

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING

Special Permit Application for conversion of One-Family to Two-Family Dwelling at 116 Brockway Lane

MINUTES OF SEPTEMBER 23, 2019 As Approved

Present: Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Larry Butler, Associate Member; Richard Harris, Town Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the Public Hearing into order at 7:17 PM.

Clerk Mulvaney read the Public Hearing notice out loud:

The South Hadley Planning Board, in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws will hold a public hearing on Monday September 23, 2019 at 7:15 p.m. in the Selectboard Meeting of the South Hadley Town Hall at 116 Main Street, South Hadley, MA to consider and discuss the application of Stephen and June Carpenter; 116 Brockway Lane, South Hadley, MA 01075 for a Special Permit under Sections 255-19 and 255-27 and Article IX of the Town's Zoning Bylaw. The applicant is seeking a Special Permit to allow conversion of a single-family dwelling to a two-family dwelling.

The subject property is located along Brockway Lane and known as 116 Brockway Lane and identified on Assessor's Map Number #45 as Parcel #37. The property is located in the Agricultural zoning district.

Plans and the application may be viewed at the Office of the Planning Board during normal office hours (8:30 a.m. to 4:30 p.m.). Additionally, the plans and application are posted on the Planning Board's "Project Plans A through L" page on the Town's website www.southhadleyma.gov labeled "116 Brockway Lane – Conversion to a Two-Family Dwelling – 2019".

Any person interested in, or wishing to be heard regarding, this application should appear at the time and place designated.

*Diane Supczak-Mulvaney, Clerk
South Hadley Planning Board*

*Publication: Friday, August 30, 2019
Friday, September 6, 2019*

The applicant, Stephen and June Carpenter of 116 Brockway Lane, were present at the Public Hearing along with their daughter, Laurel Carpenter, who resides at the same address.

Chair Cavanaugh invited the applicant to address the Board.

Laurel Carpenter addressed the Board. She explained that she was a resident of 116 Brockway Lane and the daughter of the owners, Stephen and June Carpenter. She described the house as a two-story colonial with an unfinished portion that was initially designed to create an additional living area. There were currently four parking spaces with the inclusion of a two-car garage. The property was agriculturally zoned therefore conversion from a one-family to a two-family dwelling required a Special Permit. Laurel Carpenter explained that, through the conversion, no exterior changes or additional occupants were proposed. Therefore, concerns for increased traffic or concerns for pressure on the public water lines were not warranted. She referenced other multifamily developments within proximity to 116 Brockway Lane to reiterate that the character of the neighborhood would not change. She added that comments from the Board of Health, Fire-Department-District 2, and Building Commissioner were responded to in writing. She remarked that the Building Commissioner still needed to confirm appropriate egress was present within the proposed second living unit. She described that the 'worst case scenario' in attaining appropriate egress would be through the installation of exterior stairs extending from the second-floor rear-facing window.

Ms. Brown observed that appropriate egress had yet to be determined. She inquired if the Planning Board could stipulate design standards in the event that creating egress required alteration to the exterior of the house. Mr. Harris explained that in 2017 a working group developed recommended guidelines for conversion of one-family homes to a two-family homes. He explained that the guidelines recommended that exterior alternations during conversion should not be greater than five percent of the dwelling's floor area. He added that the guidelines were advisory but not required.

Mr. Huchinson referenced item #7 within the *Interim Policy Regarding Standards Applied to Special Permit for Conversion of Single- Family Dwellings to Two-Family Dwellings* which recommended dwellings be serviced by the Town's sanitary sewer. He observed that the proposed two-family was not serviced by Town sewer as it was outside of its service area. Mr. Harris explained that the Board had latitude as they policy was not required. He added that the provision was intended for conversions within the Town sewer's service area.

Clerk Mulvaney noted conflicting dimensional information within the Special Permit Application and Assessor's Property Card. She noted that it would affect the dimensional allowance for exterior site changes. Mr. Harris advised that the Town Assessor preform a site visit to validate the dimensions of the dwelling.

Chair Cavanaugh opened the Hearing to public comment at 7:41 PM.

Robert Kachinski, 115 Brockway Lane, addressed the Board. He shared his dissatisfaction that the applicant was granted a waiver which allowed the Special Permit to be submitted without a licensed professional preparing the site plan. Additionally, He disagreed with the notion that Rivercrest Condos could be considered part of the Brockway Lane neighborhood and did not hold bearing to this project proposal. He described Brockway Lane as having rural character. Additionally, he was concerned that the dwelling would not remain owner occupied.

Mr. Harris reiterated that no zoning change would occur through the process of conversion. He added that, as was a requirement of the Special Permit, at least one unit would need to remain owner occupied.

Robert Kachinski reiterated his issues with the proposal to the Board. He remarked that even though the zoning was not legally changed the nature of the street would be changed.

Clifford Grant, 64 Ferry Street, addressed the Board. He explained that Brockway Lane is a privately maintained road. Therefore, the property owners on the road would be fully subsidizing the 'public' utilities to potential renters

Martha Terry, 28 Brainerd Street, addressed the Board. She shared that she was a member of the task force that developed the aforementioned conversion guidelines. In her evaluation of the project, it appeared that the applicant remained in compliance with the standards set forth. She added that no exterior changes were proposed and no additional occupants were proposed within the dwelling

Ms. Brown observed that, if approved, the conversion would make two separate legal units. Therefore, she was concerned that the owner could potentially sell off one of the units. Mr. Harris explained that Special Permits were nontransferable without an amendment approved by the Planning Board.

Cathy Machak, 11 Brockway Lane, addressed the Board. She shared that she was opposed to the conversion as she saw it as creating 'disorder' in the neighborhood. She described the project as a 'slippery slope' in where other dwellings within the neighborhood would apply for the same conversion. She described it as changing the character of the neighborhood.

Laurel Carpenter addressed the Board to respond to the comments made during the hearing. She addressed the 'slippery slope' comment in describing the unique characteristics of the dwelling at 116 Brockway Lane that made it a candidate for the conversion. She added that the stress to the roads and utilities would not change as no additional occupants were proposed. She described that the Rivercrest Condominiums were visible from the property at 116 Brockway which is why she considered it part of the neighborhood.

Stephen Carpenter addressed the Board. He shared his intentions with the proposed Conversion were to allow his wife and himself the ability to remain in their house after retirement. His daughter would currently be living in the additional living unit. However, if his daughter decided to move-out he would be able to rent the space. This would easing the financial burden of maintaining a home.

Laurel Carpenter addressed the Board again. She responded to the criticism of not preparing a site plan. She shared the Building Commissioner advised her not to generate a site plan until the Planning Board made a determination on the Special Permit. The Site Plan for an in-law unit versus a second legal living unit would be different.

Vice-Chair O'Brien spoke in support of the proposal. She saw the advantages of the project as it allowed for intergenerational living and allowed the homeowners to remain in the home they created. She added that the project created a rental unit, which were limited in Town, while not creating additional structures which helped preserve open space. Mr. Hutchinson supported the sentiment of the Vice-Chair.

Cathy Machak addressed the Board again. She commented that the applicant spoke of preparing for retirement in the future. Therefore, the applicant should consider conversion in the future. Mr. Harris responded that preparing for the future now prevented the homeowners from entering a crisis later on.

As there was no further information to gather, Chair Cavanaugh closed the Public Hearing at 8:20 PM

Respectfully Submitted,
As Approved
Colleen Canning, Senior Clerk Planning and Conservation

Appendix

Document	Document Location
Interim Policy Regarding Standards Applied to Special Permit for Conversion of Single-Family Dwellings to Two-Family Dwellings.	Planning Files
Attachment A- Statement of Findings for Conversion of one family to two-family dwellings at 116 Brockway Lane	Planning Files
Special Permit Application and accompanying material for Conversion of one family to two-family dwellings at 116 Brockway Lane	Planning Files