	749 New Bedford Rd.
Paula Desrosiers	310 Amherst Road
Robert Sellars	566 Amherst Rd
Walter Hamilton	77 Hadley St
ANN STOCKER	325 Hadley Street
SUSAN NEWTON	25 Jewett Lane
Sandra Ziemski	Lynn Terrace

Accessory Dwelling Units Zoning Bylaw Chapter 255-50 Proposed Amendments

PUBLIC HEARING – PLANNING BOARD MEETING
MARCH 24, 2025

NEW State Law – Allows ADUs By Right

Affordable Homes Act St. 2024, c. 150, §8 – Effective 2/2/2025

Amends M.G.L. c. 40A, §3 to encourage production of Accessory Dwelling Units

ADUs are protected from zoning restrictions – Imposes Dover Amendment protections

Shall not prohibit, unreasonably restrict or require a special permit or other discretionary approval for a *Protected Use ADU* in a single-family residential zoning district

Protected Use Accessory Dwelling Unit (ADU)

NEW Regulation 760 CMR 71.00: Protected Use Accessory Dwelling Units

- An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, §3, provided that only one ADU on a lot may qualify as a Protected Use ADU.
- An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

760 CMR 71.02 Definitions

Protected Use Accessory Dwelling Unit (ADU)

NEW Regulation 760 CMR 71.00: Protected Use Accessory Dwelling Units

- Maintains separate entrance that meets Building Code for safe egress;
- Not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 Square feet, whichever is smaller;
- May be subject to additional restrictions imposed by municipality including restrictions or prohibitions on Short-term Rental

760 CMR 71.02 Definitions

Single-Family Zoning Districts

NEW Regulation 760.CMR.71.00: Protected Use Accessory Dwelling Units

- ADUs are allowed by-right within or on lots with a Principal Dwelling in all zoning districts that allow single-family residential dwellings.
- This includes:
 - Single-family residential dwellings
 - Duplexes (2-family)
 - Triplexes (3-family)
 - Multifamily buildings (4+ units)
 - Mixed use residential buildings

Single-Family Zoning Districts

NEW Regulation 760.CMR.71.00: Protected Use Accessory Dwelling Units

- For dwellings with 2 or more units in a building on a lot, the entire structure is considered the Principal Dwelling.
- For example –
A 3-family triplex would be considered the Principal Dwelling, not only one unit in the triplex.

Prohibited Regulations

NEW Regulation 760.CMR.71.00: Protected Use Accessory Dwelling Units

- Owner occupancy requirements for either ADU or principal dwelling
- Requirements that ADU be attached or detached
- Limit/cap on the number of ADUs in town or zoning district
- ADUs not be counted in any density calculations for zoning district/lot

760.CMR.71.03 Regulation of Protected Use ADU in Single-Family Residential Zoning Districts

Prohibited Regulations

NEW Regulation 760.CMR.71.00: Protected Use Accessory Dwelling Units

- Minimum Parking Requirements
 - Cannot require more than 1 additional parking space for ADU if lot outside of 0.5-mile radius of Transit Station
 - Cannot require any additional parking space requirement if within 0.5-mile radius of Transit Station
- “Transit Station” defined as a bus stop along any bus route operated by a Regional Transit Authority. ^{760.CMR.71.02}
- PVTA bus transit routes exist on Route 116 (R29 & R38), Route 47 (R39E), Main Street (G19)

760.CMR.71.03 Regulation of Protected Use ADU in Single-Family Residential Zoning Districts

Unreasonable Regulations

NEW Regulation 760 CMR 71.00: Protected Use Accessory Dwelling Units

Dimensional Standards

Setbacks, lot coverage, open space, bulk, height number of stories may not be more restrictive for the ADU than for the principal dwelling OR accessory structures in the zoning district where the ADU is located, whichever results in more permissive regulations.

760 CMR 71.03 Regulation of Protected Use ADU in Single-family Residential Zoning Districts

Additional Regulations

NEW Regulation 760 CMR 71.00: Protected Use Accessory Dwelling Units

- Site Plan Review can be used so long as it is by-right permitting/non-discretionary
- Can require Title V compliance and other environmental regulation
- Pre-existing Nonconforming Structures can not be prohibited from ADUs
- Short-term Rental of ADU can be prohibited

760 CMR 71.03 Regulation of Protected Use ADU in Single-family Residential Zoning Districts

Existing ADU Bylaw Chapter 255-50

Amendments needed to bring into compliance with new law and regulation:

- Delete owner occupancy provisions
- Delete restrictions on # of bedrooms and number of occupants
- Delete restrictions on height limitations and setback restrictions
- Delete off-street parking requirement; add new standard related to Transit Station
- Allow ADU for all residential dwellings in Single-family Zoning Districts – including 2-family, 3-family, multifamily and mixed use residential dwellings
- Allow ADU in preexisting non-conforming structure and lot
- Add standard for Site Plan Review to be by-right with conditions, not discretionary
- Add new definitions – Amend 255-10 Terms defined.

Draft Accessory Dwelling Unit Bylaw – Repeal and Replace Option:

255-50-Accessory-Dwelling-Units-Proposed-Amendment—Based-on-FOHLC-Guidance---3212025

Draft Accessory Dwelling Unit Bylaw Amendments – Existing Bylaw Amendments:

255-50-Accessory-Dwelling-Units—Proposed-Amendments---3725