

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING
MEETING MINUTES OF APRIL 10, 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 20 and March 27 public hearings were sent to the Board for review. Spelling errors were noted within the drafts.

Motion: Vice-Chair Mulvaney moved to approve the March 20 and 27 public hearing minutes as revised. Member Davis seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown abstained from the vote.

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 an application for Site Plan Review filed by Lauren Smith to operate a dog grooming business on residential property located at 93 Mountainview Street, Assessor's Map 32 Parcel 7

Director Capra explained that an application for Site Plan Review has been received to operate a dog grooming business at 93 Mountainview Street. Upon application review, it was found that the proposal did not satisfy the Home Occupation requirements under the local bylaw as the applicant was seeking to groom the pets in a van on the property's driveway. The operation would need to take place inside the home to satisfy the requirements. Director Capra communicated this with the applicant who indicated interest in withdrawing their application. However, no formal written withdrawal had been received. Director Capra recommended deferring the hearing to the next meeting to allow the applicant to formally withdraw. If no such withdrawal was received, the Board would open the hearing and act on the application at the next meeting.

Motion: Clerk Brown moved to defer the public hearing to April 24, 2023 at 6:30 PM. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #5 --- Discussion on request for extension of special permit issued to Yi Sheng Inc. for conversion of the former South Hadley Library into multifamily dwelling units at 27 Bardwell Street

The applicant, Jesse Liu, was present at the meeting along with the project architect, Raymond Hervieux

A special permit for conversion of the former South Hadley Library into multifamily dwellings was issued in 2016. A number of subsequent permit extensions had been issued due to construction delays and supply shortages. The most recent extension expired in December 2022 and, as the project was not complete, the developer submitted another extension request.

Raymond Hervieux updated the Board on the current status of the project. Of the 5 total units, 3 (Unit #3, #4, and #5) were nearing completion. It has been difficult securing contactors and materials to complete the work. This was complicated by the fact that these units (#3, #4 and #5) were being sold highly customizable to the needs of each buyer. This only further delayed completion. Raymond Hervieux was optimistic that units #3, #4 and #5 would be completed by early Summer 2023. Sprinkler and alarm systems were the only items that needed to be installed before Certificates of Occupancy could be issued for the units. The other 2 units (#1 and #2) would be completed by the developer's design specifications and sold as-is. Ideally, this would allow units #1 and #2 to be issued Certificates of Occupancy quicker as customization would not be offered. The exteriors of units #1 and #2 were complete but interior work was still needed. For exterior site work, the parking lot paving and planting plan needed to be completed.

Clerk Brown noted that only one of two fences was installed. Raymond Hervieux responded that the applicant preferred to use plantings as screening in lieu of the second fence.

Clerk Brown inquired about the trash storage sheds. Raymond Hervieux responded that trash removal would be the responsibility of the Condominium Association. The storage units were built with two hour fire walls.

Members discussed how much additional time the project would need for completion and what conditions should be associated with approval of the extension. Unfortunately, the developer had been unable to fulfill the previous requirements for submission of reports to the Planning Board. Raymond Hervieux apologized for his inability to satisfy the reporting requirements. He explained that not much work had been recently completed as he was ill for a period of time. He explained that status reporting to the Building Commissioner was required following the completion of work. He recommended that the Planning Board could be copied in this correspondence. Chair Hutchison was amenable to being copied in this reporting. However, other members indicated support for continuing the requirement for monthly reporting to the Planning Board. If no work had been completed, the monthly report could indicate such.

Clerk Brown referenced a previous extension letter with conditions and recommended that the Board use those when considering issuance of another special permit extension. The special conditions indicated the amount of work that needed to be completed to satisfy the permit and the need for monthly reporting to the Planning Board.

Motion: Vice-Chair Mulaveny moved to extend the special permit for development of multifamily dwellings at 27 Bardwell Street for one year, making the new expiration date December 31, 2023, with the special conditions as reflected in the previous April 1, 2023 extension letter to the applicant. Clerk Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #6 --- 6:45PM - Public Hearing to consider a citizen's petition to amend the South Hadley zoning map by changing the zoning designation from Agricultural and Business B to fully Business B at 460 Amherst Road, Assessor's Map 58 Parcel 80

Chair Hutchison called the public hearing to order at 7: 35 PM (See public hearing minutes)

The regular meeting reconvened at 9:02 PM.

Agenda Item #7 --- Discussion on administrative changes to proposed Accessory Dwelling Unit (ADU) Bylaw

Director Capra explained that, upon Town Counsel's review of the proposed Accessory Dwelling Unit Bylaw, it was recommended that an administrative correction be made to reference Site Plan Review procedural requirements.

Motion: Vice-Chair Mulvaney moved to approve an administrative change to the proposed Accessory Dwelling Unit Bylaw to add a clarifying statement regarding Site Plan Review procedural requirements. Clerk Brown seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #8 --- Review of Short Term Rental (STR) Zoning and General Bylaws Planning Board Reports to Town Meeting

Director Capra was still in the process of finalizing the draft reports to the Town Meeting for the proposed Short Term Rental Bylaws. All Town Meeting reports would be ready for review and approval at the Board's next meeting.

Agenda Item #9 --- Planning & Conservation Department Report

Director Capra reviewed the following items:

- *Proposed Short Term Rental Bylaw* - During previous discussions on the proposed STR bylaws, the 90-day period of compliance after enforcement efforts was questioned. Director Capra followed up with the Building Commissioner and found the time period was consistent with Massachusetts General Law and building code.
- *Remote Meetings* - The allowance for remote public meetings had been extended to 2025 under a new financial package signed by Governor Healy.
- *Grant Application* - Following an expression of interest, the Town had been invited to submit a grant application for funding to develop zoning strategies along the Route 202/33 Corridor.

- Town Meeting - Ahead of Town Meeting, department staff would host a number of information sessions for members of the public.

Agenda Item #10 --- Other New Business

Vice-Chair Mulvaney shared that voting for local elections would be held at the South Hadley High School on April 11.

Agenda Item #11 --- Adjournment

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

The meeting adjourned at 9:15 PM.

Respectfully Submitted

Colleen Canning, Planning/Conservation Department Coordinator

Appendix

Document	Document Location
27 Bardwell Street – SP Extension Request	Planning Files
Proposed Accessory Dwelling Unit Bylaw	Planning Files

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:

Citizen's petition to amend the South Hadley zoning map by changing the zoning designation from Agricultural and Business B to fully Business B at 460 Amherst Road, Assessor's Map 58 Parcel 80

MEETING MINUTES OF APRIL 10, 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 7:35 PM and Clerk Brown reading the notice aloud as follows:

The South Hadley Planning Board will hold a public hearing on Monday, April 10, 2023 at 6:45 p.m. to discuss a citizen's petition to amend the South Hadley Zoning Map by changing the zoning designation of 460 Amherst Road from Business B and Agricultural to fully Business B.

The property is a 0.7 acre parcel at the intersection of Amherst Road and Pearl Street and identified as Assessor's Map 58, Parcel 80. The property is currently a small retail store.

The materials relative to the petition are available on the Town's website at the following link: <https://www.southhadley.org/1347/Zoning-Map-Amendment-Requests>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.

Due to the COVID 19 State of Emergency, virtual public meetings have been allowed to be held through Executive Orders of the Governor. This allowance is set to expire on March 31, 2023. At the time of publication, no extensions have been granted to allow fully virtual meetings to continue. If changes are made at the state level to allow fully virtual meetings to continue, the hearing will be held fully remote and will utilize zoom log-in information below: URL to join:

<https://us02web.zoom.us/j/82305486133?pwd=OjBIS1O3MFZxSVZvd00xdGNVeHpNUT09>

Or join by phone: +1(646) 931-3860

Webinar ID: 823 0548 6133 Passcode: 077561

If no such extension is granted allowing fully remote meetings to continue, the public hearing will be held in person at the South Hadley Senior Center in the Multipurpose Room located at 45 Dayton; South Hadley MA 01075. Clarifying information will be published on the meeting's agenda which will be posted on the Town's website no later than the evening of Thursday April 6, 2023.

Joanna Brown, Clerk

South Hadley Planning Board

Publication: Friday, March 24, 2023

Friday, March 31, 2023

Director Capra explained that a citizen's petition had been filed to change the zoning designation of 460 Amherst Road from Agricultural and Business B to fully Business B. The request originated when a prospective buyer wanted to develop the existing site into a small restaurant. The site's existing building was zoned business but the rear of the site, which would be needed for customer parking, was zoned agricultural. The site needed to be fully Business B to allow for customer parking at the rear of the lot. After the zone change petition was filed, the prospective buyer lost interest in developing the site. However, the request still needed to be brought to Town Meeting. Director Capra reviewed the zoning use schedule for both districts; the Master Plan goals and objectives for the site; and the comments received from Town departments.

Clerk Brown indicated that traffic accidents were common near the property. She was interested in hearing feedback from abutters. She also wanted more information about the zone change petition as the property owner was not the petitioner. Director Capra explained that a zone

change petition could be generated by the landowner, the Planning Board, or a group of citizens. This particular request was brought by a group of citizens. The individual interested in developing the site was not a South Hadley resident. Therefore, they needed to garner local support for the petition. After doing so and filing notice with the Town Clerk, the potential developer withdrew their interest in acquiring the property. However, the Town was still compelled to consider the request at Town Meeting as was required under a citizen's petition.

Member Davis stated that there appeared to be an accessory structure on the property. Director Capra stated that it appeared to be a shed and was not a dwelling unit.

Member Therien indicated that rezoning the property could lead to greater flexibility for redevelopment. He knew there was a recent attempt to open a small convenience store at the location but the project was abandoned when the interested party could not comply with local regulations. He was interested in hearing comments from the public. He also noted that there appeared to be a driveway bisecting the lot and questioned how it would impact redevelopment of the site.

Chair Hutchison opened the hearing to public comment.

Mary Hall, 15 Silverwood Terrace, addressed the Board. She was unsure what caused the former business to close but questioned if the location actually made sense for business use. She stated that traffic calming measures were needed as there were a number of car accidents at the location. In her ideal scenario, the site would become a park or garden.

Melissa Hughes, 455 Amherst Road, addressed the Board. It was her business interest which led to the requested zone change. At the time of filing the request, she was not a current resident of South Hadley. However, she recently moved into a home abutting the subject property. Her family owned and operated the old Gagne Market so she had interest in redeveloping the site into a breakfast and lunch restaurant. However, she discovered that renovations would be too costly and the orientation of the site complicated traffic flow. At most, three cars could park on site. There were multiple entrances to the site which complicated parking and led to further safety concerns. Additionally, an abutting property owner had an easement through the property to enable access to Pearl Street.

Brian and Julie Brown, 12 Pearl Street, addressed the Board. They echoed concerns for traffic and supported the idea of a park or garden.

Hattie Finkel, 450 Amherst Road, addressed the Board. She supported the previous comments made by Melissa Hughes. She has lived next door to the subject property since the 1950s and addressed concern for traffic at the location. She installed a berm along her property to mitigate concern for vehicles driving off the road onto her property. Such an incident did happen and the berm prevented a truck from colliding with her house. Due to these traffic concerns, she acquired an easement through the subject property so she could use Pearl Street to enter and exit her property. She was open to moving her easement if the building was relocated or if the site was repurposed for a parking lot to allow hikers to access Lithia Springs.

Marc Derosier, 310 Amherst Road addressed the Board. He was a signatory on the citizen's petition but only had done so out of familial obligation as he was related to Melissa Hughes. He did not support the proposed zone change and referred to the Master Plan's recommendations for the location.

Member Therien observed a better interest in redeveloping the site into a pocket park or a hiker parking lot. He questioned if such could be done under zoning and how it would be paid for. Director Capra replied that the Town or a private entity would need to acquire the parcel for redevelopment. She questioned if it would be wise to locate a parking lot at the location given all the concern for traffic.

Members observed a number of properties near the location had split zoning and questioned why such had been done. Members also considered if one consistent zone throughout the property would more easily enable site redevelopment.

Clerk Brown indicated that she was not inclined to support rezoning the property at this time. She noted the individual who was initially seeking to develop the site was now opposed to the zone change request. Relative to the discussion regarding a pocket park and hiker parking lot, she identified that recreational facilities were currently allowed within the agricultural zoning district.

Mary Hall, 15 Silverwood Terrace, addressed the Board again. She stated that the traffic safety needed to be addressed before she would support a zone change petition. She asked who was responsible for maintenance of the road. Chair Hutchison replied that MassDOT owned the road at that location.

Hattie Finkel, 450 Amherst Road, addressed the Board again. She stated that Gagne Market was in operation prior to adoption of the zoning bylaw and zoning map. A number of small community businesses were in operation many decades ago which was why a number of parcels near the location had portions of property zoned for business.

Melissa Hughes, 455 Amherst Road, addressed the Board again. She concurred with Hattie Finkle's statements. The former market was used by members of the community for decades but the property was later sold. She liked the idea of the site being repurposed as a park.

Mary Hall, 15 Silverwood Terrace, addressed the Board again. She asked who she could speak with regard to having traffic calming signs near the site. Director Capra recommended speaking to the Selectboard.

Members discussed the historical use of the property and potential impediments for site redevelopment. The existing easement appeared to hamper development potential. Additionally, changing the zoning did not guarantee that development interest would follow.

Hattie Finkel, 450 Amherst Road, addressed the Board again. She reiterated that she would be open to relocate her easement if the building on site were relocated.

Associate Member Adelman identified that problems for future site development were apparent. However, the Planning Board was only charged with making a recommendation to Town Meeting. Enough information had been gathered to enable him to not support the zone change request.

Commissioner Therien questioned what incentives could be created to encourage site redevelopment. Without action, the site would continue to languish in its current condition.

Chair Hutchison indicated that enough information had not been provided to enable him to support the request at this time.

Motion: Clerk Brown moved to recommend that Town Meeting *not* amend the zoning map to change the zoning designation of 460 Amherst Road. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

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

The regular meeting reconvened at 9:02 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zone Change Petition	Planning Files
March 28, 2023 email from Hattie and Steven Finkel, 450 Amherst Road	Attached

Fwd: Pearl Street Zone change

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

Fri, Apr 7, 2023 at 12:53 PM

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

From: **Harriet Finkel** <hattie.finkel@gmail.com>
Date: Tue, Mar 28, 2023 at 11:32 AM
Subject: Pearl Street Zone change
To: Anne Capra <acapra@southhadleyma.gov>

Good Morning,

I understand the zone change for 460 Amherst Road zone change will appear as an article on May's Town Meeting. As I am sure you know, the plan necessitating the zone change has been abandoned by Melissa Gagne, she is no longer interested in starting a cafe on the property. Will this be communicated to Town Meeting Members or do you need Melissa present for this information to be known? I would be happy to communicate this to her if need be.

Also, the Town has been kicking the can down the road for sometime regarding the old Gagne's Package Store. This business has become obsolete as evidenced by the lack of interest in the potential sale. (Melissa's interest was reviving a family tradition, which she realized was impractical). This intersection is a main connector to Route 47 from 116 and is increasingly used as such. Pearl Street has evolved from abandoned small summer homes, (hurricane of '55 wiped out Pearl City Pond), and is in the process of being increasingly gentrified as evidenced by homes built to modern standards. As it stands now, the 116/Pearl Street intersection cannot be navigated by larger vehicles such as lumber trucks. I have seen these vehicles making 3 point turns to successfully enter Pearl Street. The only way for the Town to improve this is to raze the existing structure to truly enable cars and trucks to safely enter and exit Pearl. (The building, I believe, is 2-3 inches from the roadway and has been hit multiple times by vehicles on Pearl as evidenced by the side of the building) With the years of investment in the Falls area of Town, little or no attention has been given this area, which is historic in nature and the first thing people see upon entering the Town from the north. It is disgraceful that the Town allows this unsightly, abandoned building to be their first impression of our town.

I am including Lise Wong in this communication, and hope to speak with you soon.

Yours very truly,

Hattie and Steven Finkel
450 Amherst Road, (Hattie Town Meeting member, District D)