

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF MARCH 6, 2023**

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

Chair Hutchison called the meeting to order at 6:30 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Open Comment Period

No comments were heard during the open comment period. Hattie Finkle, Amherst Road, had her 'hand raised' in the virtual meeting room but that was in error.

Agenda Item #2 --- Minutes

No minutes had been prepared for the Board's review.

Agenda Item #3 – Correspondence

The list of correspondence was sent to the Board prior to the meeting.

Agenda Item #4 ---- Illuminated Sign Request for new wall sign at White Wing Convenience Store and Gas Station, 568 Newton Street

The applicant's representative, Adam Niksa of Mass Signs, was present at the meeting.

An application had been received for a new illuminated sign along the canopy overhang at White Wing Convenience Store and Gas Station.

Director Capra met with the Building Commissioner to discuss the application. Under local zoning, an illuminated wall sign could only be placed on a principle structure. The Building Commission helped identify that a gas station canopy was considered a component of the primary structure. Therefore, an illuminated sign was permitted on the canopy under zoning.

The canopy has an existing illuminated sign so the Board would need to clarify if the new sign was replacing the existing sign. Sign illumination can take up no more than 10% of the face of the building. Therefore, all illuminated signage needs to be below that threshold. Members questioned if the space beneath the canopy was considered an 'opening' under zoning as it would impact how 10% of the building's face would be calculated.

In response to questions and comments from the Board, Adam Niksa clarified that the new illuminated canopy sign would replace the existing sign. The location's freestanding sign would remain and no changes were proposed to it at his time. The new canopy sign would show a static

projection of the current gasoline price and would only be illuminated during normal business hours.

The Board was inclined to continue the meeting to get clarity from the Building Commissioner on the definition of an ‘opening’ on a building face. It was also requested that the applicant provide updated renderings showing the dimensions of the sign and canopy to confirm compliance.

Motion: Vice-Chair Mulvaney moved to continue the public meeting to March 13, 2023 at 6:30 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #5 --- Discussion on referring draft Accessory Dwelling Unit bylaw to the Selectboard for placement on the May 2023 Town Meeting Warrant

At the Board’s previous meeting on February 27, a hearing was held to accept public comment on the draft Accessory Dwelling Unit (ADU) Bylaw.

Director Capra met with the Building Commissioner to discuss the draft bylaw and to incorporate his input. Many of the Building Commissioner’s comments related to the redundancies found in the bylaw. Many of the definitions and regulatory requirements were presented elsewhere in the zoning bylaw or protected under general law.

Following public hearing feedback, the definition of an ‘attached’ ADU was revised to no longer reflect the allowance for five feet of separation from the primary structure. Therefore, the definition of ‘attached’ in the ADU bylaw would be the same as underlying zoning. Members were still in favor of keeping the definitions of attached and detached in the ADU bylaw.

Chair Hutchison identified that there could be confusion as ‘accessory structures’ under zoning were handled differently than ‘accessory dwelling units’. The Board could consider how the presentation of the bylaw could be revised to avoid confusion.

Member Davis asked if a living unit required a kitchen. Under law, a living space was required to have a kitchen.

Clerk Brown felt the permitting threshold for detached ADUs should be higher. The current draft identified the use as allowable through Site Plan Review. However, she thought Special Permitting was a more appropriate requirement. She moved to change the permitting requirement for detached ADUs from Site Plan Review to Special Permit. Member Davis seconded the motion. As the motion was seconded, Chair Hutchison opened up the topic for discussion. During discussion of the motion, members were generally not supportive of creating further exclusionary hurdles in permitting detached ADUs.

Motion: Clerk Brown moved to change the permitting requirement for detached Accessory Dwelling Units under the current draft bylaw from Site Plan Review to Special Permit. Member Davis seconded the motion. One (1) out of five (5) members voted in favor of the motion

through roll call. Clerk Brown was the only member to vote in favor of the motion. The motion did not pass.

Director Capra continued to review the changes incorporated into the current drafts as presented in the Board's background materials. Initially, it was thought that requiring a deed reference to ensure homeowner occupancy would require too much administrative tracking. However, the Building Commissioner was supportive of the language so it was brought back into the draft. The requirement for future zoning conformity was removed as it legally could not be required.

Member Therien addressed a comment received from the public relating to occupancy limits. The bylaw identified that no more than 3 people could reside in an ADU but a 3-person family could easily become a 4-person family with the addition of a baby. Members decided to keep the language as it offered assurance to those concerned for the negative impacts of ADUs.

Chair Hutchison questioned if the language referencing height limitations needed additional clarity. The bylaw identified a maximum height limitation of 1 and ½ stories but he was concerned that the requirement would cause confusion. However, members indicated support for the language as the intention was that ADUs could not be two stories. The language was unchanged.

Chair Hutchison recommended that the Zoning Use Table should be amended to provide a footnote directing readers to the ADU bylaw. As 'accessory' uses were already identified in the bylaw, it could be confusing that ADUs have different requirements than other accessory uses.

Motion: Vice-Chair Mulvaney moved to accept the revisions to the draft ADU Bylaw that included adding footnotes to the use regulation schedule when an accessory use was identified to indicate that ADUs had different regulatory requirements and the ADU section of the zoning bylaw should be consulted. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Clerk Brown expressed concern that her dissenting opinions on the ADU bylaw had not been effectively represented. Director Capra stated that a report to Town Meeting would be drafted regarding the bylaw. If desired, Clerk Brown could include a comment letter in the report.

Motion: Vice-Chair Mulvaney moved to submit the current draft of the Accessory Dwelling Unit Bylaw to the Selectboard to be considered for placement on the May 2023 Town Meeting Warrant. Member Therien seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Agenda Item #6 --- Planning & Conservation Department Report on Planning Projects and Development Updates

Director Capra reviewed the following items:

- *Skinnerwoods Flexible Development*- A site visit was conducted following the issuance of an amended special permit. Rebar pins had been placed to demarcate the designated Open Space area.

- *Remote Meetings* – The provision allowing remote open meetings is set to expire on March 31. The State House and Senate were working on passing legislation but it was unknown if it would pass in time for the Board’s first meeting in April.
- *Housing Production Plan* – The Advisory Committee was currently reviewing the draft Housing Needs Assessment

Agenda Item #7 --- Other New Business

There was no new business to discuss.

Agenda Item #8 --- Adjournment

Motion: Vice-Chair Mulvaney moved to adjourn the meeting. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The meeting adjourned at 8:52 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Illuminated Sign Request	Planning Files
March 6 ADU Bylaw Working Draft	Planning Files
February 27 letter from Linda Sachs, 193 Woodbridge Street	Attached
February 27 letter from Lucia Foley, 60 Shadowbrook Estates	Attached
February 27 email from Marion Canning, Lyman Street	Attached
February 28 email from John Hine, 39 Chestnut Hill Road	Attached
March 6 letter from Preston Smith, 95 Woodbridge Street	Attached
March 6 letter from Martha Terry, 25 Brainard Street	Attached
March 5 email from Kay Clausewitz, 43 Mountain Ave	Attached

193 Woodbridge Street
South Hadley, MA 01075
lsachsnycc@earthlink.net

February 27, 2023

Anne Capra
Director of Planning and Conservation
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed **Accessory Dwelling Unit Zoning Bylaw**

Please share this document with the Planning Commission:

Thank you for giving me an opportunity to share my thoughts on this proposed zoning bylaw.

The draft ADU Zoning Bylaw, aims to achieve quite a number of lofty, complex and complicated goals. These include: increasing housing stock; enhancing the livability and beauty of our town; and the well being of residents of all ages, incomes and abilities.

The proposed method of accomplishing all this is to allow ADUs, including detached ADUs up to 900 Square feet. That is impossible.

There are several misstatements in the Bylaw that minimize the negative impacts of detached ADUS and erroneously promote the benefits of these detached second dwellings.

I am totally opposed to **detached ADUs**.

First, the proposed Bylaw states that our community faces a severe housing crisis, but that statement does NOT make it so. South Hadley's **Housing Needs Assessment Plan** never uses this language of a quote "severe housing shortage."

Second, stating that a detached ADU is going to **gently** increase housing density does not make it so. A second, 900 Square foot house on a residential lot is not at all a **gentle** thing.

I understand that in world of urban planning and among builders the very term ADU usually includes detached units, but that doesn't mean South Hadley has to parrot and copy what other towns and states do. Let's make our own way, let's not turn our beautiful town into a crowded city.

This brings me to my final point which is sadly another piece of misinformation in the bylaw under Intent and Purposes. The Bylaw lists **benefit (h) as:**

Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability;

Protecting forests and other natural areas is a laudable goal. But the effective way to reduce the loss of farm and forest lands and natural areas and resources is to place permanent restrictions against development on these lands. Increasing the density in our single-family neighborhoods will not preserve open space and woodlands.

The other way to do accomplish this goal is for the Planning Board to mandate that builders and developers stop cutting down trees when they do build. That should be an imperative.

Several years ago a developer was given permission to cut down approximately 5 acres of forest to build an ugly four home subdivision – Chatham Way -- that is totally out of character with the rural neighborhood of north Woodbridge Street where I live. Instead of trees, most of the the land is now planted with turf grass -- which is death to pollinators-- acres and acres of turf grass which needs pesticides, fungicides, artificial fertilizer and lots and lots of water to keep green, not to mention smelly, noisy, constant gasoline powered mowing. All those beautiful missing trees, supported wildlife and birds, purified the air and kept summertime temperatures cooler.

So If you are serious about preserving natural resources, then I urge you to do that purposefully and effectively. Purposely and effectively **excludes** permitting Detached Accessory Dwelling Units as proposed in this draft Bylaw.

Thank you.

Yours truly,

Linda Sachs

lsachsnyc@earthlink.net

Fwd: Accessory Dwelling Units Draft Zoning Bylaw

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 3, 2023 at 10:40 AM

----- Forwarded message -----

From: **Lucia Foley** <luciafoley@yahoo.com>
Date: Mon, Feb 27, 2023 at 8:44 PM
Subject: Accessory Dwelling Units Draft Zoning Bylaw
To: acapra@southhadleyma.gov <acapra@southhadleyma.gov>
Cc: shplanning@southhadleyma.gov <shplanning@southhadleyma.gov>

Dear Anne and Planning Board members:

It's clear that a great deal of thought has gone into the draft ADU bylaw and I appreciated the informative presentation tonight.

After following the development of modern, prefab housing for over twenty years, I am very excited by the potential of freestanding/detached units as well as attached ADUs on existing properties here in South Hadley. Many of these are beautiful, well-designed structures that use high quality materials. This would open up many new possibilities for affordable housing, and has been highly successful in other areas.

As home buyers, we have looked in the past for properties with separate living units where family members could live more modestly since rentals cost are so high, but as there are so few of these we were not able to find what we needed. For some homebuyers, this would enhance the value of a property rather than detract from it. We are in a condo now, but if the option for detached ADUs becomes available, that would inform our future housing decisions.

This option can provide a lot of flexibility for our residents, and the constraints built into the bylaw seem intended to help maintain the flavor of our neighborhoods. While there's a great deal of concern about ADU unit size, it seems likely that any detached units would likely be fairly small. In addition, a detached unit can be designed and sited address accessibility concerns, which is an important consideration for many who those who may consider an ADU.

Thank you so much for your work on this and your efforts to better utilize our land resources and increase affordable housing.

Best,

Lucia Foley
60 Shadowbrook Est,
South Hadley, MA 01075

Fwd: Planning Board meeting

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 3, 2023 at 10:41 AM

----- Forwarded message -----

From: **Marion Canning** <marioncanning1@gmail.com>
Date: Mon, Feb 27, 2023 at 6:20 PM
Subject: Planning Board meeting
To: <acapra@southhadleyma.gov>

Re:Accessory Dwelling Units

We favor Attached Accessory Dwelling Units but want Detached
Accessory Dwelling Units removed from the proposed by law.
Thank you.
Marion Canning

Draft Accessory Dwelling Unit Bylaw

JOHN HINE <hine39@comcast.net>

Tue, Feb 28, 2023 at 10:17 PM

To: "SHPlanBoard@southhadleyma.gov" <SHPlanBoard@southhadleyma.gov>

I wish to express my whole-hearted support for the proposed Accessory Dwelling Unit Bylaw.

The crisis in affordable housing both in South Hadley and throughout the State is well documented, and the consequences are real. Over 100,000 people have left Massachusetts over the past 2-3 years, with high living costs being a major reason behind that exodus. Housing is a big part of those costs.

South Hadley will change over time; that is inevitable. The question is how. If we make every effort to promote affordable housing options, we will be better able to attract younger professionals and families, and enjoy the economic, cultural and community benefits that come with that. If we don't, we will continue to age as a community and watch as school enrollments decline precipitously, economic activity stagnates and the vibrancy of our town fades.

Allowing ADUs won't, by itself, solve the affordable housing problem we have, but it is one of the easiest steps we can take to help address it.

John Hine
[39 Chestnut Hill Road](#)
[South Hadley, MA](#)

Comments on Accessory Dwelling Units

I am in favor of the Accessory Dwelling Unit Bylaw as proposed by the South Hadley Planning Board in the working draft dated January 20, 2023. In particular, I support the adoption of the proposed zoning bylaws that would allow *both* attached and detached ADUs for the following reasons.

The town is in desperate need of both types of affordable housing: deed-restricted affordable housing as well as housing that is affordable because of its size. Both types are necessary to relieve the cost burdens of existing renters and homeowners in South Hadley while making it possible for young families to rent or buy housing in our town.

It is imperative that the town planner and planning board should have as many tools as possible to increase the supply of affordable housing in town. The proposed zoning bylaws would help to expand the volume of affordable housing and close the gap between the current stock of affordable housing in town and our civic obligation to meet the goal of ten percent of the town's housing stock. At present we don't know if the financing for the 60-unit development slated for the Woodlawn area will come through to provide necessary housing. In addition, as far as I know there are no plans to build affordable housing in the two smart growth zones. But even if we were to get more affordable housing from these important initiatives, *we still need changes in the zoning bylaws on ADUs to add to the affordable housing inventory.*

ADUs can be designed and built to fit the character of the town's single-family neighborhoods. They are important for providing affordable and flexible housing for seniors, the disabled, and young people starting out. They will likely be affordable in rent given their small size. Furthermore, they will be an important asset for the cost-burdened homeowner trying to make ends meet. Given the town's declining and aging population, ADUs can make it more attractive to buy or rent housing in South Hadley

More than anything else, the *gentle density* that ADUs provide will mean the town will not concentrate all its affordable housing and density in the Falls or in mixed residential/commercial zones like Woodlawn. It means community members will be able to enjoy the amenities of our single-family neighborhoods like the rest of us.

It doesn't do the town any good to *say* we want affordable housing, if we deny ourselves the tools to actually provide it in South Hadley.

We need to adopt the ADU zoning by-laws presented as part of the working draft on January 20, 2023.

Preston Smith
95 Woodbridge St., South Hadley

Dear Members of the South Hadley Planning Board,

I see that you are going to make a decision on Accessory Dwelling Units at this evening's meeting. I offer these comments with the hope that you will omit Detached Accessory Dwelling Units from the proposed by law at this time.

Attached ADU's fulfill all the economic and social goals listed and preserve the character and open space atmosphere of single family home neighborhoods.

Detached ADU's fulfill these same economic and social goals and afford more privacy to the homeowner and the ADU renter, but compromise the privacy and quiet enjoyment of the neighborhood for abutters and neighbors, affect property values, and lessen open space. The owner, the neighbor, of a single-family home bought his/her home with only one home allowed on the abutting lot. A second home on the abutting lot certainly compromises his/her quality of life and decreases the value of his/her home.

So, the question is: Which option fulfills the goals and purposes of ADU's and affords the least pain?

Attached ADU's do. We must think about ADU's as being a neighborhood issue, not just an issue for the renter and the homeowner. A more holistic approach takes into account the economic needs of the homeowner, the economic and social needs of the renter, and the needs and character of the neighborhood.

Therefore, attached ADU's are a win win for the homeowner, the renter, and the neighborhood.

Tiny homes can still qualify as "attached" as they can be up to 5 feet away from the single-family home.

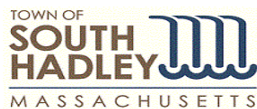
I hope that my proposal is seriously considered. Everyone gains, everyone wins, everyone gives a little.

Moreover, attached ADU's should be by site plan review. These are permanent changes, the conversion of a single-family home to a two-family home.

Neighbors should be given the decency, the consideration of a notice and a hearing. The SPR cannot be denied, but at least the acknowledgement of neighbors, a recognition of their concerns, and a respect for their input are all paramount to ensuring a good neighborhood and neighborliness. A SPR is not especially onerous for the applicant, and yet gives respect, dignity, and some feeling of empowerment to neighbors.

Thank you for your time and consideration.

Martha Terry



Colleen Canning <ccanning@southhadleyma.gov>

Fwd: ADUs

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Mar 6, 2023 at 2:50 PM

----- Forwarded message -----

From: **Kay Klauswitz** <kayklauswitz@gmail.com>
Date: Sun, Mar 5, 2023 at 4:45 PM
Subject: ADUs
To: acapra@southhadleyma.gov <acapra@southhadleyma.gov>

Although I could not make it to the meeting, I want to express my support of ADUs. They're a marvelous option for people who want extended family nearby. I think the opposition about overcrowding, and disturbances to quiet enjoyment are mostly imagined.

You should know too that I live in just such a unit, a detached garage with a small apartment above. Next to me on the lot is a duplex with my son in one side and a renter in the other. It's a wonderful arrangement for all of us. We went through everything required by the town, permits and licensing about 15 years ago. No one objects. I think allowing this in the town will increase tax bases and property values. As real estate rises in cost, it's a very desirable option.

Kay Klauswitz
43 Mountain Ave, South Hadley, MA 01075