

**SOUTH HADLEY PLANNING BOARD VIRTUAL MEETING  
MEETING MINUTES OF JULY 24, 2023**

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

Chair Mulvaney called the meeting to order at 6:31 PM and reviewed the virtual meeting protocols.

**Agenda Item #1 --- Open Comment Period**

No comments were received during the open comment period.

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

Draft minutes of the June 26 regular meeting and public hearing were sent to the Board for review. Revised versions of the minutes were sent prior to the meeting to correct spelling and grammar errors.

**Motion:** Clerk Brown moved to approve the minutes of the June 26 regular meeting and public hearing as revised. Vice-Chair Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

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

Director Capra shared correspondence with the Board prior to the meeting regarding the ongoing Housing Production Plan update.

**Agenda Item # 4--- Discussion with applicant for Associate Planning Board Member Position, Preston Smith**

Preston Smith, candidate for the vacant Associate Planning Board member position, was present at the meeting. He introduced himself and explained his interest in serving on the Board. He was a 30 year resident of South Hadley and faculty at Mount Holyoke College with an academic background in fields relating to planning.

Members discussed with Preston Smith his professional and personal outlook on the challenges and opportunities present in South Hadley housing equity.

Director Capra explained that the Associate Planning Member position was a joint appointment between the Selectboard and Planning Board. She asked if members preferred considering appointment at the next regular Planning Board meeting or attend a joint meeting with the Selectboard.

Members all indicated support for considering appointment at their next regular meeting on August 14 rather than attending a joint-meeting with the Selectboard on September 5.

**Agenda Item #5 --- Discussion with Planning Board representative to the Capital Planning Committee**

Jon Camp, the Planning Board representative to the Capital Planning Committee, was present at the meeting. He explained that the Committee is tasked with making recommendations to the Selectboard and Town Meeting on capital purchases. Each Town department is asked to submit items or projects which need funding. These items are then compiled and ranked by importance.

Member Therien asked if the Capital Planning Committee was involved in discussions regarding borrowing money. Jon Camp responded that the Committee was not involved. The Selectboard would be tasked with reviewing such a request.

Clerk Brown asked for clarity on laws that govern procurement. Director Capra replied that the State Attorney General's Office provided a procurement chart which she would share with the Board.

**Agenda Item #6 --- Discussion on updates to Subdivision Regulations and Flexible Development Bylaw, as well as associated new bylaws**

Director Capra shared a slideshow (attached) which gave background on proposed updates to the Town's subdivision regulations and flexible development bylaw. At tonight's meeting, the Board would receive a general overview and in depth review would follow at future meetings.

Member Therien asked if there were limitations on regulation. Director Capra replied that state subdivision control law was already in place. She added that zoning and the subdivision control law cannot regulate what is already regulated in building code.

Clerk Brown stated that a lot of work had been done on bylaw and regulation updates without input from the board and the public. Director Capra replied that staff were involved in a workshop with regional planning professionals in efforts to create model subdivision regulations. The public process was starting now and would continue through the upcoming months.

Members discussed the advantages and pitfalls of requiring special permitting for Flexible Developments, rather than allowing the use 'by right'.

The Board discussed continuing discussion on the regulation and bylaw updates at their meeting on September 11. Member Hutchison recommended beginning review of subdivision design standards and other members indicated support.

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

Director Capra detailed the following items:

- *Housing Production Plan (HPP)* – Letters from the public regarding the HPP update had been posted to the Town’s website as well as results from the questionnaire following the second community forum. It was anticipated that the pre-public final draft plan would be provided by the consultant prior to the next meeting. The consultant, June McCartin, was also expected to attend the next Planning Board meeting to present the draft plan to the Board.
- *Future Meetings* – The Board’s next meetings were scheduled for August 14, September 11 and September 25.
- *Open Comment Period* – Town Counsel had drafted a response to the Board’s questions regarding updates to the Open Comment Period policy. The Board could consider adopting changes at a future meeting.
- *Woodlawn Plaza* – Developers for the Woodlawn Plaza apartment building had identified a funding gap which was pushing back the anticipated construction date. The process to secure funding was very competitive.

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

Member Hutchison shared that significant supply chain issues relating to the COVID-19 pandemic were still present. This would likely impact the ability for certain projects to be completed within a previously anticipated timeframe.

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

**Motion:** Clerk Brown 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 8:30 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
Application for Planning Board Associate Member - Preston Smith	Planning Files
Capital Planning Town Meeting Report - May 2023	Planning Files
Subdivision Regulation & Flexible Development Bylaw Update slideshow	Attached



# Subdivision Regulations & Flexible Development Bylaw Updates

JULY 24, 2023

# Subdivision Control Laws in Massachusetts

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Originated from a concern over the effect of the subdivision of land and sale of private land on planning and the development of streets both public and private within a community.

1891 – 1<sup>st</sup> comprehensive subdivision control statute in City of Boston

1916 – Similar powers conferred on Boards of Survey in many cities and towns

1936 – Subdivision control powers conferred on Planning Boards

1953 – Legislature made a comprehensive revision to the statute initiating the Subdivision Control Law, MGL Chapter 41, Sections 81K through 81GG

MGL Chapter 41, Sections 81K through 81GG

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81M>

# Purpose of the Subdivision Control Law

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- Comprehensive statutory scheme designed for the safety, convenience and welfare of the inhabitants of the cities and towns.
- It accomplishes this purpose by, among other things, regulating the laying out and construction of ways in subdivisions.
- Includes process of the laying out of lots where approval under the Subdivision Control Law is not required – *Approval Not Required (ANR)*
- Planning Boards must approve Definitive Subdivision Plans that comply with the Board's adopted Subdivision Regulations, and the recommendations of the Board of Health.

# Planning Board Rules and Regulations (Subdivision Regulations)

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- MGL Chapter 41, Section 81Q requires a Planning Board to adopt reasonable *rules and regulations* relative to subdivision control which are not inconsistent with the Subdivision Control Law.
- The rules and regulations must specify the requirement of the Board relative to the location, construction, width and grades of proposed ways and the installation of municipal services.
- Purpose of such is so that a prospective subdivider will know in advance what will be required of them in the way of street construction and public utilities.
- Process for adoption outlined in [Section 81Q](#):

Planning Board holds a posted Public Hearing, after which time, the Board may adopt by majority vote amended Subdivision Regulations.

# SOUTH HADLEY

## Subdivision Regulations

Last updated in 1995 –  
28 years old!!

Out-of-date regulations result in:

- Construction of over-designed roads –
  - Unnecessarily wide
  - May not reflect actual number or types of vehicles using them
  - Result in the creation of more stormwater runoff, increased heat islands, increased construction costs, increased maintenance costs
- Stormwater management systems that don't take into consideration:
  - Natural environmental characteristics of the site
  - Impacts on abutting properties from downstream flooding
  - Requirements of the EPA/DEP MS4 permit
  - Climate change and its impact on extreme storm events and increased flooding
  - Changes in frequency of 100-year storm events

Chapter 360 Subdivision Regulations

<https://ecode360.com/30055069>



# Flexible Development Bylaw

Adopted in 2004 –  
Replaced a Cluster  
Development Bylaw

- **Zoning tool** that allows for the creation of a subdivision with a portion of the site devoted to **protected open space**.
- Part of the Zoning Bylaw – Section 255-31
- Since adoption, only been used 3 times
- Complicated and confusing standards and requirements
- References Subdivision Regulations which creates additional layers of complication and confusion for applicants
- Needs to be updated in tandem with Subdivision Regulation updates

255-31 Flexible Development

<https://ecode360.com/30053080>

# Background

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- 2018-2019      Model Subdivision Regulations developed with PVPC and regional working group – Planning, Conservation, DPW, Building, and Public Health staff
- 2020            Applied model regs to South Hadley in consultation with Planning, Conservation, DPW, Building, and Public Health staff
- Developed proposed Subdivision Regulations update
- 2022-2023      Reviewed Zoning Bylaw implications of the proposed Subdivision Regs
- Developed proposed Flexible Development Bylaw updates and associated zoning bylaw recommendations

# Proposed/Draft Materials Online

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<https://www.southhadley.org/1318/ProposedDraft-Bylaws>

[Planning Department](#) > Proposed/Draft Bylaws

## Proposed/Draft Bylaws

### Subdivision Regulations and Flexible Development Bylaw Updates

- [Subdivision Regulations and Zoning Bylaw Amendments Background Memo - July 13, 2023](#)
- [Proposed Zoning Bylaw Amendment Report - Flexible Development Package - July 2023](#)
- [Proposed Subdivision Regulations Amendments - DRAFT - July 2023](#)
- [Comparison of Existing Subdivision Regs to Model Regs - Required Improvements](#)
- [Comparison of Existing Subdivision Regs to Model Regs - Design Standards](#)

# Subdivision Regulations - Updates

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- Removed provisions for regulating development with “more than one building for dwelling purposes per lot” – Form H Plan
  - Has Zoning Bylaw implications for multifamily developments, developments with more than one building for dwelling purposes on a single parcel of land, and Flexible Developments.
  - Add to Zoning Bylaw – Common Drives Bylaw and Rules and Regulations
  - Amend Section 255-47 (F)(5) Multifamily – add reference to Common Drives Bylaw
- Updated Design Principles and Standards
  - Existing Regs - Chapter 360 Article VII
  - Proposed Regs – Chapter 360 Article IX
- Updated Required Improvements
  - Existing Regs - Chapter 360 Article VIII
  - Proposed Regs – Chapter 360 Article X

# Subdivision Regulations - Updates

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- Appendix A – NEW – Typical Street Cross Sections and Intersection Details Diagram  
*Needs to be created based on new Design Standards and Required Improvements*
- Appendix B – NEW – Alternative Turnaround Design Diagrams  
*Needs to be created based on new Design Standards and Required Improvements*
- Appendix C – NEW – Complete Streets and South Hadley Policy
- Appendix D – NEW - Healthy Communities Overview

# Process for Adoption

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**Subdivision Regulations Amendment**

Zoning Bylaws – New or Amended