

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING  
MEETING MINUTES OF MAY 9, 2022  
As Approved**

**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 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 comment period.

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

Draft minutes of the April 25 regular meeting and public hearing were sent to the Board. Revisions had been received but were not yet incorporated into the drafts. Therefore, the Board deferred approval to the next meeting.

**Agenda Item #3 --- Correspondence**

The list of correspondences were sent to the Board and any additional correspondences were emailed prior to the meeting.

**Agenda Item #4 --- E Ink Special Permit Public Hearing Continuance - Request for continuance to May 23, 2022 at 6:30 PM**

The applicant had requested a continuance of the public hearing to the Board's next meeting date. Any public comments received would be brought into the record at the continued hearing date.

**Motion:** Vice-Chair Mulvaney moved to continue the public hearing to May 23, 2022 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 amendments to Planning Board Rules and Regulations - Permit Submittal Deadlines**

The Board had adopted a number of Rules and Regulations for general purposes as well as for various application types. At a recent meeting, members indicated interest in revising the regulations to require applicants to provide material prior to meeting dates with sufficient time for review. Any amendments should be consistent throughout the General Rules and Regulations and Permitting (Site Plan Review, Special Permit, and Subdivision) Rules and Regulations. The

Board was supportive of requiring materials to be submitted by 4:00 PM 3 business days prior to the hearing date. The amendments could be considered further during the public hearing to consider the amendments.

**Agenda Item #6 --- Discussion on Amendments to Planning Board Rules and Regulations for Minor Site Plan Review**

In 2014, the Planning Board held a public hearing and adopted Rules and Regulations for Minor Site Plan Review. Since then, the Town started using eCode to catalog local bylaws and regulations. It appeared that the Rules and Regulations for Minor Site Plan Review were not transferred over to eCode. Therefore, Director Capra recommended that the Board hold a hearing to readopt the regulations. She recommended that the Board adopt the regulations as adopted in 2014 with the addition of language identifying agricultural activities on lots under five acres as qualifying for Minor Site Plan Review; rather than Site Plan Review as was now required. Discussion regarding challenges for agricultural uses under the Zoning Bylaw would continue under agenda item #8.

At least one member expressed concern that a hearing with abutter notification would not be required for agricultural activities if the use was included under Minor Site Plan Review.

Members indicated support for holding a hearing on June 13 to consider re-adoption of Minor Site Plan Review Rules and Regulations.

**Agenda Item #7 --- Discussion on Short Term Rentals**

Building Commissioner, David Gardner, was present at the meeting to contribute to the discussion.

Under the Zoning Bylaw, ‘Bed & Breakfast Inns’ and ‘Bed & Breakfast Homes’ were identified and allowable by Special Permit in certain zoning districts. In recent years, short-term rentals, such as Airbnb properties, had become popular and were now present in Town. Short-term rentals adhering to the Bylaw’s Bed & Breakfast standard could be allowable with the necessary Special Permitting. However, some challenges were present as the Bed & Breakfast standards required breakfast to be provided to guests and required homeowner occupancy of the dwelling. This was also complicated by the requirements outside of the Planning Board’s purview such as building code and requirements of the Board of Health.

A number of dwellings in Town serving as short-term rentals were recently issued cease and desist orders from the Building Commissioner for operating without a Special Permit. Therefore, the Planning Board could expect to host a number of public hearings in the near future to bring these operations into compliance.

Board Members identified that a number of local entities (Planning Board, Board of Health, and Building Commissioner) had purview over different aspects of the permitting process for short-term rentals. Therefore, the solution, such as a short-term rental bylaw, would require joint coordination.

The presence of short-term rentals also posed possible benefits and risks to the community. Short-term rentals could negatively impact the housing stock and displace affordable homes. Alternatively, they could allow existing homeowners to age-in-place by generating additional income.

As the Board was aware, the Town's housing production plan would be updated soon. Considerations for short-term rentals could be included in that review. Members were supportive of the inclusion.

### **Agenda Item #8 --- Discussion on Zoning Bylaw for Animal Keeping and Agriculture**

Director Capra explained that agricultural practices, when allowable in a zoning district, required Site Plan Review when the lot was less than five acres. The bylaw seemed to focus on the keeping of chickens but was silent on many other types of livestock. An unintended consequence of the bylaw was that it could be interpreted that than any agricultural use, even a small residential garden, would require Site Plan Review. This was the rationale for including agricultural uses under Minor Site Plan Review as was discussed earlier under agenda item #6.

This issue came up recently when a resident was inquiring about keeping goats on their property. Town Counsel had been consulted and provided recommendations including allowing agricultural uses to qualify for Minor Site Plan Review. The Board of Health already had annual licensing requirements for livestock.

Considerations for animal keeping and agricultural practices under the Zoning Bylaw would be ongoing.

### **Agenda Item #9 --- Planning & Conservation Department Report on Planning Projects and Development Updates**

Director Capra reviewed the follow items:

- *Town Meeting* --- the Planning Board had two articles up for consideration at Town Meeting which included the 2020 Master Plan Update and the Stormwater Management Bylaw Update. If needed, Member Therien would represent the Master Plan Update and Director Capra would represent the Stormwater Management Update.

### **Agenda Item #10 --- Other New Business**

There was no new business to discuss.

### **Agenda Item #11 --- Adjournment**

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

The meeting adjourned at 8:59 PM.

Respectfully Submitted,  
**As Approved**  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
May 27, 2014 Planning Board Public Hearing Minutes to consider Minor SPR Rules & Regulations	<b>Planning Files</b>