

TOWN OF SOUTH HADLEY

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April 15, 2015

Dear Town Meeting Members:

The Massachusetts General Laws, pursuant to Chapter 40-A, Section 5 requires that the Planning Board prepare and submit to Town Meeting a report with recommendations regarding any proposed Zoning By-Law or amendment thereto before any vote to adopt shall be taken by that body. The following report of the Planning Board pertains to an article on the Warrant for the Annual Town Meeting to be held on Saturday May 9, 2015. This is a ***Final Report*** based on the Planning Board's April 13, 2015 Public Hearing. The primary difference between this report and the Preliminary Report previously provided are that this report includes a synopsis of questions and comments made at the public hearing and the Planning Board's Recommendation regarding the subject article.

- o Article #9 – Clarify Duplex developments relative to Section 7(Z)

Article "9" is generally considered a housekeeping article and seeks to amend the Zoning Bylaw to clarify that the limitations placed on multifamily developments and similar developments in Section 7(Z) of the Zoning Bylaw do not apply to development of a single two-family structure on a parcel of land.

Remember, Zoning By-Law amendments require a two-thirds (2/3's) vote. If you have any questions about these articles, please contact the Planning Board.

Sincerely,

S. 
Jeff Squire, Planning Board Chair

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May 2015 Town Meeting
Proposed Planning Board Article 9
TWO-FAMILY DWELLING CLARIFICATION

Article 9. To see if the Town will vote to amend the Zoning By-Law in regard to Multi-Family and Multiple Dwellings by amending: **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (Z) Multi-Family and Multiple Dwellings,** to clarify that the provisions of this Subpart (Z) do not apply to development of a single building with no more than two dwellings located therein on a single lot as detailed in the Planning Board's Report to Town Meeting or take any other action thereto.

The **proposed changes** are as follows:

1. In **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (Z), Multi-Family and Multiple Dwellings** insert the words "building for" and "purposes" in the introductory sentence such that it would read as follows:

All multi-family developments and developments with more than one **building for** dwelling **purposes** on a single parcel of land shall conform to the provisions provided below.

2. In **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (Z), Multi-Family and Multiple Dwellings** insert the words "building for" and "purposes" in the first sentence of paragraph "1" such that it and the remainder of the paragraph would read as follows:

1. **Allowable Unit Count.** The permitted number of dwelling units in a multi-family building or development and developments with more than one **building for** dwelling **purposes** on a parcel shall not exceed the number permitted utilizing the methodologies established in Section 7J for land located within the Residence A-1, Residence A-2, and Agricultural districts, and on the dimensional table footnotes relating to the amount of lot area per dwelling unit for special permits in all other districts. Density bonuses may not be granted unless the development conforms to the Flexible Development process, procedures, and standards.

EXISTING PROVISIONS

Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (Z) Multi-Family and Multiple Dwellings

All multi-family developments and developments with more than one dwelling on a single parcel of land shall conform to the provisions provided below.

1. Allowable Unit Count. The permitted number of dwelling units in a multi-family building or development and developments with more than one dwelling on a parcel shall not exceed the number permitted utilizing the methodologies established in Section 7J for land located within the Residence A-1, Residence A-2, and Agricultural districts, and on the dimensional table footnotes relating to the amount of lot area per dwelling unit for special permits in all other districts. Density bonuses may not be granted unless the development conforms to the Flexible Development process, procedures, and standards.
2. Front Entrances. Front entrances to multi-family buildings shall open onto sidewalks and streets or common public spaces and not onto parking lots. Multi-family buildings and developments shall create shared open spaces, which may be - but shall not be required to be - open to the general public, along a street or common green. Rear entrances and entrances for services and delivery may be from parking areas.
3. Conformity to Other Requirements. In all other respects, the layout and relationship of buildings to each other and to streets, public spaces, and parking areas shall be as provided in other applicable sections of this Bylaw as well as any design standards or guidelines adopted by the Planning Board.
4. Required Open Space. On parcels of at least two acres, multi-family developments and developments with more than one building for dwelling purposes on a single parcel of land shall include usable open space in the same proportion and character as required of developments under Section 7(J) of the Zoning Bylaw.
5. Exceptions.
 - a. Such uses located within the South Hadley Falls Overlay District shall not be subject to the Density or Open Space restrictions within this subpart 7(Z).
 - b. Developments for which a permit has been granted or which have been developed prior to May 10, 2014, shall not be subject to the provisions of this subpart 7(Z).

6. Parcels containing more than one building with a dwelling. A parcel may contain more than one building with a dwelling, provided the following conditions are satisfied:
 - a. Such use is identified as being as allowed within the subject zoning district in by Section 5(E) Use Regulations Schedule; and,
 - b. The parcel has sufficient acreage to comply with applicable density limitations; and,
 - c. The applicable density limitations are the same as what is allowed under the Flexible Development provisions in Section 7J(7) except they may not exceed the cap set forth in Section 7(Z)5d below; and,
 - d. In the Residence A-1, Residence A-2, and Agricultural districts, no parcel of any size may contain more than 4 dwelling units on it except pursuant to the Flexible Development provisions of Section 7J; and,
 - e. Such a parcel may not be later subdivided unless the subdivided lots conform to the dimensional regulations and the infrastructure including but not limited to the right of way and roadway improvements conform to the Subdivision Regulations in effect when the subdivision is proposed.

OBJECTIVE: The objective of this article is to correct an error made in the amendment approved by Town Meeting which inserted Subpart (Z) into Section 7 in that the intent of the 2014 amendment was to regulate only Multi-Family Developments and Developments with more than one building for dwelling purposes on a single parcel.

SUMMARY: This article succinctly and simply fulfills the objective stated above by inserting three words into two sentences as detailed above.

BACKGROUND: This amendment proposed in this warrant article is a “housekeeping proposal” and was the result of further review of the Zoning Bylaw in light of the discussions arising from a proposed duplex on a 30,000 square foot lot zoned Residence A-2. The Board determined that the Zoning Bylaw as amended in 2014 strictly regulated single duplexes which was not intended. Upon reading of the remaining portions of Section 7(Z), it is clear that the intent was to regulate multifamily and multiple buildings, not a single duplex on a single parcel. This amendment does not change the requirement that a duplex be approved by Special Permit where required in Section 5 of the Zoning Bylaw – including all property in the Residence A-1 and Residence A-2 zoning districts.

PUBLIC HEARING: The Planning Board held a public hearing on this amendment on April 13, 2015. Two persons were present who did not indicate they opposed the amendment but expressed some mixed feelings regarding the amendment. Among the comments and questions offered were:

- A request to amend the article to include some design standards to ensure that the duplexes would have a “single-family” character in their design. It was noted that such an amendment would not appear to be within the scope of the advertised article but could be considered as a separate article in a future Town Meeting.
- Question as to how the Planning Board would determine if a duplex was compatible with the surrounding area – particularly a single-family neighborhood. It was noted that the Board would use the Special Permit criteria and could consider the size of the subject property in regards to the surrounding lots and design of the proposed duplex.
- Inquiry about the minimum lot size for a duplex. It was noted that under the existing provisions, a duplex would require 1 acre in the Residence A-2 district and approximately 2 acres in the Residence A-1 district. If the amendment passes, the minimum would revert to the minimum for the district which is 12,500 square feet in Residence A-2 and 22,500 square feet in Residence A-1 although the Board could consider the size of the applicant’s parcel in determining whether or not to grant the Special Permit.
- Inquiry as to what permit is required. It was noted that in the Residence A-1 and Residence A-2 districts, a Special Permit is required for a duplex under the existing Zoning Bylaw and that requirement will NOT change with this amendment.

RECOMMENDATION: The Planning Board, at their April 13, 2015 meeting, voted 4-0 (one member was absent) to recommend adoption of the article as presented herein.