

Background Materials – October 17, 2022– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 10/14/22

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

AGENDA ITEM #1 Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy, as amended 8/8/22, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://southhadley.org/DocumentCenter/View/9842/Open-Comment-Period-Policy---As-Adopted-2022-08-08>

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

AGENDA ITEM #2 Minutes

Senior Clerk Colleen Canning will forward minutes separately.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3 Correspondence

A list of correspondence received will be sent prior to the meeting.

Action Needed: No action needed.

6:30 PM AGENDA ITEM #4 1 Conti Drive – New Commercial Buildings Site Plan Review and Stormwater Permit

Application and revised materials online here:

<https://www.southhadley.org/1288/11884/Conti-Drive-1---New-Commercial-Buildings?activeLiveTab=widgets>

On 9/28/22, the applicant's representative Michael Schafer of Huntley Associates requested a continuance of the public hearing until 10/17/22 at 6:30PM to allow the project to be reviewed by the Conservation Commission prior to submitting revised plans to the Board. The applicant has submitted revised materials including an updated narrative, revised plan sheets, and new elevations and floor layout plans for the 3-bay and 5-bay buildings.

The subject parcel is 8.9 acres located at Map 31, Parcel 104. The proposed project is within the Business A-1 district. The parcel has split zoning with a portion to the east within the Residence A-1 District, but the proposed project appears to be fully outside of that district per plan sheet C100.

The proposed project includes the construction of two commercial buildings, each 50'x150', a short driveway, a 26-car parking lot, and a detention pond. The parcel also houses the applicant's existing business, Page's Automotive (seen in the photo above). The revised application states that the use is "Personal, Business, and Professional Service" which is permissible by Site Plan Review. The applicant further states that these will be small rentable spaces for 1- to 3-person service related businesses in South Hadley. The narrative offers further description of the buildings related to building code compliance and parking.

Changes in the revised plans:

1. The project has received an Order of Conditions from the Conservation Commission which resulted in the overflow outlet from the stormwater swale to be relocated outside of the 100' Buffer Zone, and an approximately 600SF area to be set aside for mitigation planting with native trees and shrubs.
2. The narrative no longer references "retail" or "professional business".
3. Elevations of the 3-bay and 5-bay buildings have been provided. Windows have been added to the front and rear of the buildings.

Parking Standards - Use of buildings is undetermined and therefore, the parking standards are not definitively determined.

255-86 Off Street Parking:

Town of South Hadley, MA General Provisions (ecode360.com)

255-86(C): Since the use is not defined, the applicant has not demonstrated compliance with off-street parking requirements for non-residential uses. Application states that 26 parking spaces are shown, and an additional 11 available spaces are shown at the end of the parking area should future permitted rental use dictate increased parking needs. Per 255-86(C) the provisional parking standards are:

Retail or personal services – 4 spaces /1,000 sq.ft. enclosed floor space

The plans show 5 - 30'x50' bays = 7,500SF and 3 - 50'x50' bays = 7,500SF for a total of 15,000SF

For retail or personal services, parking requirements are 4 x 15 = 60

Plans currently show 26 paved parking spaces which is less than half the required spaces for the maximum parking standard for the most intensive use (retail or personal services).

The applicant has stated that the intended business model is 1 to 3 person service related business. Thus, if each of the 8 bays had 3 employees, the total parking needed would be 24 spaces. It would be reasonable to reduce the parking requirements given the intended use. Site Plan Approval could include a condition limiting the parking of commercial service fleet vehicles to no more than 1 per bay within the parking lot to allow for employee vehicles and/or customer parking.

Site Plan Review Standards 255-148

A. Does site plan reasonably fulfill the following objectives:		
1.	Compliance with bylaws, regulations, and Master Plan.	Proposed commercial development on Conti Drive abuts Page's automotive and garage storage for A-1 Landscaping. Frontage along

		Granby Road is underutilized commercial/retail space. The Granby Road/Route 202 corridor is known for mixed commercial and residential development. The addition of this commercial development is within an area zoned for commercial development.
2.	Integration of site into existing terrain, surrounding landscape, and built environment to minimize disruptions.	The project abuts Pine Grove Condominiums to the southwest and Hadley Village Condominium Complex to the north.
3.	Site design characteristics avoids and minimizes disturbance to natural resources, scenic views, and open space.	Natural vegetative screening surrounding the commercial development will be maintained.
4.	Conforms to Special Permit requirements , if applicable.	N/A
5.	Structures shall be compatible with the character and scale of structures in the neighborhood and zoning district.	Size and style of proposed buildings are similar to Page’s Automotive.
6.	Landscaping shall be an integral part of the proposed site design, and shall enhance the design and arrangement of structures, define usable public and private outdoor spaces, integrate the site into the surrounding landscape, as appropriate, and provide buffering from objectionable or noxious elements both within the site, between the site, and the surrounding area.	No landscaping is proposed.
7.	Provide for the convenience and safety of vehicular, bicycle, and pedestrian movement within the site and should provide connections, wherever feasible and appropriate, to adjoining public ways and properties.	No bike/ped connections are proposed.
8.	Prevent pollution of surface and groundwater, changes in ground water levels, increased run-off, and	Stormwater management system is proposed that includes a detention basin. Order of Conditions issued by the Conservation Commission.

	potential for flooding; and minimize erosion and sedimentation.	
9.	Minimize and/or mitigate adverse impacts on the Town's services and infrastructure.	It is presumed that planned commercial development will be serviced by public water and sewer.
10.	Minimize intrusion of light into adjacent properties and shall minimize excessive night-sky lighting while ensuring adequate light for safe use of the property.	Outdoor lighting and signage is not indicated on the plans and should be identified.
11.	Place electric, telephone, cable TV, and other utilities underground where physically and environmentally feasible.	Utilities are not identified on the site plans.
12.	Drainage of the site shall recharge ground water to the extent practical. The peak rate of surface water flowing off-site shall not increase above predevelopment conditions and shall not adversely affect drainage on adjacent properties or public roads or increase turbidity of water flowing off-site.	Stormwater Management Plan has been provided. Post development runoff rates appear to be slightly lower than predevelopment rates.
13.	To create more walkable and pedestrian-friendly developments, minimum frontage occupancy requirements apply in certain locations to create a sense of enclosure in the streetscape. As used herein, "frontage occupancy" means the percentage of the lot width at the front of the building that must be occupied by the facade of a building.	N/A
B. Modifications to a site plan may be required to ensure the objectives above are fulfilled.		

Stormwater Management

The outstanding concern is maintaining sheet flow off of the parking lot into the detention base/swale during the winter. The plans indicate that snow will be stored at the end of the parking lot, which is the same location for sheet flow. Seek clarification on how snow will be managed and stored to maintain sheet flow during winter conditions.

Action Needed: Review revised plans, take public comment, and vote on Site Plan Review approval with conditions, if appropriate and issuance of a Stormwater Management Permit.

AGENDA ITEM #5 Discussion on Replacement of Illuminated Sign at Mobil Gas Station, 483 Granby Road (Assessor's Map 31, Parcels 32 and 33)

Carolyn Parker of Cap Consulting has filed a building permit for renovations to the existing Mobil gas station 483 Granby Road, owned by O'Connell Oil Associates. Renovations include replacement of the illuminated "Mobil" signs at the station due to fading. The gas station was permitted via Site Plan Review in 1991. In 2005, the Planning Board granted permission for replacement of the illuminated sign by simple review at a schedule public meeting. Since this is the replacement of an existing illuminated sign, it is appropriate for the Board to review the submitted sign information and determine if the proposed replacement is satisfactory. The standard for consideration is illumination.

Per 255-85(G)(2): Adverse to surrounding neighborhood or community. Signs which illuminate more than what is necessary to convey the message or name being promoted or create glare which may impact motorists are generally considered to have an adverse impact on the community. Such adverse impact arises from excessive light pollution. Therefore, in determining whether to approve the illumination of a sign, the Planning Board shall:

- (a)** Consider and minimize the illumination impact of the signage illumination on the surrounding properties; and
- (b)** Only approve internally illuminated signs where only the lettering or logo of the enterprise or message being promoted are illuminated; and
- (c)** Ensure that the illuminated sign does not illuminate adjoining or nearby residential properties or pose a danger to motorists on adjoining or nearby roadways which might arise from glare from the illumination source; and
- (d)** Not approve exposed or illuminated neon signs; and
- (e)** Require that illumination sources not illuminate the background or field of a sign except to the extent that the background or field (due to the shape of the sign area) is clearly a logo of the company or enterprise being advertised.

The proposed new signs will not be backlit and will only illuminate the lettering "Mobil". The sign on the pylon in front of the gas station will be painted on the interior to create an opaque façade. Images below submitted by the applicant.



Action

Needed: Review proposed replacement illuminated sign and determine if it meets the standard G(2)(E) as indicated above.

AGENDA ITEM #6 Discussion on Short Term Rentals Bylaw

Revised draft zoning and general bylaws were emailed to the Board on 10/7/22 for review. The Board should come to the meeting prepared to discuss any specific edits or comments to these draft bylaws. Information pertaining to a few open questions follows.

Short Term Rental License Cap

A proposed cap on the number of short term rental licenses is being considered. A formula for determining that number has not yet been determined. Concerns about the potential for short term rentals to displace long term rental housing have been raised. To help frame that discussion, let’s look at the data on current housing stock in South Hadley:

Total # of dwelling units	7,400	US Census, 2020
Renter occupied dwelling units	1,633 / 22% of dwelling units (margin of error +/-271	American Community Survey 2016-2020
Vacancy Rate	4.9% (362 dwelling units of 7,400 total)	American Community Survey 2016-2020
Total # of Households	6,993	American Community Survey 2016-2020
Total Population	18,000 est.	US Census, 2020

As previously acknowledged, the Building Commissioner identified 12 short term rentals, which were issued cease and desist orders. This is 0.001% of the total number of dwelling units within South Hadley.

The only other town in Massachusetts (that I have been able to identify) with a STR bylaw that caps the number of licenses is Fairhaven, located on the South Shore in Bristol County. Fairhaven has a population of 15,924 people and 6,767 households (couldn’t locate total # of dwelling units). Total number of licenses is 64; after 12/31/22 the total number of allowed

licenses at any one time is 120. Although similar in population and number of households, Fairhaven is a coastal community with seasonal tourism.

Tracking Nuisance Complaints

Concerns have been raised about the Town's ability to administer and enforce a STR license registration program. As discussed previously, the Board of Health in conjunction with Inspectional Services/Building Commissioner are *in the process* of developing a Rental Registration Program for long term rental properties. The purpose of the program is to be better able to regulate and enforce sanitary and building codes within rental properties to ensure the health, safety and well being of the people living in those places. The registry is also intended to be an avenue for educational outreach on other programs and services that may benefit rental tenants. If a STR bylaw is adopted, STRs will also be part of the "Rental Registry". I requested feedback from Police Chief Gundersen regarding how nuisance complaints are currently tracked, and how a rental registration program could be looped in as part of the annual license renewal process.

"We can track "calls for service" into the PD at every specific address. If we had a list of current licensees, we could flag those accordingly and then run reports as expected (monthly, quarterly) that could be shared with the Building Commissioner. We did this in Amherst, so this is not new territory for me. "Nuisance" calls that might come into the PD/PSAP include: noise, parking, underage drinking, unattended fires, disturbances/fights." (Chief Gundersen, Email 10/13/22)

Local Room Tax and Community Impact Fee

Massachusetts has a state room occupancy excise tax of 5.7%, payable directly to DOR by business owners. Towns and cities are permitted to charge a local room occupancy excise tax up to 6%, which must be adopted by Town Meeting to become effective. The local excise tax would come directly to the Town and could be used to administer the rental registry program, if decided upon by Town Administration.

In 2018, Massachusetts passed Chapter 337 "An Act Regulating and Insuring Short-Term Rentals." The law went into effect on July 1, 2019 and enables towns and cities to adopt a community impact fee of up to 3% if a short term rental operator has more than one property in that locality or is renting an owner-occupied 2 or 3 family house on a short term rental basis. Such fee would need to be adopted by Town Meeting. Currently, two of the twelve STR properties (issued cease and desist orders) met these criteria.

After draft bylaws are finalized, I recommend opening discussion with the Selectboard and Town Administrator about adoption of a local room tax and community impact fee.

Action Needed: Discuss draft bylaws and work through any proposed edits. Schedule a public hearing to present draft bylaws and seek public feedback.

AGENDA ITEM #7 Planning & Conservation Department Report on Planning Projects and Development Updates

Water Supply Protection Working Group

I am in the process of reconvening the Water Supply Working Group that was formed in 2019 to develop and review town bylaws, rules and regulations related to the public water supplies in South Hadley. The intent was to develop cross-department coordination on water supply protection regulations and bylaws that were being proposed at that time. Members include a board member and staff member from District 2 Water, Board of Health, Conservation, and Planning. At that time, the Working Group consisted of two representatives from Planning - then Chair Mark Cavannaugh and Director Richard Harris. As Director, I will now serve as staff and coordinator of the Working Group and the Planning Board Chair Brad Hutchison will be the Board representative.

The purpose of the Working Group going forward will be to:

- 1) Consider the assessment report prepared by PVPC in December 2021 and consider next steps.
- 2) Provide communication and feedback to their respective boards on the pending Dry Brook Aquifer Isotopic Study. This study has not yet begun. I am currently awaiting an updated proposal from UMASS.

Master Plan Annual Forum – Friday, 11/4 @ 8:30am – 1pm

Registration is open! Registration link is here: <https://bit.ly/3CECOMA>

The event will be held at the South Hadley Public Library. Space is limited so registration will be restricted to 60 people. One representative from each board, committee, commission and department is asked to attend however ALL Planning Board and MPIC members are welcome to attend.

Next Meetings

11/7

11/21

12/5

12/19

1/9 (1/2 is New Year's Day)

1/23 (instead of 1/16 so as not to have back to back meeting weeks)

2/6

2/20

3/6

3/20

AGENDA ITEM #8 Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No new business had been submitted to me as of today.

General Bylaw – Chapter 136 - Residential Short-Term Rental Units

Revised 10/7/22

§ 136-1 Purpose.

This bylaw is adopted in accordance with the Town of South Hadley's Home Rule Authority, in furtherance of the following public purposes:

- A. To protect the health, safety, and welfare of tenants and other citizens of the Town of South Hadley by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and licensing of residential Short-Term Rental Units.
- B. To ensure safe and sanitary conditions in South Hadley's rental housing stock.
- C. To provide clear and accessible guidelines for the operation of residential Short-Term Rental Units for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
- D. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.
- E. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
- F. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents.

§ 136-2 Registration & License Required.

Except as provided in § 136-4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any Short-Term Rental Unit without a license issued by the Building Commissioner.

§ 136-3 Enabling Legislation & Regulations.

All Short-Term Rental Units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.

§ 136-4 Applicability & Exemptions.

Licenses shall be required of all residential properties containing Short-Term Rental Units, or offered for that purpose, except for the following:

- A. Lodging Facilities. Hotels, motels, inns, hostels, or bed and breakfasts.
- B. Halfway Houses & Group Homes. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts.
- C. Short-Term Rental Exception. This bylaw shall not apply to the Short-Term Rental of a Dwelling Unit during a pending sale of the property by the Owner-Occupant.

§ 136-5 Definitions.

Under these regulations, the following terms have the meanings indicated:

AFFORDABLE HOUSING UNIT

Definition TBD

CODE OFFICIAL

The Building Commissioner/Zoning Enforcement Officer of the Town of South Hadley, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

DWELLING UNIT

The room or group of rooms within a dwelling used or intended for use by one family, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

EMERGENCY

Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

OWNER

Every person who alone or jointly or severally with others: (1) has legal title to any building, structure, or property subject to this bylaw, or; (2) has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor,

administrator, trustee or guardian of the estate of the holder of legal title; or (3) is a lessor under written agreement; or (4) is the mortgagee in possession; or (5) is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

OWNER-OCCUPANT(S)

One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

PERSON

An individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity licensed by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

PRINCIPAL RESIDENCE

The primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

SHORT TERM RENTAL

Any rental of all or part of a Dwelling Unit for 28 consecutive days or less, including home-sharing and vacation rentals.

§ 136-6 Conditions

Licenses for Short-Term Rental use are conditioned upon the following:

- A. Only spaces intended for human habitation may be offered for rent as Short-Term Rentals. For example, the applicant cannot offer for rent an accessory structure such as a shed or garage.
- B. Only legally established Dwelling Units may be offered for rent as Short-Term Rentals.

- C. Short-Term Rentals may not be advertised using any exterior signs or displays.
- D. All Short-Term Rental advertisements must include the license number issued by the Town.
- E. Only Owner-Occupants may offer all or part of their Principal Residence as a Short-Term Rental.

- 1. Owner Occupied

- a. The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
- b. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
- c. In the event the property is owned by a business entity, a designated owner representative must reside on the property in a permanent or ongoing basis to carry out the functions as if they were the owner of the property.

- 2. Non-Owner Occupied

- a. The owner-occupant must be the license applicant.
- b. The owner-occupant doesn't reside on the property during the rental period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints as herein defined.

- F. Licensees shall maintain liability insurance appropriate to cover Short-Term Rental use.
- G. Short-Term Rentals may only be rented to one party or group at a time, individual rooms may not be rented to separate, unrelated parties or groups at the same time.
- H. The number of individual bedrooms made available for Short-Term Rentals within a Dwelling Unit shall not be greater than the number of lawful bedrooms in the Dwelling Unit.
- I. Renting for less than Twenty-Four (24) hours is prohibited.
- J. Commercial meetings and uses are prohibited.

§ 136-7 Affordable Housing Units, or units otherwise rent controlled, are not eligible for Short-Term Rental Licensing. **Licensing.**

- A. Application Process and Requirements.

License applications shall be made on forms approved by the Town, and shall provide such information as the Building Commissioner shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Building Department. Complete license applications shall be reviewed, and licenses shall be issued within fourteen (14) working days from the date of submission. A license application shall identify the total number of rental units on the property.

Information required as part of a license application shall include:

- (1) **Contact Information.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners, or agent of the owner, and person who can be contacted 24 hours a day/ 7 days a week in case of Emergency.
- (2) **A list of each room, including bedrooms, offices, dens, living rooms, kitchen, sunroom, in the Dwelling Unit.** The list shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
- (3) **An affidavit certifying that the Owner will comply with all of the provisions of the Residential Short-Term Rental Property Bylaw.**
- (4) **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town.
- (5) **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.
- (6) **Certification by the Applicant that the Applicant is the Owner Occupant of the Principal Residence which is the subject matter of the Application.**

B. Renewal.

Licenses shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a license is applied for or approved and issued. Completed applications for license renewals shall be submitted and received by June 15th of each calendar year.

C. License Posted.

A license shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.

D. Transferability.

Licenses shall not be transferable upon a change of ownership.

E. Limits on Number of Licenses.

Limits on the total number of licenses within South Hadley shall be X active units or less at any one time.

§ 136-8 Inspections & Complaints.

- A. Self-Certification Program. Owners of Short-Term Rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

Owner Self-Inspection & Certification. Unless inspected by local, state or federal government officials, an owner or local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with the application for annual renewal of the license for the property in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw for which the Owner shall be responsible.

B. Complaints & Response Process.

Upon receipt of a complaint or notice from any person alleging that the condition, operation, or use of a rental unit or property is in violation of any law or State or local requirement, including but not limited to South Hadley General Bylaw Chapter 179 Nuisances, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official. Inspections shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth. Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a license to an owner does not preclude tenants' right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

The licensee shall make a good faith effort to arrange access by authorized Town personnel to any licensed rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

§ 136-9 Tenant Information.

The Owner shall be required to distribute to tenants, or maintain documents on the premises for use by the tenants, the following information: (1) instructions for disposal of trash/waste per the Town's rules and regulations; (2) an emergency-exit diagram; (3) contact information for the

Owner or Agent who is available to respond to all emergencies and problems which may arise during the rental period; and (4) a copy of the license.

§ 136-10 Records.

The Licensee shall keep accurate books and records of all rentals, including the name and address of the tenant, the length of stay and the rent charged. Said records must be made available to the Town upon request and shall be maintained for a period of three years.

§ 136-11 Occupancy Limits.

The maximum number of adult persons who may occupy a dwelling unit shall be determined by State standards for fitness for habitation, the State Building Code and fire regulations.

§ 136-12 Parking.

All existing parking and any new or expanded parking on residential rental properties within the Town of South Hadley shall comply with the South Hadley Zoning Bylaw.

A. Parking Site Plan. A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any license application. Submission of an existing site plan approved under a land use (zoning) license and which accurately represents current on-site parking shall meet the requirements of this section.

(1) Basic Parking Site Plan Requirements. The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of South Hadley's Zoning Bylaw, Town of South Hadley GIS mapping, available through the Town of South Hadley website, may be used as the base for a site plan developed under this section.

(2) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.

- (3) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Building Commissioner.
- (4) Review. Existing on-site parking and circulation shall be reviewed by Building Commissioner for conformance with existing zoning requirements, including but not limited to parking layout and circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

§ 136-13 Fees.

The Selectmen or designee may set, and periodically revise, a schedule of fees for license applications.

§ 136-14 Enforcement.

- A. Enforcement Personnel. The Building Commissioner and Code Officials.
- B. Enforcement Options. This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be subject to a fine or issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Furthermore, in appropriate circumstances, a license may be modified, suspended or revoked, or a civil action may be initiated to compel compliance herewith.
- C. Fines. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- D. Suspension. The Building Commissioner is authorized to suspend a license. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. Licenses may be suspended if:
 - (1) An Owner or Agent has knowingly allowed or assisted in allowing violations of this Bylaw.
 - (2) An Owner or Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or Agent has not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or Agent in writing that the license is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve-month period – 180 days

Third Offense in a twelve-month period – 3 years

- E. Immediate Suspension. In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the license shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.
- F. Owner Responsibility. The Owner shall be responsible for any violations of this Bylaw, including acts or omissions of his/her Agent.

§ 136-15 Appeals.

All appeals must be filed with the Board of Selectmen within 14 days of the decision or enforcement action and shall be heard within 30 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the Selectmen shall be final. Further relief of a decision by the Selectmen made under this Bylaw shall be reviewable in a court of competent jurisdiction.

Short Term Rental Zoning Bylaw - DRAFT
October 7, 2022
Anne Capra, Director of Planning and Conservation

Chapter 255. Zoning

Article VII. Supplemental District Regulations

§255-X. Short Term Rentals

A. Purpose and Intent. The operation of short term rentals within residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of the short term rental with the social, cultural, and physical characteristics of the neighborhood;
2. To protect and enhance the essential characteristics and quality of life within existing residential neighborhoods for all residents; and,
3. Allow residents to engage in generation of revenue from their properties while avoiding excessive noise, traffic, and other possible adverse effects of transient populations in residential areas.

B. Special Permit required per Article IX of the Zoning Bylaw.

[Zoning Districts where use is allowed by Special Permit to be noted in Use Regulations Schedule]

The Planning Board, acting as the Special Permit Granting Authority, may approve a special permit allowing for a short term rental in such zoning districts where permitted under the Use Regulations Schedule.

C. A short term rental is defined as all or part of a legally established Dwelling Unit for no more than twenty-eight (28) consecutive days or less, including home-sharing and vacation rentals.

D. Application Requirements. Plans for short term rental need only comply with the following requirements, and not those of Article XII:

1. Plan Requirements: A parcel map showing the following, at a scale determined sufficient by the SPGA:
 - a. Parcel boundaries;
 - b. Location of all structures within the parcel, including the dwelling proposed for the short term rental;
 - c. Location of parking for maximum number of potential occupants in the short term rental, as well as any other occupants of all dwelling units on the parcel.
 - d. Floor plan of the dwelling indicating entrance(s) and layout of the short term rental and all other dwelling units.

ATTACHMENT B

2. A list of each room, including bedrooms, offices, dens, living rooms, kitchen and sunroom in the Dwelling Unit. The shall shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
3. Contact Information. Name(s) and current contact information for the owner-occupant of the property subject to the short term rental, including but not limited to mailing address, telephone number and email address.
4. Trash Collection. Narrative detailing how trash will be stored and removed from the property.
5. Snow Removal. Narrative detailing how and where snow will be removed and stored on site while STR is occupied.

E. General Criteria and Standards.

1. Applicant must be the owner-occupant of the dwelling unit.
2. The dwelling unit must have been legally established under the Town of South Hadley Zoning Bylaws Chapter 255.
3. The tax parcel(s) subject to the location of the dwelling unit to be used as the short term rental must be in compliance with the Zoning Bylaw Dimensional Schedule.
4. The tax parcel(s) for the dwelling unit designated for the short term rental must be current on all local taxes and fees.
5. Deed restricted units for affordable housing are not eligible.
6. Owner-Occupied Short Term Rentals
 - a. Owner-Occupied Short Term Rentals – The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
 - b. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
7. Non-Owner Occupied Short Term Rentals
 - a. The owner-occupant must be the license applicant.
 - b. The owner-occupant doesn not reside on the property during the rental period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints.
- 8.

F. Conditions and Restrictions. The following conditions and restrictions shall apply to each parcel on which one or more short term rental Special Permits are approved under these provisions:

- a. All applicable building and fire codes must be complied with.
- b. Adequate onsite parking, as determined by the SPGA, shall be provided, to be determined by the number of bedrooms within the short term rental.
- c. No exterior signage is permitted.

ATTACHMENT B

- d. There shall be no exterior storage of materials, equipment, vehicles or other supplies used in conjunction with the short term rental business.
- e. A Business License from the Town Clerk must be obtained.
- f. A Lodging Permit from the Board of Health must be obtained.
- g. An annual Rental Registration License must be obtained through the Building Commissioner.
- h. The Planning Board may waive any of these conditions as deemed appropriate to the specific conditions of the site.
- i. The Building Commissioner may adopt regulations for the administration of this bylaw and short term rental special permits.
- j. No more than ____ short term rentals are permissible on any one tax parcel.
- k. Any approved Special Permit shall expire with a lapse or revocation of the annual Rental Registration License, and/or a change in ownership of the property. The Special Permit is non-transferable.

CHAPTER 255 USE REGULATIONS SCHEDULE

Revised 10/7/22

Use Classification	Districts												NOTES
	Residence				AGR	Business				Industrial			
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden	
Bed-and-Breakfasts	SP	SP	N	N	SP	N	N	N	N	N	N	N	
Home Occupation I	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	
Home Occupation II	SPR	SPR	SPR	N	SPR	N	SPR	SPR	N	N	N	N	
Motels-Hotels	N	N	N	N	N	N	N	N	SP	N	SP	N	
PROPOSED Short Term Rental – Owner Occupied	SPR	SPR	SPR	SPR	SPR	Y	Y	Y	Y	N	N	N	
PROPOSED Short Term Rental – Non-Owner Occupied	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
OCTOBER 17, 2022 REGULAR MEETING**

Letters & Memos

- Stormwater management maintenance report received October 11, 2022 for Ethan Circle Subdivision. (Attached)

Legal Notices

Amherst

-

Chicopee

- Notice received from the Chicopee Planning Board for a public hearing on November 3, 2022 to consider a modified Definitive Site Plan for McKinstry Market at 753 Montgomery Street.
- Notice received from the Chicopee Zoning Board of Appeals for a public hearing on November 9, 2022 to consider a variance from corner lot side yard setbacks for a detached garage at 24 Milton St.
- Notice received from the Chicopee Zoning Board of Appeals for approval of a variance from interior travel lanes for one way circulation at 1339 Memorial Drive.

Granby

- Notice received from the Granby Planning Board for site plan approval for a barn at 239 Amherst Street.
- Notice received from the Granby Board of Appeals for issuance of a variance/special permit for a garage/stable at 239 Amherst Street.

Hadley

-

Holyoke

-

 Staples™

Self-Serve Fax Cover Sheet

RECEIVED
OCT 11 2022

To: TOWN PLANNING BOARD!
Fax #:
Date:
Number of Pages (Including Cover):

From: ETHAN BAGG
Phone #: 413-374-9355
Reply Fax #:
Urgent Confidential Confirm Receipt

RECEIVED
OCT 11 2022
BY

* LOG INFO FOR ETHAN
CIRCLE, SOUTH HADLEY, MA
Business-boosting services made to help you succeed

Black & white copies • Color copies • Custom printing • Binding • Folding • Wide-format copying • Custom stamps • UPS shipping and more

Operation and Maintenance plan for Ethan Circle subdivision, South Hadley MA

System Component: Infiltration Basin

When needed: After major storms (3.1"/24hrs) and at least 2x year in Spring and Fall

Required maintenance: visual inspection mow basin, slopes, and fill embankment not shorter than 3" remove debris.

If ponded over 72 hours after end of rainfall pump to detention basin to de-water. Rototill basin surface, reseed, and mulch. Block pipe to grit chamber until vegetation established.

If needed when average grade in basin bottom is 4" or less below outlet weir remove accumulated sediment to design grade. Rototill, reseed, and mulch. Avoid traffic on basin during wet conditions

Done by whom: Before the HOA took over Ethan Bagg

System Component: Detention Basin

When needed: After major storms 3.1/24hrs and at least 2x year in Spring and Fall

Required maintenance: inspect for erosion of slopes or at inlet, clogging of outlet orifice and pipe, complete vegetative cover, settlement of embankment. Repair or clean as needed

Done by whom: Inspected by Ethan Bagg in the Spring and Fall

System Component: Detention and infiltration basin

When needed: 2x per year or more often if desired

Required maintenance: Mow basins and fill embankments not shorter than 3" Remove debris

Done by whom: Ethan Bagg

System component: stone level spreader

When needed: after major storms (3.1"/24hrs) and 2x year in Spring & Fall

Required maintenance: check for displacement of stone or signs of erosive flows downslope. Repair or adjust as needed

Done by whom: Ethan Bagg

System component: Grit chamber DMH 1 & CATCH BASINS:

When needed: Spring & Fall

Required maintenance: inspect, and Clean out when sediment ½ depth of sump

Done by whom: Ethan Bagg

System Component: Grass Swale

When needed: Annually

Required Maintenance: Inspect to assure no obstruction or erosion. Remove obstruction or repair erosion as needed.

Done by whom: Ethan Bagg

Snow plowing and Disposal: Done by Ethan Bagg until the road is accepted by the town.