

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING  
MEETING MINUTES OF MARCH 27, 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 members of the public spoke during the open comment period.

**Agenda Item #2 --- Minutes**

Draft minutes of the March 13 regular meeting and public hearing were sent to the Board for review.

**Motion:** Member Davis moved to approve the March 13 regular meeting and public hearing minutes. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

**Agenda Item #3 – Correspondence**

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

**Agenda Item #4 --- 6:30 PM - Public Hearing to consider a Special Permit request filed by Thomas R Reidy to expand a nonconforming structure to create a covered porch at 25 North Sycamore Knolls, Assessor's Map 53 Parcel 40**

Chair Hutchison recused himself from the public hearing due to the applicant's professional relationship with his place of work.

Acting Chair Mulvaney opened the hearing at 6:35 PM. (See public hearing minutes)

The regular meeting reconvened at 6:58 PM.

**Agenda Item #5 --- 7:00 PM - Public Hearing continuance to discuss proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw**

Chair Hutchison called the hearing to order at 6:58 PM. (See public hearing minutes)

The regular meeting reconvened at 8:53 PM.

**Agenda Item #6 --- Discussion of Report to Town Meeting on Accessory Dwelling Unit (ADU) Bylaw**

Director Capra prepared a draft report to Town Meeting regarding the proposed Accessory Dwelling Unit (ADU) bylaw for the Board's review.

At a previous meeting, there was discussion on how dissenting opinions of members would be reflected in the report. Inclusion of letters from members had been considered. Clerk Brown had submitted a letter for consideration detailing her dissenting opinion. Since that discussion, Director Capra found that there was no precedent set for the inclusion of letters from Board members in Town Meeting reports. Therefore, she recommended against their inclusion. She advised that the sentiments from Clerk Brown's letter could be incorporated into the narrative of the report. Member Therien agreed with Director Capra's opinion that letters should not be included in the report.

Chair Hutchison had submitted a letter of bylaw support following the submission of Clerk Brown's letter. He indicated that all members should be given the same opportunity to submit a letter. After discussion and consideration, it was ultimately decided that no Planning Board member letters would be included in the report.

Director Capra reviewed the language in the current draft report and Clerk Brown shared a number of points she wished to see included. Among the items to be included regarding opposition were the following: 1) describing ADUs as 'gentle density' was inappropriate; 2) not enough research has been done on the impact of detached ADUs; and 3) ADUs were perceived as 'taking' of one's enjoyment of their property.

**Motion:** Vice-Chair Mulvaney moved to approve the report to Town Meeting regarding the proposed Accessory Dwelling Unit (ADU) bylaw as prepared by Director Capra and revised during the meeting. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

**Agenda Item #7 --- Planning & Conservation Department Report**

Director Capra reviewed the following items:

- *Town Meeting Warrant Review* – Director Capra would host a virtual information session on April 20 to review the Planning Board's warrant articles
- *Meeting Schedule* – The Board was set to meet on April 10, April 24, May 8 and May 22
- *Housing Production Plan* – At a future meeting, the Board would host a hearing to consider the Housing Production Plan currently underway.

**Agenda Item #8 --- Other New Business**

There was no new business to discuss.

**Agenda Item #9 --- Adjournment**

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

The meeting adjourned at 9:31 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
Draft ADU report to Town Meeting	Planning Files
Clerk Brown ADU Letter	Planning Files
Chair Hutchison ADU Letter	Planning Files

## **SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:**

Special Permit request filed by Thomas R Reidy to expand a nonconforming structure to create a covered porch at 25 North Sycamore Knolls, Assessor's Map 53 Parcel 40

### **MEETING MINUTES OF MARCH 27, 2023**

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

Chair Hutchison recused himself from the hearing as his employer had a professional relationship with the applicant. Vice-Chair Mulvaney was called upon to act as chair.

Acting Chair Mulvaney called the public hearing to order at 6:35 PM and Clerk Brown read the hearing notice as follows:

*The South Hadley Planning Board will hold a virtual public hearing on Monday March 27, 2023 at 6:30 p.m. to discuss a Special Permit request filed by Thomas R Reidy to expand a nonconforming structure located at 25 North Sycamore Knolls pursuant to the Chapter 255 – 7 of the South Hadley Zoning Bylaw. The public hearing will be conducted virtually using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone. The log-in information is as follows:*

*URL to join: <https://us02web.zoom.us/j/81350061761?pwd=OTFSMGJIVUFxaUVoRFFNa1BHkEydz09>*

*Or join by phone: +1(305) 224 1968*

*Webinar ID: 813 5006 1761 Passcode: 090418*

*Interested persons can review the meeting agenda which will be posted on the Town's website no later than Thursday March 23, 2023. The subject property is located at 25 North Sycamore Knolls and is identified on Assessor's Map 53 Parcel 40. The property is located within the Residence A-1 zoning district and is an existing single family home. The applicant is seeking to extend the nonconforming entryway roof to create a covered porch.*

*The application is on file in the Planning & Conservation Department Office (Room U6) in Town Hall and is posted on the Department website [www.southhadley.ma.gov](http://www.southhadley.ma.gov) under 'Permit Applications'-Special Permit' under section 'N Sycamore Knolls (25) - Expansion of Nonconforming Structure'. Alternatively, you can view the documents at the following link: <https://www.southhadley.org/1181/Special-Permits>.*

*Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.*

*Joanna Brown, Clerk*

*South Hadley Planning Board*

*Publication: Friday, March 10, 2023*

*Friday, March 17, 2023*

The applicant, Thomas Reidy, was present at the hearing.

Director Capra explained that a special permit application had been filed to expand the existing home at 25 North Sycamore Knolls. The residence had an existing nonconformity as the home's covered entryway and steps were within the front yard setback. The applicant was proposing an addition to create a covered porch at the entryway location. The porch would increase the building footprint but would not extend the footprint any further inside the setback towards the

front property line. As new construction would only expand laterally, it appeared to satisfy standards for approval. To grant approval, the Board needed to determine if the proposal created more detriment to the existing neighborhood. The architectural style of the neighborhood was unique with a range of styles being represented. Therefore, the addition as proposed did not create a house out of character with the neighborhood.

Thomas Reidy shared that his family was expecting a baby so he was looking to create more space in his home. He characterized the addition as ‘de minimis’ and thought the proposed addition was no more detrimental than the existing nonconformity.

Acting Chair Mulvaney recalled the Board issued a special permit waiver for another project on the property relative to its nonconforming status.

Clerk Brown asked what material would be used to construct the porch. Thomas Reidy replied that teak hardwood was used along the entryway but the porch would likely be made with composite wood.

Member Davis asked if the existing entryway canopy would be removed. Thomas Reidy replied that it would be removed.

Acting Chair Mulvaney opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She had no opposition to the project but inquired how the nonconformity came to be. Thomas Reidy replied that the home was built in 1981 and his purchase was in 2013. The nonconformity was present at the time of purchase. Martha Terry noted that any further encroachment into the front yard setback towards the street line would require a variance from the Zoning Board of Appeals.

**Motion:** Clerk Brown moved to find that the proposed addition of the nonconforming residence at 25 N Sycamore Knolls would not be detrimental to the existing neighborhood and moved to approve the special permit for such work. Member Davis seconded the motion. Four (4) out of four (4) voting members voted in favor of the motion through roll call.

**Motion:** Member Davis moved to close the hearing. Clerk Brown seconded the motion. Four (4) out of four (4) voting members voted in favor of the motion through roll call.

The hearing concluded and the regular meeting reconvened at 6:58 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation Coordinator

#### Appendix

Document	Document Location
Special Permit Application – 25 N Sycamore Knolls	Planning Files

## **SOUTH HADLEY PLANNING BOARD PUBLIC HEARING CONTINUANCE:**

Discussion on proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw

### **MEETING MINUTES OF MARCH 27, 2023**

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

Chair Hutchison called the public hearing to order at 6:58 PM.

Director Capra met with Town Counsel earlier in the day to discuss the Short Term Rental (STR) bylaw drafts. It had been advised that the reference to deed restricted affordable housing be stricken from the zoning bylaw. As a replacement, the general bylaw could prohibit any deed restricted housing without directly referencing affordable housing. Relative to enforcement, the general bylaw could not direct the Building Commissioner's duties as they were defined under state law. Therefore, language stating the Building Commissioner 'shall' perform certain duties needed to be removed. Relative to license suspension, due process needed to be followed allowing an appellant a hearing process. Director Capra also clarified that the maximum daily fine for violations was \$300.

Member Therien discussed the process for tenant notification of local nuisance laws. Such notification could be required under the general bylaw section relating to 'tenant information' as the section already had an itemized list of owner obligations.

Clerk Brown addressed concerns for how enforcement would be handled. Under the 'enforcement' section of the general bylaw the language indicates owner responsibility when 'knowingly' allowing violations. She questioned if including the word 'knowingly' allowed for a loophole in responsibility. Additionally, the 'enforcement' section indicated that operators had 90 days to comply after notice of violation. She questioned if 90 days was too long of a period.

Members continued to discuss enforcement and nuisance concerns. Chair Hutchison indicated that the most applicable nuisance for an operating STR would be noise. As such, enforcement of immediate nature would be addressed through the police department. He added that no complaints had been received for the series of STRs operating in Town illegally prior to enforcement. Clerk Brown referenced the experience of a friend who lived near two STRs which were used for criminal activity. She wanted additional protection under the bylaw. Vice-Chair Mulvaney stated that the STR bylaws were not an appropriate place to address criminal enforcement or police protocol as was similarly indicated by Town Counsel relating to the responsibilities of the Building Commissioner. Member Davis also added that the general bylaw required an operator to make their home available 24 hours after a request. It was recommended that the language be amended to indicate that the home be made available after request *or notice of complaint*.

Chair Hutchison asked members to indicate if they were comfortable with the current draft of the zoning STR bylaw and if they supported sending it to Town Meeting. All members indicated support except Clerk Brown.

Members discussed what additional edits should be made to the general bylaw given the discussion during the hearing. The 'tenant information' section should be amended to include the requirement for operators to provide the nuisance law to renters and the 'inspections & complaints' section should be amended to require operators to make their house available after receipt of a complaint. Members were also interested in gathering feedback from the Building Commissioner regarding the 90 day response period following notice of a violation. However, the language would not be changed at this time as the Board needed to render a decision on the bylaw tonight.

Chair Hutchison addressed an email (attached) that was received from Ashleigh Murphy, 5 Dove Hill Road. At a previous hearing, Chair Hutchison indicated that building and fire code requirements could be cost prohibitive for some people interested in establishing an STR. The Fire Department and the Building Commissioner were the ultimate authority for fire and building code requirements.

Chair Hutchison opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She supported the recommendation to require tenant notification of the local nuisance law. She asked for clarity on the permitting avenues for the STR use type in each district and requested a diagram be included in the bylaw to indicate how to file complaints for STR operations. Director Capra clarified permitting thresholds and stated that the inclusion of a diagram was not feasible. Rules and regulations would be developed following bylaw adoption. She added that noise complaints would be handled the same way for STRs as other residences. Noise complaints would be handled by the Police Department.

Anne Stockton, Amherst Road, addressed the Board. She did not support non-owner occupied STRs and recommended that the Board seek to limit the amount of days an STR could be rented per-year.

Clerk Brown re-addressed concern for potential criminal behavior from short-term renters and expressed interest in including protections against it. No other members indicated similar interest as monitoring and enforcing against criminal behavior was under the authority of the police department.

Members discussed the comments made by Anne Stockton regarding limiting the number of days a short term rental could be rented out per year. No members indicated support for limiting the amount of days an STR could be rented per year.

Members were aware that Town Meeting was soon approaching. For the STR bylaws to be considered at May 2023 Town Meeting, the Board would need to close the hearing and make a recommendation for adoption that night.

**Motion:** Member Therien moved to send the drafted General Short Term Rental Bylaw as amended to the Selectboard for placement on the May 2023 Town Meeting warrant. Member Davis 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.

**Motion:** Member Davis moved to send the drafted Zoning Short Term Rental Bylaw as amended to the Selectboard for placement on the May 2023 Town Meeting warrant. Vice-Chair Mulvaney 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.

**Motion:** Member Therien moved to close the hearing. Vice-Chair Mulvaney 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.

The regular meeting reconvened at 8:53 PM.

Respectfully Submitted  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
Public Hearing Draft - General Short Term Rental Bylaw	Planning Files
Public Hearing Draft -Zoning Short Term Rental Bylaw	Planning Files
March 20 email from Ashleigh Murphey, 5 Dove Hill	Attached



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## Fwd: STR bylaw question

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

Fri, Mar 24, 2023 at 11:52 AM

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

From: **Ashleigh Murphy** <ashleighmurphy624@gmail.com>  
Date: Mon, Mar 20, 2023 at 9:06 PM  
Subject: STR bylaw question  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)>

Hi Anne,

I was just an attendee at the public hearing about owner occupied STRs. This question occurred to me after you all had moved on. If the bylaws are approved and a path is created for home owners to apply for a special permit, do you know details of what the building inspector and fire chief will require of these spaces? I heard a quick comment from the chair that the requirements of the fire and building chief may significantly limit the number of approved STRs anyway and I just want to have that important detail clarified. I want to point out, that if the fire chief and building inspector require something, like sprinkler systems for example, to be installed in order to gain permit approval, this whole discussion is a mute point because the cost of that process would be prohibitive for most. Is there a way to make recommendations from the planning board and the community regarding these potential requirements? When would their requirements be known and shared with the public?

Have you looked into the bylaws in Northampton and Amherst, who have a number of listed STRs, to inform your process for South Hadley? Are those towns requiring special permits that include site plan review?

My concern is that through this process, somehow the by laws and requirements are going to be prohibitive to something that has caused no known issue in town, serves as a nice *little* financial side gig, and has created a welcoming space for folks visiting family and friends, coming to town for events at the college, and even provided some traffic for small businesses in town.

Thank you for your time and service to our community.

Best,

Ashleigh Murphy  
5 Dove Hill