

Andrea Miles, Chair  
Jeff Cyr, Vice Chair  
Carol Constant, Clerk  
Renee Sweeney  
Nicole Casolari

Lisa Wong  
Town Administrator

**VIRTUAL SELECTBOARD MEETING AGENDA**

**TUESDAY, APRIL 29, 2025 – 4:30 P.M.**

**Join Zoom Webinar from your computer:** [https://us02web.zoom.us/j/87445581226?  
pwd=aFbBEB9Ql1FFBfqck45lYvRRwCjNPw.1](https://us02web.zoom.us/j/87445581226?pwd=aFbBEB9Ql1FFBfqck45lYvRRwCjNPw.1)

**By phone:** +1 646 558 8656 | **Webinar ID:** 874 4558 1226 | **Passcode:** 563174

**Watch live on SHCTV Channel 15 or** <https://shctv15.com/watch-live/>

*Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded.*

**1. CALL TO ORDER**

**2. REORGANIZATION**

**3. NEW BUSINESS**

- A. Annual & Special Town Meeting Warrant Approval
- B. Town Administrator Contract

**Documents:**

2025\_STM\_ATM\_WARRANT 42925.PDF  
APPENDIX\_A\_ATM\_2025.PDF  
APPENDIX\_D\_ATM\_2025.PDF  
TA CONTRACT RENEWAL 2023 - AMENDMENT 2.PDF

**4. OLD BUSINESS**

- A. Budget Task Force Appointment

**5. ADJOURN**

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 SPECIAL 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;

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**FINANCIAL ARTICLES**

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**ARTICLE 1:           FY2025 SNOW AND ICE**

To see if the town will vote to transfer from Free Cash the sum of \$190,000 to pay for Snow and Ice bills incurred in Fiscal Year 2025, or take any action relative thereto.

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**ARTICLE 2:           FY2025 Capital - Specialized Education Transportation**

To see if the Town will vote to transfer from the Free Cash the sum of \$1,200,000 to pay for School Vehicle Transportation, or take any action relative thereto.

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**ARTICLE 3:           FY2025 Capital - Transfers**

To see if the Town will vote to transfer from the FY2019 and FY2022 Capital Budgets the sum of \$510,531 as follows:

<u>Project</u>	<u>Current Funding</u>	<u>Transfer/(Reduce)</u>	<u>Final Funding</u>
Chromebooks (FY2025)	0	480,531	480,531
Police Radio (FY2022)	480,531	(480,531)	0
Trailhead Kiosks (FY2025)	0	30,000	30,000
Canal Park (FY2019)	33,454	(30,000)	3,454

; or take any other action relative thereto.

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

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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

COMMONWEALTH OF MASSACHUSETTS  
SOUTH HADLEY, MASSACHUSETTS

WARRANT

Hampshire, ss.

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

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Election of Redevelopment Authority

1. Term from July 1, 2025 - 2030

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**REPORTS**

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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**

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**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.

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**FINANCIAL ARTICLES**

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**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.

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**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:

<b>Fiscal Year 2026</b>	<b>Capital Request Detail</b>	<b>Request</b>
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.

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**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.

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**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.

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**GENERAL ARTICLES & CITIZENS PETITIONS**

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**ARTICLE 14: ADOPT MGL CH. 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.

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**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, as follows:

Chapter 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 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, G.L. Chapter 39, Sections 23A, 23B and 23C. 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 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.

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**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 adopt 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.

### 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 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:

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**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.

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**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 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 (Appendix C), or take any other action relative there to.

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**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
<b>1220 Selectboard</b>				
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
<b>1250 Cable Access</b>				
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
<b>1320 Reserve Fund</b>				
Total Reserve Fund	\$ -	\$ -	\$ 25,000	\$ 25,000
<b>1350 Accountant/Auditor</b>				
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
<b>1360 Wage and Classification</b>				
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
<b>1370 Human Resources</b>				
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
<b>1410 Assessor</b>				
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
<b>1460 Treasurer/Collector</b>				
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
<b>1490 Town Audit</b>				
Total Town Audit	\$ 39,000	\$ 35,000	\$ 35,000	\$ 36,000
<b>1500 Town Clerk</b>				
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
<b>1510 Legal Services</b>				
Total Legal Services	\$ 80,729	\$ 83,224	\$ 95,000	\$ 95,000
<b>1550 Information Technology</b>				
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
<b>1620 Elections</b>				
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
<b>1750 Planning/Conservation</b>				
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
<b>1920 Public Building Maintenance</b>				
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
<b>1930 Internal Service Fund</b>				
Total Internal Service Fund	\$ 8,647	\$ 7,870	\$ 8,000	\$ 8,000
<b>1950 Town Reports</b>				
Total Town Reports	\$ 1,126	\$ 1,223	\$ 1,000	\$ 1,000
<b>2100 Police</b>				
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
<b>2410 Inspection Services</b>				
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
<b>2440 Weights and Measures</b>				
Total Weights and Measures	\$ 7,299	\$ 7,087	\$ 8,000	\$ 8,200
<b>4000 Department of Public Works</b>				
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
<b>4230 Snow and Ice Removal</b>				
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
<b>4240 Street Lighting</b>				
Total Street/Signal Lighting	\$ 90,624	\$ 90,604	\$ 105,000	\$ 105,000
<b>5110 Board of Health</b>				
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
<b>5300 Human Services</b>				
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
<b>6100 Library</b>				
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
<b>6710 Old Firehouse Museum</b>				
Total Old Firehouse Museum	\$ 8,369	\$ 4,680	\$ 6,750	\$ 7,650
<b>7110 Retirement of Debt</b>				
Total Principal: Long-Term Debt	\$ 2,426,185	\$ 2,432,472	\$ 2,418,885	\$ 2,490,428
<b>7510 Interest: Long-Term Debt</b>				
Total Interest: Long-Term Debt	\$ 1,007,254	\$ 930,765	\$ 843,791	\$ 762,971
<b>7520 Interest: Short-Term Debt</b>				
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
<b>9110 Retirement</b>				
Total Retirement	\$ 4,019,387	\$ 4,343,569	\$ 4,765,712	\$ 5,170,346
<b>9130 Unemployment Compensation</b>				
Total Unemployment Insurance	\$ 26,271	\$ 62,641	\$ 101,000	\$ 101,000
<b>9140 Group Health Insurance</b>				
Total Group Health Insurance	\$ 4,252,598	\$ 4,596,638	\$ 5,318,448	\$ 6,179,927
<b>9160 Fica/Medicare</b>				
Total Fica/Medicare	\$ 434,482	\$ 443,131	\$ 500,000	\$ 520,000
<b>9450 Liability Insurance</b>				
Total Liability Insurance	\$ 368,677	\$ 431,742	\$ 493,200	\$ 578,430
<b>2950 Ct. River Channel Marker</b>				
Total Ct. River Channel Marker	\$ 4,000	\$ 2,920	\$ 3,000	\$ 5,000
<b>4340 DPW: Landfill</b>				
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
<b>4360 DPW:Sewerage</b>				
TOTAL DPW:Sewerage	\$ 66,415	\$ 73,347	\$ 82,500	\$ 82,500
<b>4430 DPW:Water Pollution Control</b>				
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
<b>6800 Ledges Golf Course/Valley View</b>				
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
<b>SCHOOL</b>				
<b>Total School</b>	\$ 23,608,877	\$ 24,584,772	\$ 25,521,460	\$ 25,771,460
<b>Conservation Land Fund</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Conservation Land Fund	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
<b>Workers' Compensation</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Total Workers' Compensation	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000
<b>Injured on Duty</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Total Injured on Duty	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
<b>OPEB</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Total OPEB	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
<b>Capital Stabilization</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Total Capital Stabilization	\$ 122,000	\$ -	\$ -	\$ -
<b>Mosier School Stabilization</b>				
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>TA Recommended</b>
Total Mosier School Stabilization	\$ 200,000	\$ 750,000	\$ -	\$ -
<b>TOTAL</b>				
<b>Total General Fund</b>	\$ 21,973,475	\$ 23,255,389	\$ 25,243,947	\$ 26,670,624
<b>Total Misc. Trust</b>	\$ 1,037,000	\$ 1,465,000	\$ 715,000	\$ 715,000
<b>Total Receipts Reserved</b>	\$ 4,000	\$ 2,920	\$ 3,000	\$ 5,000
<b>Total DPW: Landfill</b>	\$ 1,300,870	\$ 1,300,172	\$ 1,460,344	\$ 1,391,851
<b>Total DPW: WWTP</b>	\$ 1,522,123	\$ 1,671,698	\$ 1,867,538	\$ 1,892,415
<b>Total Ledges</b>	\$ 1,370,653	\$ 1,439,329	\$ 1,593,762	\$ 1,624,409
<b>Total School</b>	\$ 23,608,877	\$ 24,584,772	\$ 25,521,460	\$ 25,771,460
	\$ 50,816,998	\$ 53,719,280	\$ 56,405,051	\$ 58,070,759

**Planning Board Report to Town Meeting**  
**Zoning Bylaw Amendment Chapter 255-50 Accessory Dwelling Units**  
**April 15, 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), 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 ~~strikethrough~~]

#### **§ 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.
  - 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 ½ 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**

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

Attendee Report

Report Generated:

4/10/2025 17:41

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 Zekner	Anthony's Dance Club
Todd Marion	749 New Wood Rd.
Marc Desrosiers	310 Amherst Road
Robert Sklarz	566 Amherst Rd
Walter Hamilton	77 Hadley St
ANN Stockton	325 Hardy Street
SUSAN NEWTON	25 Jewett Lane
Sandra Zieniski	Lyman 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 stores 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-EOHLC-Guidance---3212025](#)

Draft Accessory Dwelling Unit Bylaw Amendments – Existing Bylaw Amendments:

[255-50-Accessory-Dwelling-Units---Proposed-Amendments---3725](#)

Successor Agreement Amendment #2

Whereas the Employment Contract Between Lisa Wong “the “Town Administrator”) and the Town of South Hadley (the “Employer”) expires on June 30, 2027;

Now, therefore, the Town Administrator and Employer agree to amend the Successor Agreement as follows:

Section 3:

- Effective July 1, 2025 - June 30, 2026 (FY26) - ~~\$185,000~~ \$175,000

The Successor Agreement Amendment #2 is signed and executed on behalf of the Selectboard and Town Administrator on April 29, 2025.

Selectboard

Town Administrator

\_\_\_\_\_  
**Andrea Miles**

\_\_\_\_\_  
**Lisa Wong**

\_\_\_\_\_  
**Carol Constant**

\_\_\_\_\_  
**Jeff Cyr**

\_\_\_\_\_  
**Nicole Casolari**

\_\_\_\_\_  
**Renee Sweeney**