

COMMONWEALTH OF MASSACHUSETTS  
SOUTH HADLEY, MASSACHUSETTS

WARRANT

Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

Election of Redevelopment Authority

1. Term from July 1, 2023 to June 30, 2028

Town Meeting Review Committee Appointments

1. Term from May 15, 2023 to June 30, 2024
2. Term from May 15, 2023 to June 30, 2024
3. Term from May 15, 2023 to June 30, 2024

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, please contact the Office of the Selectboard at (413) 538-5030 ext. 6136 or [Selectboard@southhadleyma.gov](mailto:Selectboard@southhadleyma.gov) by April 28, 2023 in order that reasonable accommodations may be made.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the ANNUAL TOWN MEETING will be held at 153 Newton Street, South Hadley, Massachusetts on Wednesday, May 10, 2023 at 6:00 PM or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following articles;

Consent Calendar (Articles 1, 2, 3, 4, 5, 6, 7 and  
8)

ARTICLE 1. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2023, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 2. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during Fiscal Year 2024, as permitted by Massachusetts General Laws Chapter 44, Section 53 (F), or take any other action relative thereto.

ARTICLE 3. To see if the Town will vote to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2024 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Selectboard to apply for and accept such federal or state grants or monies as may be available and to authorize the Selectboard to expend any funds received there from in accordance with the terms of said grants, or take any other action relative thereto.

ARTICLE 5. To see if the Town will vote to accept a sum of money for highway improvements under the authority of Massachusetts General Laws Chapter 90 and other applicable law; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing, or by any combination of these methods; authorize the Selectboard to apply for, accept, expend and borrow in anticipation of state aid for such projects, or take any other action relative thereto.

ARTICLE 6. To see if the Town will vote to fix the salary and compensation of the following elective officers of the Town of South Hadley during Fiscal Year 2024 as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectboard Members, Assessors, or take any other action relative thereto.

ARTICLE 7. To see if the Town will vote to authorize the total expenditures for the Buttery Brook Park Revolving Fund pursuant to G.L. c. 44 Section 53E ½ for the Fiscal Year beginning July 1, 2023 to be expended in accordance with Chapter 65 - 5 of the town bylaws in the amount of \$20,000, or take any other action relative thereto.

ARTICLE 8. To see if the Town will vote to authorize the total expenditures for the COA Woodlawn Cafe Revolving Fund pursuant to G.L. c. 44 Section 53E ½ for the Fiscal Year beginning July 1, 2023 to be expended in accordance with Chapter 65 - 5 of the town bylaws in the amount of \$30,000, or take any other action relative thereto.

End of Consent Calendar

ARTICLE 9. To see if the Town will vote to raise and appropriate and transfer from available funds and retained earnings the sum of \$54,266,925 or a greater or lesser sum, to constitute the Operating Budget for Fiscal Year 2024 as further articulated in "Appendix A" as attached, or take any other action relative thereto.

ARTICLE 10. To see if the Town will transfer from Unreserved Free Cash or other Available Funds the sum of \$846,700 to make the following capital purchases, repairs, or replacements:

DPW	Asbestos abatement BBP	\$15,000
DPW	HVAC	\$25,000
DPW	Garage Doors 2 doors \$14k ea	\$28,000
DPW	Mini excavator	\$90,000
DPW	84" mower for Ventrac	\$8,000
DPW	Turf Field groomer	\$25,000
DPW	Tree assessment / asset management program	\$50,700
Facilities	Mini Split System Unit	\$40,000
Police	Replace water heater with tankless	\$10,000
Police	2 Vehicle Replacement	\$135,000
Recreation/Parks	Fencing/Netting	\$65,000
School	Middle School security	\$50,000
School	Middle School floor tile replacement, vapor barrier	\$50,000
School	High School - convert computer lab to classroom	\$25,000
School	Mosier School security	\$50,000
School	High School security	\$50,000
School	10 Passenger Van (replace mini van)	\$30,000
School	Middle School HVAC	\$100,000

, or to take any other action relative thereto.

ARTICLE 11. To see if the Town will transfer from WWTP Retained Earnings the sum of \$310,000 to make the following purchases, repairs, or replacements:

WWTP	Channel Grinder #2	\$35,000
WWTP	Thickener Room Heating System	\$25,000
WWTP	Comprehensive Wastewater Management Plan	\$250,000

, or to take any other action relative thereto.

ARTICLE 12. To see if the Town will transfer from Ledges Retained Earnings the sum of \$198,500 to make the following purchases, repairs, or replacements:

Ledges	Pump Replacement	\$175,000
Ledges	Insulate Clubhouse	\$23,500

, or to take any other action relative thereto.

ARTICLE 13. To see if the Town will transfer from Landfill Retained Earnings the sum of \$14,000 to

make the following purchases, repairs, or replacements: Parks Containers, or to take any other action relative thereto.

ARTICLE 14. To see if the Town of South Hadley will vote to transfer from Free Cash, a sum of \$715,000 to undertake Phase 2 of the Improvements Program for Buttery Brook Park, which is dedicated to active recreational purposes under M.G.L. Chapter 45, Section 14, and to authorize the Town Administrator or their designee to file on behalf of the Town of South Hadley applications under the Parkland Acquisitions and Renovations for Communities (PARC) Program and authorize the Town Administrator to enter into all agreements and execute any and all instruments as may be necessary on behalf of the town to affect said project, or to take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to appropriate from Free Cash the sum of \$100,000 to the Compensation Fund, or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023, and create the Opioid Settlement Stabilization Fund to be established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 for the purposes of using Opioid Settlement money received by the Town for Opioid Use Disorder (“OUD”) Treatment; Support Programs for People with OUD in Treatment and Recovery; Connects to Care for People with or at risk of developing OUD; Harm Reduction efforts to prevent overdoses deaths or other opioid related harms; Support of diversion and deflection programs and strategies for criminal-justice-involved persons with OUD; Support of Pregnant or Parenting Women And Their Families, Including Babies With Neonatal Abstinence Syndrome; To Prevent Misuse of Opioids And Implement Prevention Education or take any other action relative thereto.

ARTICLE 17: To see if the Town will dedicate all or a percentage, which may not be less than 25 percent, of the Opioid Settlements to the Opioid Settlement Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023; or take any other action relative thereto.

ARTICLE 18: To authorize the Selectboard and School Committee, pursuant to G.L. c. 30B sec 12, to enter into contracts in excess of 3 years in Fiscal Year 2024.

ARTICLE 19. To accept G.L. c. 59 sec. 5, Clause 22H, a local option, surviving parents or

guardians of (1) military personnel (including members of the National Guard on active duty) who went missing in action during active duty and are presumed to have died, or (2) military personnel (including members of the National Guard on active duty) or veterans who died as a proximate result of injuries sustained or illnesses contracted during active duty service, or take any action relative thereto.

ARTICLE 20. To see if the Town will vote to create a General Bylaw to allow for registration and licensing of Residential Short Term Rental Units, as further articulated in the Planning Board's report to Town Meeting (APPENDIX B), or take any other action relative thereto.

ARTICLE 21. To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Residential Short Term Rental Units by amending: Section 255-10 Terms Defined by inserting the definition for a Short Term Rental; Section 255 Attachment 1:1 Use Regulations Schedule to establish which districts a Short Term Rental may be permitted and how they may be permitted (Site Plan Review or Special Permit); and Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-51 Short Term Rental to provide standards and details under which a Short Term Rental may be permitted, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

ARTICLE 22. To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined by inserting the definition for Accessory Dwelling Unit; Section 255 Attachment 1:1 Use Regulations Schedule to establish which districts an Accessory Dwelling Unit may be permitted and how they may be permitted (by right or Site Plan Review); Section 255 Attachment 2 Dimensional Regulations Schedule for Buildings and Structures by inserting a footnote for "Accessory uses" in each of the Zoning Districts referring to Chapter 255 Article VII Supplemental District Regulations for dimensional standards for Accessory Dwelling Units; and, Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-50 Accessory Dwelling Unit to provide standards and details under which an Accessory Dwelling Unit may be permitted, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

ARTICLE 23. To see if the Town will vote to amend the Zoning Map by changing the designation of a 2.61-acre tract of land consisting of six parcels situated on the southeast corner of the intersection of Granby Road (Route 202) and Willimansett Street (Route 33), and known as 280 and 286 Granby Road, identified on Tax Assessor's Map 15 as Parcels 122, 123, 125, 175, 176 and 113, from the present zoning designation of Residence A-1 to Business A, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

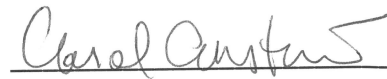
ARTICLE 24. To see if the Town will vote to amend the Zoning Map by changing the designation of a 0.69-acre parcel situated on the northwest corner of Amherst Road (Route 47) and the intersection of Pearl Street, and known as 460 Amherst Road, identified on Tax Assessor's Map 58, Parcel 80, from mixed zoning designation of Agricultural and Business B to all Business B, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

ARTICLE 25. To see if the Town will vote to appropriate up to \$1,000 or any other sum, for the purpose of investigating a racial slur directed at 54% of our neighbors in Holyoke. If and when the racial slur is investigated and is found to be true, remediation to be offered, or act on anything relative thereto.

Given under our hands this 18th day of April 2023:



Andrea Miles, Chair



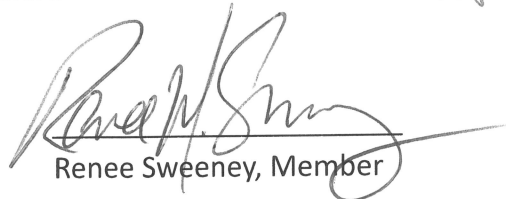
Carol Constant, Vice-Chair



Nicole Casolari, Clerk



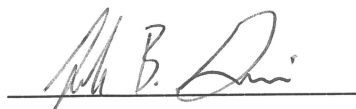
Jeff Cyr, Member



Renee Sweeney, Member

**SELECTBOARD  
TOWN OF SOUTH HADLEY**

True copy, attest:



Sarah Gmeiner, Town Clerk

Town of South Hadley

APPENDIX A

	FY 21	FY 22	FY 23	FY 24	FY 24	FY 24
Department	Expended	Expended	Budgeted	Level Request	Goal Request	TA Recommended
<b>1220 Selectboard</b>						
Selectboard-Personnel Services	\$ 264,117	\$ 214,327	\$ 231,570	\$ 240,412	\$ 240,412	\$ 240,412
Selectboard-Other Expenses	<u>\$ 12,412</u>	<u>\$ 11,688</u>	<u>\$ 33,200</u>	<u>\$ 18,200</u>	<u>\$ 18,200</u>	<u>\$ 15,700</u>
Total Selectboard	\$ 276,529	\$ 226,015	\$ 264,770	\$ 258,612	\$ 258,612	\$ 256,112
<b>1250 Cable Access</b>						
Cable Access-Personnel Services	\$ 63,520	\$ 80,897	\$ 91,361	\$ 84,034	\$ 84,034	\$ 84,034
Cable Access-Other Expenses	<u>\$ 24,897</u>	<u>\$ 23,944</u>	<u>\$ 26,600</u>	<u>\$ 26,600</u>	<u>\$ 26,600</u>	<u>\$ 26,600</u>
Total Cable Access	\$ 88,417	\$ 104,841	\$ 117,961	\$ 110,634	\$ 110,634	\$ 110,634
<b>1320 Reserve Fund</b>						
Total Reserve Fund	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
<b>1350 Accountant/Auditor</b>						
Accounting/Auditing- Personnel Services	\$ 209,769	\$ 217,642	\$ 217,634	\$ 216,800	\$ 216,800	\$ 216,800
Accounting/Auditing- Other Expenses	<u>\$ -</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 150</u>	<u>\$ 150</u>	<u>\$ 150</u>
Total Accounting/Auditing	\$ 209,769	\$ 217,742	\$ 217,734	\$ 216,950	\$ 216,950	\$ 216,950
<b>1360 Wage and Classification</b>						
Merit Plan	\$ 42,000	\$ 58,000	\$ 225,000	\$ 80,000	\$ 150,000	\$ 90,000
Transferred/Expended	<u>\$ (10,439)</u>	<u>\$ (34,568)</u>	<u>\$ (29,753)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total Wage and Classification	\$ 31,561	\$ 23,432	\$ 195,247	\$ 80,000	\$ 150,000	\$ 90,000
<b>1370 Human Resources</b>						
Human Resources Personnel Services	\$ 60,797	\$ 83,404	\$ 139,926	\$ 139,390	\$ 141,065	\$ 138,325
Human Resources Other Expenses	<u>\$ 28,217</u>	<u>\$ 24,067</u>	<u>\$ 40,100</u>	<u>\$ 39,600</u>	<u>\$ 40,100</u>	<u>\$ 34,600</u>
Total Human Resources	\$ 89,014	\$ 107,471	\$ 180,026	\$ 178,990	\$ 181,165	\$ 172,925
<b>1410 Assessor</b>						

Assessor-Personnel Services	\$ 144,577	\$ 149,111	\$ 149,778	\$ 150,073	\$ 162,500	\$ 150,073
Assessor-Other Expenses	<u>\$ 37,300</u>	<u>\$ 37,893</u>	<u>\$ 38,360</u>	<u>\$ 38,975</u>	<u>\$ 40,475</u>	<u>\$ 38,975</u>
Total Assessor	\$ 181,877	\$ 187,004	\$ 188,138	\$ 189,048	\$ 202,975	\$ 189,048
<b>1460 Collector/Treasurer</b>						
Collector/Treasurer-Personnel Services	\$ 163,470	\$ 174,389	\$ 176,103	\$ 176,948	\$ 176,948	\$ 176,948
Collector/Treasurer-Other Expenses	<u>\$ 43,006</u>	<u>\$ 36,765</u>	<u>\$ 45,950</u>	<u>\$ 45,950</u>	<u>\$ 46,600</u>	<u>\$ 45,950</u>
Total Collector/Treasurer	\$ 206,476	\$ 211,154	\$ 222,053	\$ 222,898	\$ 223,548	\$ 222,898
<b>1490 Town Audit</b>						
Total Town Audit	\$ 31,000	\$ 31,000	\$ 39,000	\$ 45,000	\$ 45,000	\$ 35,000
<b>1500 Town Clerk</b>						
Town Clerk-Personnel Services	\$ 112,862	\$ 102,045	\$ 176,297	\$ 155,672	\$ 155,672	\$ 155,672
Town Clerk-Other Expenses	<u>\$ 5,916</u>	<u>\$ 6,383</u>	<u>\$ 17,500</u>	<u>\$ 17,500</u>	<u>\$ 17,500</u>	<u>\$ 17,500</u>
Total Town Clerk	\$ 118,778	\$ 108,428	\$ 193,797	\$ 173,172	\$ 173,172	\$ 173,172
<b>1510 Legal Services</b>						
Total Legal Services	\$ 69,989	\$ 94,719	\$ 95,000	\$ 100,000	\$ 105,000	\$ 95,000
<b>1550 Information Technology</b>						
Information Technology-Personnel Services	\$ 68,382	\$ 70,772	\$ 70,764	\$ 70,492	\$ 70,492	\$ 70,492
Information Technology-Other Expenses	<u>\$ 277,432</u>	<u>\$ 270,030</u>	<u>\$ 324,550</u>	<u>\$ 335,121</u>	<u>\$ 342,121</u>	<u>\$ 342,121</u>
Total Information Technology	\$ 345,814	\$ 340,802	\$ 395,314	\$ 405,613	\$ 412,613	\$ 412,613
<b>1620 Elections</b>						
Elections-Personnel Services	\$ 13,271	\$ 8,650	\$ 26,000	\$ 35,000	\$ 35,000	\$ 35,000
Elections-Other Expenses	<u>\$ 19,173</u>	<u>\$ 13,931</u>	<u>\$ 30,250</u>	<u>\$ 40,750</u>	<u>\$ 42,750</u>	<u>\$ 41,750</u>
Total Elections	\$ 32,444	\$ 22,581	\$ 56,250	\$ 75,750	\$ 77,750	\$ 76,750
<b>1750 Planning/Conservation</b>						

Planning/Conservation-Personnel Services	\$ 206,737	\$ 189,763	\$ 198,129	\$ 198,114	\$ 198,114	\$ 198,114
Planning/Conservation-Other Expenses	<u>\$ 24,999</u>	<u>\$ 49,200</u>	<u>\$ 73,124</u>	<u>\$ 73,124</u>	<u>\$ 73,124</u>	<u>\$ 73,124</u>
Total Planning/Conservation	\$ 231,736	\$ 238,963	\$ 271,253	\$ 271,238	\$ 271,238	\$ 271,238
<b>1920 Public Building Maintenance</b>						
Public Bldg Mtce P/S	\$ 76,880	\$ 79,371	\$ 79,373	\$ 201,373	\$ 201,373	\$ 179,373
public Bldg Mtce O/E	\$ 229,819	\$ 244,342	\$ 234,970	\$ 264,742	\$ 279,742	\$ 264,742
Total Building Maintenance	\$ 306,699	\$ 323,713	\$ 314,343	\$ 466,115	\$ 481,115	\$ 444,115
<b>1930 Internal Service Fund</b>						
Total Internal Service Fund	\$ 7,071	\$ 6,112	\$ 8,000	\$ 8,000	\$ 9,000	\$ 8,000
<b>1950 Town Reports</b>						
Total Town Reports	\$ 988	\$ 1,064	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,000
<b>2100 Police</b>						
Police-Personnel Services	\$ 2,659,427	\$ 2,603,670	\$ 2,891,429	\$ 3,222,799	\$ 3,243,142	\$ 3,242,139
Police-Other Expenses	<u>\$ 258,302</u>	<u>\$ 284,230</u>	<u>\$ 280,725</u>	<u>\$ 280,725</u>	<u>\$ 304,225</u>	<u>\$ 282,930</u>
Total Police	\$ 2,917,729	\$ 2,887,900	\$ 3,172,154	\$ 3,503,524	\$ 3,547,367	\$ 3,525,069
<b>2410 Inspection Services</b>						
Inspection Services-Personnel Services	\$ 172,561	\$ 176,319	\$ 180,487	\$ 192,352	\$ 282,119	\$ 190,352
Inspection Services-Other Expenses	<u>\$ 5,499</u>	<u>\$ 5,646</u>	<u>\$ 8,950</u>	<u>\$ 9,100</u>	<u>\$ 18,600</u>	<u>\$ 28,600</u>
Total Inspection Services	\$ 178,060	\$ 181,965	\$ 189,437	\$ 201,452	\$ 300,719	\$ 218,952
<b>2440 Weights and Measures</b>						
Total Weights and Measures	\$ 7,784	\$ 7,784	\$ 7,900	\$ 8,000	\$ 8,000	\$ 8,000
<b>4000 Department of Public Works</b>						
DPW-Personnel Services	\$ 825,254	\$ 818,618	\$ 960,279	\$ 1,019,441	\$ 1,093,801	\$ 1,093,801
DPW-Other Expenses	<u>\$ 534,455</u>	<u>\$ 538,379</u>	<u>\$ 567,535</u>	<u>\$ 588,050</u>	<u>\$ 688,550</u>	<u>\$ 631,550</u>
Total Department of Public Works	\$ 1,359,709	\$ 1,356,997	\$ 1,527,814	\$ 1,607,491	\$ 1,782,351	\$ 1,725,351

<b>4230 Snow and Ice Removal</b>						
Snow and Ice-Personnel Services	\$ 35,183	\$ 43,048	\$ 21,000	\$ 21,000	\$ 21,000	\$ 21,000
Snow and Ice-Other Expenses	<u>\$ 143,621</u>	<u>\$ 135,648</u>	<u>\$ 80,360</u>	<u>\$ 80,360</u>	<u>\$ 80,360</u>	<u>\$ 80,360</u>
Total Snow and Ice Removal	\$ 178,804	\$ 178,696	\$ 101,360	\$ 101,360	\$ 101,360	\$ 101,360
<b>4240 Street Lighting</b>						
Total Street Lighting	\$ 89,784	\$ 90,227	\$ 99,000	\$ 105,000	\$ 105,000	\$ 105,000
<b>5110 Board of Health</b>						
Board of Health-Personnel Services	\$ 170,409	\$ 190,341	\$ 230,752	\$ 250,341	\$ 282,841	\$ 250,341
Board of Health-Other Expenses	<u>\$ 53,499</u>	<u>\$ 47,624</u>	<u>\$ 67,638</u>	<u>\$ 67,638</u>	<u>\$ 86,766</u>	<u>\$ 78,766</u>
Total Board of Health	\$ 223,908	\$ 237,965	\$ 298,390	\$ 317,979	\$ 369,607	\$ 329,107
<b>5410 Council on Aging</b>						
Council on Aging-Personnel Services	\$ 300,080	\$ 338,794	\$ 421,190	\$ 446,590	\$ 476,590	\$ 456,590
Council on Aging-Other Expense	<u>\$ 73,044</u>	<u>\$ 79,251</u>	<u>\$ 107,000</u>	<u>\$ 132,320</u>	<u>\$ 135,620</u>	<u>\$ 147,620</u>
Total Council on Aging	\$ 373,124	\$ 418,045	\$ 528,190	\$ 578,910	\$ 612,210	\$ 604,210
<b>5430 Veterans' Services</b>						
Veterans'-Personnel Services	\$ -	\$ -	\$ -	\$ 82,160	\$ 82,160	\$ 82,160
Veterans'-Other Expenses	\$ 229,435	\$ 250,968	\$ 278,981	\$ 258,300	\$ 266,300	\$ 259,300
Total Veterans' Services	\$ 229,435	\$ 250,968	\$ 278,981	\$ 340,460	\$ 348,460	\$ 341,460
<b>6100 Library</b>						
Library-Personnel Services	\$ 489,589	\$ 519,294	\$ 541,061	\$ 523,296	\$ 541,670	\$ 523,296
Library-Other Expenses	<u>\$ 224,410</u>	<u>\$ 240,632</u>	<u>\$ 261,200</u>	<u>\$ 292,220</u>	<u>\$ 301,220</u>	<u>\$ 296,220</u>
Total Library	\$ 713,999	\$ 759,926	\$ 802,261	\$ 815,516	\$ 842,890	\$ 819,516
<b>6300 Recreation</b>						
Recreation-Personnel Services	\$ 126,222	\$ 128,745	\$ 128,747	\$ 128,253	\$ 128,253	\$ 128,253
Recreation-Other Expenses	<u>\$ 240</u>	<u>\$ 240</u>	<u>\$ 1,240</u>	<u>\$ 1,240</u>	<u>\$ 9,740</u>	<u>\$ 1,240</u>

Total Recreation	\$ 126,462	\$ 128,985	\$ 129,987	\$ 129,493	\$ 137,993	\$ 129,493
<b>6510 Canal Park Committee</b>						
Total Canal Park Committee	\$ -	\$ -	\$ 1,000	\$ -	\$ -	\$ -
<b>6710 Old Firehouse Museum</b>						
Total Old Firehouse Museum	\$ 4,594	\$ 3,642	\$ 5,750	\$ 5,750	\$ 6,750	\$ 6,750
<b>7110 Retirement of Debt</b>						
Total Principal: Long-Term Debt	\$ 2,103,984	\$ 2,015,023	\$ 2,426,185	\$ 2,432,472	\$ 2,432,472	\$ 2,432,472
<b>7510 Interest: Long-Term Debt</b>						
Total Interest: Long-Term Debt	\$ 737,376	\$ 887,346	\$ 1,007,255	\$ 930,765	\$ 930,765	\$ 930,765
<b>7520 Interest: Short-Term Debt</b>						
Total Interest: Short-Term Debt	\$ 221,642	\$ 703,900	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
<b>9110 Retirement</b>						
Total Retirement	\$ 3,480,341	\$ 3,774,831	\$ 4,019,387	\$ 4,343,569	\$ 4,343,569	\$ 4,343,569
<b>9130 Unemployment Compensation</b>						
Total Unemployment Insurance	\$ 76,549	\$ 26,881	\$ 101,000	\$ 101,000	\$ 101,000	\$ 101,000
<b>9140 Group Health Insurance</b>						
Total Group Health Insurance	\$ 4,327,987	\$ 4,260,467	\$ 4,710,000	\$ 4,942,600	\$ 4,992,600	\$ 4,963,378
<b>9160 Fica/Medicare</b>						
Total Fica/Medicare	\$ 370,249	\$ 394,999	\$ 400,000	\$ 420,000	\$ 425,000	\$ 420,000
<b>9450 Liability Insurance</b>						
Total Liability Insurance	\$ 310,379	\$ 321,590	\$ 403,000	\$ 440,000	\$ 440,000	\$ 440,000
<b>2950 Ct. River Channel Marker</b>						
Total Ct. River Channel Marker	\$ 3,500	\$ 3,500	\$ 4,000	\$ 12,000	\$ 12,000	\$ 12,000

<b>4340 DPW: Landfill</b>						
DPW:Landfill-Personnel Services	\$ 81,718	\$ 85,160	\$ 93,063	\$ 92,205	\$ 92,205	\$ 92,205
DPW:Landfill-Other Expenses	<u>\$ 1,024,854</u>	<u>\$ 981,045</u>	<u>\$ 1,238,300</u>	<u>\$ 1,304,800</u>	<u>\$ 1,312,100</u>	<u>\$ 1,312,100</u>
Total DPW: Landfill	\$ 1,106,572	\$ 1,066,205	\$ 1,331,363	\$ 1,397,005	\$ 1,404,305	\$ 1,404,305
<b>4360 DPW:Sewerage</b>						
TOTAL DPW:Sewerage	\$ 67,453	\$ 67,176	\$ 69,800	\$ 71,100	\$ 78,100	\$ 78,100
<b>4430 DPW:Water Pollution Control</b>						
DPW:WWTP-Personnel Services	\$ 388,230	\$ 446,239	\$ 565,697	\$ 597,473	\$ 597,473	\$ 597,473
DPW:WWTP-Other Expenses	<u>\$ 831,147</u>	<u>\$ 829,053</u>	<u>\$ 867,600</u>	<u>\$ 926,900</u>	<u>\$ 981,800</u>	<u>\$ 981,800</u>
Total DPW: Water Pollution Control	\$ 1,219,377	\$ 1,275,292	\$ 1,433,297	\$ 1,524,373	\$ 1,579,273	\$ 1,579,273
<b>6800 Ledges Golf Course/Valley View</b>						
Total Ledges Golf Course	\$ 1,225,383	\$ 1,262,021	\$ 1,370,858	\$ 1,402,880	\$ 1,476,110	\$ 1,402,880
<b>SCHOOL</b>						
Personnel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Expense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Tuitions	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total School	\$ 21,971,337	\$ 22,470,369	\$ 23,626,460	\$ 24,426,460	\$ 24,776,460	\$ 24,526,460
<b>Conservation Land Fund</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Conservation Land Fund	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
<b>Workers' Compensation</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Total Workers' Compensation	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000
<b>Injured on Duty</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Total Injured on Duty	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

<b>OPEB</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Total OPEB	\$ 150,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
<b>Capital Stabilization</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Total Capital Stabilization	\$ -	\$ 200,000	\$ 122,000	\$ -	\$ 68,255	\$ -
<b>Mosier School Stabilization</b>						
	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	
Total Mosier School Stabilization	\$ -	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
<b>Total General Fund</b>	<b>\$ 20,260,061</b>	<b>\$ 21,133,178</b>	<b>\$ 22,997,737</b>	<b>\$ 24,157,161</b>	<b>\$ 24,776,685</b>	<b>\$ 24,348,907</b>
<b>Total Misc. Trust</b>	<b>\$ 365,000</b>	<b>\$ 1,115,000</b>	<b>\$ 1,037,000</b>	<b>\$ 915,000</b>	<b>\$ 983,255</b>	<b>\$ 915,000</b>
<b>Total Receipts Reserved</b>	<b>\$ 3,500</b>	<b>\$ 3,500</b>	<b>\$ 4,000</b>	<b>\$ 12,000</b>	<b>\$ 12,000</b>	<b>\$ 12,000</b>
<b>Total DPW: Landfill</b>	<b>\$ 1,106,572</b>	<b>\$ 1,066,205</b>	<b>\$ 1,331,363</b>	<b>\$ 1,397,005</b>	<b>\$ 1,404,305</b>	<b>\$ 1,404,305</b>
<b>Total DPW: WWTP</b>	<b>\$ 1,286,830</b>	<b>\$ 1,342,468</b>	<b>\$ 1,503,097</b>	<b>\$ 1,595,473</b>	<b>\$ 1,657,373</b>	<b>\$ 1,657,373</b>
<b>Total Ledges</b>	<b>\$ 1,225,383</b>	<b>\$ 1,262,021</b>	<b>\$ 1,370,858</b>	<b>\$ 1,402,880</b>	<b>\$ 1,476,110</b>	<b>\$ 1,402,880</b>
<b>Total School</b>	<b>\$ 21,971,337</b>	<b>\$ 22,470,369</b>	<b>\$ 23,626,460</b>	<b>\$ 24,426,460</b>	<b>\$ 24,776,460</b>	<b>\$ 24,526,460</b>
	<b>\$ 46,218,683</b>	<b>\$ 48,392,741</b>	<b>\$ 51,870,515</b>	<b>\$ 53,905,979</b>	<b>\$ 55,086,188</b>	<b>\$ 54,266,925</b>

**Planning Board Report on Proposed Residential Short-Term Rental Units GENERAL Bylaw  
May 10, 2023 Annual Town Meeting  
Article 20**

ARTICLE 20. To see if the Town will vote to create a General Bylaw to allow for registration and licensing of Residential Short-Term Rental Units, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

The proposed General Bylaw is as follows:

**Chapter 136 – Residential Short-Term Rental Units**

**§ 136-1 Purpose.**

This bylaw is adopted in accordance with the Town of South Hadley's Home Rule Authority, in furtherance of the following public purposes:

- A. To protect the health, safety, and welfare of tenants and other citizens of the Town of South Hadley by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and licensing of residential Short-Term Rental Units.
- B. To ensure safe and sanitary conditions in South Hadley's rental housing stock.
- C. To provide clear and accessible guidelines for the operation of residential Short-Term Rental Units for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
- D. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.
- E. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
- F. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents.

**§ 136-2 Registration & License Required.**

Except as provided in § 136-4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any Short-Term Rental Unit without a license issued by the Building Commissioner.

**§ 136-3 Enabling Legislation & Regulations.**

All Short-Term Rental Units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.

#### **§ 136-4 Applicability & Exemptions.**

Licenses shall be required of all residential properties containing Short-Term Rental Units, or offered for that purpose, except for the following:

- A.** Lodging Facilities. Hotels, motels, inns, hostels, or bed and breakfast facilities.
- B.** Halfway Houses & Group Homes. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts.

#### **§ 136-5 Definitions.**

Under these regulations, the following terms have the meanings indicated:

##### **AFFORDABLE HOUSING UNIT**

Dwelling units restricted to rental or purchase by households with an annual income no greater than 80% of the median income for South Hadley, as calculated by the U.S. Department of Housing and Urban Development or any successor agency, adjusted for family size. Such units must be countable under MGL c. 40B as part of the Town's subsidized housing inventory.

##### **CODE OFFICIAL**

The Building Commissioner/Zoning Enforcement Officer of the Town of South Hadley, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

##### **DWELLING UNIT**

The room or group of rooms within a dwelling used or intended for use by one family, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

##### **EMERGENCY**

Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

##### **OWNER**

Every person who alone or jointly or severally with others: (1) has legal title to any building, structure, or property subject to this bylaw, or; (2) has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or (3) is a lessor under written

agreement; or (4) is the mortgagee in possession; or (5) is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

### **OWNER-OCCUPANT(S)**

One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

### **PERSON**

An individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity licensed by law to hold title to real estate shall for the purpose of this by-law be deemed a "person."

### **PRINCIPAL RESIDENCE**

The primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

### **SHORT TERM RENTAL**

Any rental of all or part of a Dwelling Unit for 28 consecutive days or less, including home-sharing and vacation rentals.

### **§ 136-6 Conditions**

Licenses for Short-Term Rental use are conditioned upon the following:

- A.** Only spaces intended for human habitation may be offered for rent as Short-Term Rentals. For example, the applicant cannot offer for rent an accessory structure such as a shed or garage.
- B.** Only legally established Dwelling Units may be offered for rent as Short-Term Rentals. Structures including but not limited to campers, mobile homes, RVs, tents/tent platforms, yurts, and any other temporary structure or mobile vehicle do not qualify as Dwelling Units for the purpose of short term rental lodging.
- C.** Short-Term Rentals may not be advertised using any exterior signs or displays.

- D. All Short-Term Rental advertisements must include the license number issued by the Town.
- E. Only Owner-Occupants may offer all or part of their Principal Residence as a Short-Term Rental.

- 1. Owner Occupied

- a. The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
- b. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
- c. In the event the property is owned by a business entity, a designated owner representative must reside on the property in a permanent or ongoing basis to carry out the functions as if they were the owner of the property.

- 2. Non-Owner Occupied

- a. The owner-occupant must be the license applicant.
- b. The owner-occupant does not reside on the property during the rental period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints as herein defined.
- c. In the event the property is owned by a business entity, a designated owner representative must be identified including their name and contact information.

- F. Licensees shall maintain liability insurance appropriate to cover Short-Term Rental use.
- G. Short-Term Rentals may only be rented to one party or group at a time, individual rooms may not be rented to separate, unrelated parties or groups at the same time.
- H. The number of individual bedrooms made available for Short-Term Rentals within a Dwelling Unit shall not be greater than the number of lawful bedrooms in the Dwelling Unit.
- I. Renting for less than Twenty-Four (24) hours is prohibited.
- J. Commercial meetings and uses are prohibited.

**§ 136-7 Licensing.**

**A. Application Process and Requirements.**

License applications shall be made on forms approved by the Town, and shall provide such information as the Building Commissioner shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Building Department. Complete license applications shall be reviewed, and licenses shall be issued within fourteen (14) working days from the date of submission. A license application shall identify the total number of rental units on the property.

Information required as part of a license application shall include:

- (1)** Contact Information. Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners, or agent of the owner, and person who can be contacted 24 hours a day/ 7 days a week in case of Emergency.
- (2)** A list of each room, including bedrooms, offices, dens, living rooms, kitchen, sunroom, in the Dwelling Unit. The list shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
- (3)** An affidavit certifying that the Owner will comply with all of the provisions of the Residential Short-Term Rental Property Bylaw.
- (4)** Compliance Through Self-Certification. Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town.
- (5)** Complete & Accurate Information Required. No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.
- (6)** Certification by the Applicant that the Applicant is the Owner Occupant of the Principal Residence which is the subject matter of the Application.
- (7)** Applicant shall provide certification that there are no deed restrictions on the property and if there are, that short term rentals do not violate said restrictions. Applicant must provide a copy of any restrictions.

**B. Renewal.**

Licenses shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a license is applied for or approved and issued. Completed applications for license renewals shall be submitted and received by June 15th of each calendar year.

**C. License Posted.**

A license shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.

**D. Transferability.**

Licenses shall not be transferable upon a change of ownership.

**E. Limits on Number of Licenses.**

**i. Total Number**

Limits on the total number of licenses shall be twenty-five (25) total active units or less at any one time. Of the total number of active units, no more than five (5) shall be non-owner occupied.

**ii. Per Owner Limit**

Only one (1) short term rental license is allowed per owner in total.

**§ 136-8 Inspections & Complaints.**

- A. Self-Certification Program. Owners of Short-Term Rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town’s authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

Owner Self-Inspection & Certification. Unless inspected by local, state or federal government officials, an owner or local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with the application for annual renewal of the license for the property in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw for which the Owner shall be responsible.

- B. Complaints & Response Process.

Upon receipt of a complaint or notice of a complaint from any person alleging that the condition, operation, or use of a rental unit or property is in violation of any law or State or local requirement, including but not limited to South Hadley General Bylaw Chapter 179 Nuisances, or of any violation of this Bylaw, an inspection of a premises shall be undertaken within a reasonable amount of time in accordance with the code official’s duties and responsibilities. Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a license to an owner does not preclude tenants’ right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

The licensee shall make a good faith effort to arrange access by authorized Town personnel to any licensed rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

**§ 136-9 Tenant Information.**

The Owner shall be required to distribute to tenants, or maintain documents on the premises for use by the tenants, the following information: (1) instructions for disposal of trash/waste per the Town’s rules and regulations; (2) an emergency-exit diagram; (3) contact information for the Owner or Agent who is available to respond to all emergencies and problems which may arise during the rental period; (4) a copy of the Short Term Rental license issued by the Town of South Hadley; and, (5) a copy of South Hadley General Bylaw Chapter 179 Nuisances.

**§ 136-10 Records.**

The Licensee shall keep accurate books and records of all rentals, including the name and address of the tenant based on a legal form of identification, the length of stay and the rent charged. Said records

must be made available to the Town upon request and shall be retained for a period of three years from the date of the transaction.

**§ 136-11      Occupancy Limits.**

The maximum number of adult persons who may occupy a dwelling unit shall be determined by State standards for fitness for habitation, the State Building Code and fire regulations.

**§ 136-12      Parking.**

All existing parking and any new or expanded parking on residential rental properties within the Town of South Hadley shall comply with the South Hadley Zoning Bylaw.

**A.** Parking Site Plan. A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any license application. Submission of an existing site plan approved under a land use (zoning) license and which accurately represents current on-site parking shall meet the requirements of this section.

**(1)** Basic Parking Site Plan Requirements. The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of South Hadley's Zoning Bylaw, Town of South Hadley GIS mapping, available through the Town of South Hadley website, may be used as the base for a site plan developed under this section.

**(2)** The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.
- viii. Location for winter snow storage

**(3)** Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Building Commissioner.

**(4)** Review. Existing on-site parking and circulation shall be reviewed by Building Commissioner for conformance with existing zoning requirements, including but not limited to parking layout and

circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

**§ 136-13 Fees.**

The Selectboard or designee may set, and periodically revise, a schedule of fees for license applications.

**§ 136-14 Enforcement.**

- A. Enforcement Personnel.** The Building Commissioner and Code Officials.
- B. Enforcement Options.** This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be subject to a fine or issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Furthermore, in appropriate circumstances, a license may be modified, suspended or revoked, or a civil action may be initiated to compel compliance herewith.
- C. Fines.** The fine for any violation shall be three hundred dollars (\$300 ) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- D. Suspension.** The Building Commissioner is authorized to suspend a license after a hearing. The Building Commissioner shall provide written notice of a hearing to take place no sooner than 48 hours after notice is sent. The Building Commissioner may suspend a license after the hearing for the following reasons:
  - (1)** An Owner or Agent has knowingly allowed or assisted in allowing violations of this Bylaw.
  - (2)** An Owner or Agent refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or Agent has not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or Agent in writing that the license is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve-month period – 180 days

Third Offense in a twelve-month period – 3 years

- E. Immediate Suspension.** In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the license shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.
- F. Owner Responsibility.** The Owner shall be responsible for any violations of this Bylaw, including acts or omissions of his/her Agent.

**§ 135-15 Appeals.**

Appeals for any failure to issue a license or suspend in accordance with 136-14 (D) may be taken to Superior Court.

[END GENERAL BYLAW CHAPTER 136]

**OBJECTIVE:**

The objective of this Article is to provide for reasonable and appropriate regulation of residential short-term rental units within the General Bylaw by creating a licensing and enforcement process.. A separate Article on the Town Meeting Warrant provides for regulation of residential short-term rental units under Chapter 255 Zoning by enabling the use in the various zoning districts and identifying the type of zoning permit required (Article \_\_\_\_).

**SUMMARY:**

The proposed General Bylaw serves in support of the proposed Short-Term Rental Zoning Bylaw by creating an annual license for a residential short-term rental. The General Bylaw designates the Building Commissioner as the licensing agent and the enforcement officer. The maximum total number of active licenses shall be twenty-five (25), and of those, no more than five (5) shall be non-owner occupied. Only legal residential dwelling units and spaces intended for human habitation are eligible for a license. Licenses must be renewed annually for the period July 1 thru June 30. Licenses are non-transferable and may only be applied for by the property owner. Applicants must both self-certify compliance with all requirements, and be subject to inspection by the enforcement officer or their agent. A license application must include a parking site plan, subject to review by the Building Commissioner and Fire District Chief. Enforcement processes include standards for notification, fines, and license suspension.

**BACKGROUND:**

Short-term rentals in South Hadley are considered any rental of all or part of a dwelling unit for 28 consecutive days or less, including home sharing and vacation rentals. Other communities may define them for a greater or fewer number of days. Short-term rentals are sometimes referred to as AirBNB or VRBO, however both are actually companies that provide an online reservation platform for short term rentals. Thus, within the proposed bylaw, the term “short term rental” is used as defined above.

The presence of STRs in communities can pose benefits as well as challenges. A number of STRs were operating in South Hadley illegally until April 2022 when cease and desist orders issued by the Building Commissioner came into effect. The South Hadley Zoning Bylaw Chapter 255 clearly states that any use not recognized in the Bylaw is considered prohibited. Of the twelve operating short-term rental facilities, two were able to obtain a Special Permit for a Bed-and Breakfast Home, subsequent to the cease-and-desist. The other ten facilities either did not apply for a Bed-and-Breakfast Special Permit or did not meet the standards for that use. Thus, due to the presence of short-term rentals within South Hadley, and their presence nationally in growing numbers, it is prudent to develop regulations to manage their existence within the community to protect and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents. Regulations also have the intended purpose of protecting the health, safety and welfare of tenants and the surrounding community, and providing a means by which responsibilities for owners and tenants are codified, and compliance with such is required for continued operation.

The purpose of a Zoning Bylaw is to regulate the use (activity on a specific parcel of land) in a designated area (each of the twelve zoning districts in South Hadley). Such regulation includes whether or not the use is allowed, by what form of zoning permit, if any, and the standards that the use must comply with. Zoning permits for short-term rentals are proposed to be either by Site Plan Review or Special Permit. Issuance of a zoning permit in no way waives any rental operation from complying with all applicable local, state and federal building, fire and other codes and regulations.

Additionally, if local bylaws are adopted by Town Meeting enabling short-term rentals, the Town may also adopt enabling provisions under state law to impose an up to 6% local excise tax on such rentals. These funds could be used to support the administration and enforcement of short-term rental licenses within South Hadley. Consideration of imposing a local excise tax will be referred to the Selectboard upon adoption of Short-Term Rental General and Zoning Bylaws.

#### **RELATIONSHIP TO MASTER PLAN AND OTHER COMMUNITY PLANS:**

The 2020 Master Plan is silent on short-term rentals specifically. However, one of the Plan's core goals is to incorporate measures in its [Town] policies and practices to increase the Town's resiliency and ability to prosper and thrive in response to challenges such as a significant economic downturn, climate change, and other stressors. Additionally, Objective 3-5 states: Identify and take advantage of non-tax base revenue sources. As elaborated upon further below in the public hearings, some residents and operators of short-term rentals expressed that their short-term rental produced a much needed source of income for their household, particularly during the Covid-19 pandemic. They stated that their clientele were visitors to Mount Holyoke College and had not their local short-term rental been available, they would have stayed in overnight accommodations in neighboring communities.

#### **DEPARTMENT COMMENTS**

*Police Chief Gunderson, Email 10/13/22:* We can track "calls for service into the PD at every specific address. If we had a list of current licenses, we could flag those accordingly and then run reports as expected (monthly, quarterly) that could be shared with the Building Commissioner. We did this in Amherst, so this is not new territory for me. "Nuisance" calls that might come in into the PD/PSAP include: noise, parking, underage drinking, unattended fires, disturbances/fights.

*Captain Jason Houle, Fire District 1, Email 8/8/22:* The town has already adopted MGL 148, S26H. If any homes are rented out to 6 or more persons then the Fire Department would have to enforce that law, regardless of any town bylaws or ordinances.

#### **PUBLIC HEARING:**

The Planning Board began discussion on developing regulations for short-term rentals in August 2022, in response to several requests from operators of such facilities which had been issued cease-and-desist orders by the former Building Commissioner David Gardner. Posted public meetings to develop draft zoning and general bylaws were held on August 29, 2022, September 19, 2022, October 3, 2022, October 17, 2022 and, November 7, 2022. A Public Hearing on the proposed Short-Term Rental Zoning Bylaw was opened on February 6, 2023, and continued on March 20, 2023 and, March 27, 2023. These public hearings were held jointly for the Short-Term Rental General Bylaw.

Public Hearing comments and letters received expressed a range of opinions on short-term rentals. Generally, there was support for allowing owner occupied short-term rentals. Several operators of the facilities detailed their positive experiences with clients, typically visitors to Mount Holyoke College, and

the lack of problems or complaints generated, as supported by former Building Commissioner David Gardner who stated he had not received any complaints against the twelve short-term rentals issued cease and desist orders. Overnight accommodations in South Hadley are limited to a few bed-and-breakfast facilities which means visitors must stay in neighboring communities. The residents recognized Mount Holyoke College as well as other area colleges as a major draw for visitors to South Hadley. Some recalled community forums on the Master Plan update where the creation of policies and programming to take advantage of the rich culture offered by the college were discussed generally, and the value of this attraction for both residents and the local economy through new visitors as customers. Many of the operators of short-term rentals issued cease and desist orders told the Planning Board that their clientele were parents visiting their child at school, extended family members attending graduation or similar events, visiting academic professionals, and/or other professionals associated with the colleges. Because overnight accommodations are limited to a few bed-and-breakfast facilities, most visitors take their money and pay to stay in accommodations in neighboring towns and cities. Likewise, visitors staying in neighboring communities are also spending their money at restaurants and shops closer to their overnight accommodations. The owner of a non-owner occupied whole house rental said that in addition to the clientele stated above, she has rented to South Hadley families who were renovating their own home and in need of temporary housing during construction.

Limiting the number of days per year for a short-term rental was also discussed. Concerns were raised that as a result of such a limitation, properties would sit vacant for weeks or months once they reached the cap on rental days, which would not be of benefit to the property owner, abutters, or community at large. The Board therefore decided not to limit the total number of days per year a short-term rental could be occupied.

Several residents, including three Planning Board members, and an operator of a non-owner occupied, expressed support for non-owner occupied short-term rentals. Arguments in favor of such included the need for whole house rentals by extended families attending events at Mount Holyoke College (i.e. graduation, etc.), a preference by tenants for privacy and not sharing an accommodation with strangers, and a desire by some homeowners to rent their house seasonally/periodically while they traveled afar. Concerns expressed regarding short-term rentals in general included a potential burden on Town resources for the administration and enforcement of a short-term rental license. Some people spoke in favor of removing a cap on the total number of licenses, while others sought to see it reduced to less than the proposed number of 25. Concerns about the potential for short-term rentals to limit the availability of long-term rentals were expressed, and submitted examples of how short-term rentals are displacing long-term rentals in major cities and tourist destinations. Director Capra asserted that South Hadley is not a tourist destination and was not likely to become one in the future.

Residents questioned the reasoning for allowing a total of five non-owner occupied rentals, and expressed concern that allowing whole house short-term rentals would remove needed housing stock from the long-term rental market. The majority of the Board expressed that the small number of whole house rentals wouldn't burden the long-term rental market, which is also why a small number of whole house rentals was selected. Some members felt a total ban on non-owner occupied rentals would be disadvantageous to people whose houses were small. Only people with large homes would have the space to rent a portion of their house as a short-term rental. Some members of the public also expressed concerns that short-term rentals would become investment properties which may not be in line with the purpose of the bylaw to offer financial support for residents.

The permitting process was also questioned. The earlier draft zoning bylaw permitted owner-occupied short-term rentals in the Business zoning districts by-right, Residential and Agricultural by Site Plan Review, and prohibited in the Industrial zoning districts. Non-owner occupied short-term rentals are proposed to be allowed by Special Permit in all zoning districts. Both Site Plan Review and Special Permits require abutter notification and a public hearing. Some residents stated the importance of abutter notification and comment from the public at a public hearing. In response to these discussions, the Board amended the proposed Use Regulations Schedule to require Site Plan Review for owner occupied short-term rentals in all Business zoning districts.

Other concerns about non-owner occupied short-term rentals included lack of operator on site to police potential nuisance behavior which some suggested could include loud parties, unsightly storage of trash or other materials in the yard, overflow of parking, and illicit activities such as the sale of illegal drugs, all of which could infringe upon the peace and quiet of a residential neighborhood, the safety of abutters, and home values. Based on these concerns, the Board further deliberated about enforcement procedures. The Police Chief previously asserted by email specific addresses issued short-term rental licenses could be tracked for calls and reports issued to the Building Commissioner periodically. Building Commissioner Damian Cote was consulted on the questions about enforcement process and the potential to shorten the period mandated for compliance and the amount of fines issued. He replied that the 90-day period was already built into the zoning law (MGL Chapter 40A) and the building code, and could not be altered in a local bylaw. Town Counsel Attorney Mead advised that fines could be issued up to \$300 per offense and therefore, General Bylaw Section 136-14 Enforcement was amended increasing the fine from \$100 to \$300. Town Counsel further advised that appeals for failure to issue a license or the suspension of a license be taken to Superior Court rather than the Selectboard. General Bylaw Section 136-15 was amended accordingly. General Bylaw Section 136-9 Tenant Information was amended to require the Owner to provide to tenants a copy of South Hadley Bylaw Chapter 179 Nuisances.

Clarification was requested on the Town Meeting voting threshold for adoption of the bylaws, winter snow removal and storage, references to affordable housing restrictions, and allowances under a pending sale. Clarifications were provided as follows:

- 2/3 supermajority vote is required for adoption of the Short-Term Rental Zoning Bylaw, and a simple majority vote is required for adoption of the Short-term Rental General Bylaw.
- Application site plan requirements in the Zoning Bylaw Section D and General Bylaw Section 136-12 were amended to require information on winter snow removal under parking requirements.
- Town Counsel Attorney Mead was consulted on whether or not deed restricted affordable housing units could be prohibited from use as short-term rentals. Attorney Mead consulted with the Massachusetts Department of Housing and Community Development whom advised that no such prohibition could be made upon deed restricted ownership units, and for rental units, it is likely that the deed restriction limits use as such. Therefore, General Bylaw Section 136-7 Licensing was amended to require submittal of any deed restrictions to certify no such violations.
- References to allowance of short-term rentals during a pending sale were removed to ensure proper oversight of all rentals by the owner licensee.

**RECOMMENDATION:**

At their meeting on March 27, 2023, the Planning Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to recommend to the Selectboard

inclusion of the Short-Term Rental General Bylaw on the May 2023 Annual Town Meeting Warrant. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

**ATTACHMENTS:**

Attachment A: Public Hearing Minutes for February 2<sup>nd</sup>, March 20<sup>th</sup> and March 27<sup>th</sup>, 2023

Attachment B: Public Hearing Public Comment Submittals

## ATTACHMENT A: Public Hearing Minutes

### SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

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 FEBRUARY 6, 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 7:00 PM and Clerk Brown read the hearing notice below out loud:

*The South Hadley Planning Board will hold a virtual public hearing on Monday, February 6, 2023 at 7:00 p.m. 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.*

*The public hearing will be conducted virtually/online 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/81859898540?pwd=V0dnbmZzO2dxZFNEVlpsZE5nanFDdz09>*

*Or join by phone: + 1(646) 558-8656 Webinar ID: 818 5989 8540 Passcode: 751566*

*The current drafts of the proposed bylaws and any accompanying documentation can be found here:*

*<https://www.southhadley.org/1318/ProposedDraft-Bylaws>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.*

*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, January 6, 2023  
Friday, January 13, 2023*

Chair Hutchison reviewed the objectives and protocols for the hearing. Director Capra followed by sharing a slideshow (attached) which gave an overview of the proposed drafted General and Zoning Short Term Rental (STR) bylaws.

Chair Hutchison opened the hearing to public comment.

Mike Lynch, 20 Riverlodge Road, addressed the Board. He asked for clarity of the language concerning non-owner occupied rentals. He also asked what the procedure was for securing a special permit. Director Capra clarified that special permits were issued by the Planning Board following a public hearing.

Martha Terry, 25 Brainard Street, addressed the Board. She inquired why different regulatory standards were proposed for Short Term Rentals when Bed-and-Breakfast permitting pathways were available to residents. She questioned the amount of Town resources that would be needed for administration and enforcement. She recommended that the drafts be revised to identify the time frame officials have for following up on complaints and to limit the number of guests and

days a unit can be rented. She objected to non-owner occupied short-term rentals but was supportive of owner-occupied rentals with appropriate regulations.

Brett and Ashley Murphey, 5 Dove Hill Road, addressed the Board. They identified themselves as one of the households who were issued cease-and desist for operating a short-term rental. They asked if sprinkler systems would be required. Chair Hutchison stated that the requirement was under building and fire code; not zoning.

Ira Brezinsky, 93 Woodbridge Street/Bylaw Review Committee, addressed the Board. He indicated support for Short Term Rentals and with less regulation than proposed. He was not supportive of capping the allowable number of rentals in Town and cited that no complaints had been received for the rentals previously in operation. He supported allowing the use by-right.

Linda Sachs, 93 Woodbridge Street, addressed the Board. She was opposed to non-owner occupied short-term rentals but was supportive of owner-occupied ones. She was concerned that administration of the new bylaw could take resources from the Town. She also advocated that trees not be removed to accommodate additional parking for potential renters.

Lynn Williams, 15 College View Heights, addressed the Board. She agreed with the previous points made by Ira Brezinsky. She asked for clarity on a number of administrative items in the bylaw such as the requirement for a self-certification checklist and the requirement for record retention.

Anne Stockton, 325 Hadley Street, addressed the Board. She supported owner-occupied short term rentals. She recommended that the cap be lowered to 15 total allowable rentals Town-wide. She questioned the Town's ability to monitor permit compliance.

Kevin Taugher, 42 Woodlawn Street, addressed the Board. He was concerned that allowing short term rentals would put an additional burden on the Town's Building Commissioner. He stated that a building inspection and abutter notification should be required before a short-term rental permit is granted. He recommended that language in the bylaw be clarified to avoid ambiguity and recommended that guest records be made available as is common at hotels.

Linda Young, 15 Westbrook Road, addressed the Board. She was opposed to non-owner occupied rentals but was supportive of owner-occupied ones. She recommended that the allowable rental cap be reduced to 10-15 properties and recommend that the duration of rental be limited to 13 days or less.

David King, 6 Oakley Drive, addressed the Board. He identified himself as one of the property owners who was issued a cease-and-desist. He stated that South Hadley does not currently offer many accommodations for travelers and short-term rentals help fill the demand. Many of his short-term renters had affiliations with Mount Holyoke College. However, he appreciated the stated concerns for non-owner occupied rentals. He asked for greater clarity in licensing requirements.

Selene Weber, 17 N Sycamore Knolls, addressed the Board. She was supportive of short-term rentals and identified that she was one of the property owners who received a cease-and-desist. However, she was later able to secure special permitting for a bed-and-breakfast. The operation offers her additional income while also offering accommodations to travelers with few lodging alternatives.

Robert Salthouse, 20 The Knolls, addressed the Board. He expressed concern that short term rentals would limit the availability of long term rentals.

Carol Constant, 100 Morgan Street, addressed the Board. She identified that South Hadley was not a vacation town. Therefore, it shouldn't be expected that short term rentals will have a significant impact on South Hadley like that of Cape Cod or other vacation destinations.

Bobbi Salthouse, 20 The Knolls addressed the Board. She was concerned that non-owner occupied short term rentals would negatively impact existing neighborhoods. Additionally, operators of non-owner occupied rentals did not have the same stakes in the community as residents.

Carl Weber, 17 N Sycamore Knolls, addressed the Board. His wife, Selene Weber, spoke previously. He noted that removal of a bad tenant from a short term rental was far easier than one from a long term rental. Additionally, short term rentals were heavily regulated. Long term rentals, rentals over 30 days, had no regulations under zoning.

Rick Winfield, 1 Dickinson Farm Road, addressed the Board. He recalled that a property in his neighborhood had gone through a number of different uses and was ultimately rented out to disrespectful tenants. They held loud parties and created a negative culture in the neighborhood. He was concerned that allowing non-owner occupied rentals would lead to similar problems.

Sheila Moos, 629 Granby Road, addressed the Board. She was one of the property owners who was issued a cease-and-desist. She did not occupy the property but lived close by in Northampton. The property was her husband's childhood home and renting the property as a short term rental gave them the financial ability to keep the property. Their experience with short term renters had always been positive.

Tunde Gyorgy, 14 Hadley Street, addressed the Board. She was one of the property owners who was issued a cease-and-desist. Her property was a multifamily home in close proximity to the Village Commons. She was furloughed from her job during the pandemic and operating a short-term rental offered her some income. As her property was close to the Village Commons, the area had a mix of residential and commercial properties which seemed like a good fit for a short term rental.

Member Therien responded to public concern for handling complaints and questioned how they would be handled. Director Capra responded that concerns that required immediate action would be handled by the police.

Clerk Brown asked for clarity on the voting threshold for adoption at Town Meeting. Director Capra stated that 2/3 majority vote was required for adoption of the zoning bylaw and a simple majority vote was required for adoption of the general bylaw.

Members were appreciative of all the feedback from the public. The comments would be considered when revising the current draft bylaws.

The hearing would be continued to allow for additional public feedback.

**Motion:** Clerk Brown moved to continue the public hearing to March 20, 2023 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.

The regular meeting reconvened at 9:48 PM.

Respectfully Submitted  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
Director Capra's Slideshow	Attached
Public submission – Martha Terry - Business Insider Article	Attached
Public submission – Linda Sachs – Letter	Attached
Public submission – Kayla Taylor - email	Attached
Public submission – Marian Millard – email and Hampshire Gazette Article	Attached
Public submission – Carol Constant - email	Attached

## **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 20, 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 6:48 PM.

Director Capra summarized the progress of the current draft General and Zoning Short Term Rental (STR) Bylaws. A meeting with Town Counsel would be required to discuss certain items in the general bylaw such as the process for revocation of an STR license. It was recommended that the Board wait for counsel's review of the general bylaw before further consideration. However, this gave the Board the opportunity to further consider the zoning bylaw.

Member Therien drafted a report (attached) which consolidated his thoughts and support of the STR bylaws. His report included regulatory recommendations to quell some concerns heard during the hearings. For example, the current bylaw draft allowed STRs in business zoning districts by-right. If the use required Site Plan Review, abutter notification would be required. Ideally, this change would mitigate concern from residents as all STRs in Town would require abutter notification before in operation. Member Therien also considered recommending capping the amount of STRs one individual could operate. During the previous hearing, stated concerns included the possibility that overzealous entrepreneurship could lead to one entity operating an unequitable amount of STRs.

Chair Hutchison opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She supported allowing 20 owner-occupied STRs in Town but was opposed to the allowance for 5 non-owner occupied ones. She felt that non-owner occupied STRs lessened available housing stock and could create uncomfortable neighborhood dynamics.

Anne Stockton, Amherst Road, addressed the Board. She opposed non-owner occupied STRs as it would take available housing away from long-term residents.

Members indicated that much of the public concern for short term rentals related to potential nuisance complaints. Member Davis felt there was a public perception of STRs being 'party houses'. However, that was not his experience interacting with STRs. He anticipated that most short-term renters in South Hadley would be affiliated with Mount Holyoke College and did not foresee troublesome tenants. Clerk Brown was familiar with a number of cases where STRs lead to problems within the communities where they were located which included criminal activity. She cautioned that there would be negative consequences associated with STRs. Vice-Chair Mulvaney shared that she had many positive and negative experiences with neighbors. In her

experience, the worst neighbor she had was a homeowner resident. She added that nuisance laws were in place, non-owner occupied rentals were limited to 5, and the Board held thorough discussion on the topic.

Lynn Williams, College View Heights, addressed the Board. She operated a bed-and-breakfast and relayed the rigorous vetting process during tenant selection. She explained that fire and building code requirements were complex and expensive to maintain as she had spent the past year trying to satisfy compliance requirements. She questioned if a kitchen could be included inside the lodging space of an owner-occupied bed-and-breakfast. Chair Hutchison referenced the zoning bylaw and relayed that a kitchen was not permissible inside the lodging space. The requirement could not be waived by the Planning Board.

Members discussed the recommendations included in Member Therien's comment letter including the recommendation to change the permitting threshold from 'by-right' to 'site plan review' for an STR in business zoning districts.

**Motion:** Member Therien moved to revise the draft STR zoning bylaw to require Site Plan Review for all short term rentals within business zoning districts. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Chair Hutchison voted against the motion.

Members discussed Member Therien's recommendation to limit the amount of STR licenses an individual can be issued to two; of which one needed to be owner-occupied. Associate Member Adelman advocated for limiting the number of licenses to one. Members were supportive of limiting the number of licenses to one or were neutral on the matter.

**Motion:** Member Davis moved to revise the short term rental bylaw to indicate that only one short term rental license can be issued to an individual. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Clerk Brown identified items that needed clarity in the current drafts. The bylaw made unclear references to affordable housing and housing under a pending sale. Director Capra would review these items with Town Counsel.

Clerk Brown asked if the bylaw language included requirements for snow removal. The zoning bylaw did require a narrative explaining snow removal practices.

As the Board needed to wait for Town Counsel comments on the bylaw, the board considered continuing the hearing to the next regular meeting.

**Motion:** Clerk Brown moved to continue the hearing to March 27, 2023 at 7:00 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The regular meeting reconvened at 8:37 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
February 15 commentary report provided by Member Nate Therien	Attached
February 7 email from Hattie Finkle, 450 Amherst Road	Attached

## **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

## ATTACHMENT B: Public Hearing Public Comments

193 Woodbridge Street  
South Hadley, MA 01075  
[lsachsnyc@earthlink.net](mailto:lsachsnyc@earthlink.net)

February 3, 2023

Anne Capra  
Director of Planning and Conservation  
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed Short Term Rental Zoning Bylaw and General Bylaw.

Please share this document with the Planning Commission.

I am not an attorney and apologize in advance if my comments do not incorporate knowledge of existing municipal and state laws or if I have misunderstood the draft Bylaws.

Please understand that I am writing from the perspective of a homeowner, living and enjoying a home on a peaceful, somewhat rural road. I also write, not just out of selfish concern, but on behalf of the huge silent majority of homeowners who will never be STR operators but may be forced to live next to a STR property.

I am very concerned that these proposed bylaws fall short when it comes to:

1. Protecting the quality of life within existing residential neighborhoods.
2. Protecting the values of neighboring properties
3. Protecting the rights of homeowners to the quiet and peaceful enjoyment of their homes and properties.

The 12/15/2022 Draft Bylaws Summary prominently states:

“The presence of STRs in communities can pose great benefits as well as challenges.”

This statement evinces an inappropriate bias and it seems to have no basis in facts. At least none are stated. What are the “**great benefits**” aside from enormous financial gain for a handful of STR operators?

Short Term Rentals have the potential to completely change the character of a neighborhood and to destroy the quality of life for contiguous property owners and others in the neighborhood who are not using their properties as STR businesses. What happens if a STR becomes like a noisy out-of-control fraternity house?

Because the Short Term Rental business is a business and has the potential to be quite lucrative for operators, it must be the operators who bear all costs associated with licensing, regulation, and enforcement. Otherwise, you are essentially asking the town, its taxpayers and an operator’s neighbors to subsidize their business. Failure to recoup all costs is a subsidy.

I respectfully request the following changes/additions be made to these draft Bylaws:

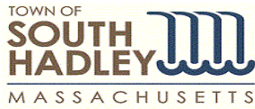
1. There must be a special license for the STR business, not just a general business license and that license fee should be large enough to recoup all administrative costs associated with issuing the license.
2. No individual should be allowed to operate more than one STR.
3. You must have a mechanism for establishing the duration of a violation. Since the draft General Bylaw only says that a Code Official will inspect within a “reasonable amount of time,” there is no current method for establishing the duration of a violation and thereby assessing an appropriate fine. The Bylaws should allow photographs and video to become accepted evidence of violations.
4. Fines for violations must be higher than \$100 per day, otherwise the fine is simply the cost of doing business.

5. Establish a Rental Registry so that the South Hadley Police Department and residents can track nuisance calls and all complaints and violations against an operator.
6. Establish a clear and easy path for neighbors to bring concerns, complaints and violations to the attention of appropriate officials.
7. Establish clear lines of responsibility when trash and snow removal “narratives” mentioned in the draft Zoning bylaw are not followed. For example, what happens if trash is put out the day after collection? Are the trash cans and recycling bins just going to sit there for days or two weeks? What if trash starts blowing around everywhere? Trash can make a neighborhood look and feel awful. Will neighbors be expected to clean this up? Or will they have to wait for the Code Official to appear within a “reasonable amount of time?”
8. Prohibit the killing of any trees or the paving of ground for the purposes of establishing increased parking for the STR operator’s business. Doing either – killing trees or covering the ground with pavement/ concrete violates the spirit if not the letter of South Hadley’s updated Master Plan, damages the environment, changes the character of a street, causes temperatures to increase in the immediate area, makes a street less lovely and potentially harms wildlife. Why should all these harms be permitted for the financial gain of a few individuals?

Thank you for hearing me out.

Yours truly,

Linda Sachs



Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: Short Term Rental Proposed bylaw

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

Mon, Feb 6, 2023 at 1:59 PM

From: **Kayla Taylor** <817ktaylor@gmail.com>  
Date: Sun, Feb 5, 2023 at 3:40 PM  
Subject: Short Term Rental Proposed bylaw  
To: <acapra@southhadleyma.gov>

Hi Anne,

I am writing in response to the proposed by law regarding Short Term Rentals (STR). While I appreciate that the town is considering allowing STRs, I strongly disagree with the cap on total STRs and the reasoning for the cap regulation.

By not allowing STRs currently, the town is already essentially telling our out of town guests that we don't welcome them; that's why they have to stay in Holyoke, Chicopee, Easthampton, or Northampton. All of these towns listed, unsurprisingly, already have booming local economies with dining and shopping options that far outweigh ours, both in quality and choice. This fact is worth noting as not only are we not welcoming out of town guests, we're actually giving them reasons to not choose our town for anything outside of the reason they have to be in town in the first place.

Now, by choosing to allow STRs, but capping the amount of STRs, we're telling out of town guests; "sure you can stay here but you have to be wealthy enough to afford it." Once you cap something, you're battling with supply and demand; less supply, and a presumed decent demand during certain times of the year = increased rental price.

It's not a secret that our town isn't some hidden gem, vacation destination. Anyone who would seek out a short term rental here, is doing so with a purpose, and I am confident that has nothing to do with a bachelorette weekend or to host a neighborhood house party. Given this, I am stuck on the reason to regulate on the proposed by law being listed as "preserving residential neighborhoods and quality of life". To me that sounds like an excuse to cherry pick who you allow in what neighborhood and in my opinion quite elitist; given I'd bet no one is looking to rent a house on School Street; even if it was offered up on Air BnB. We already have noise ordinances, trash ordinances and can easily update parking ordinances if it were to honestly be to preserve residential neighborhoods.

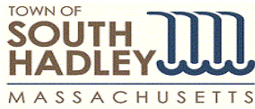
Do you truly expect 25+ owner occupied homes to suddenly pop up on Air BnB? And will they be highly concentrated in one neighborhood, that it will cause such chaos and need to be this controlled? I urge you to allow STRs and see how it comes to fruition prior to proceeding with a cap. Let's tell our out of town guests that we really DO! welcome them, all of them; not dependent on their wealth.

Thank you for your time.

Kayla Taylor  
31 N Main Street

Sent from my iPhone

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Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: In full support of South Hadley's proposed STR Bylaws

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

Mon, Feb 6, 2023 at 2:02 PM

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

From: **Mariann Millard** <mariannmillard@yahoo.com>  
Date: Mon, Feb 6, 2023 at 11:46 AM  
Subject: In full support of South Hadley's proposed STR Bylaws  
To: Anne Capra <acapra@southhadleyma.gov>

Dear Ms. Capra,

I'm writing this email to state my full support of South Hadley adopting its Proposed Short Term Rentals General Bylaw and Zoning Bylaw.

After a comprehensive review of the proposed bylaws, I believe that it makes sense for the town and its residents to be in favor of adopting the bylaws for the following reasons:

- It will help to eliminate the number of illegal STR that has taken place in town by allowing a set number of legal licenses to operate.
- It will help to lessen the time & expense burden of the Building Commissioner to continually ferret out the illegal licenses, based on the assumption that those previously operating illegally will willingly and cooperatively apply for a license, and abide by the bylaw rules.
- It will help recognize that South Hadley cannot remain in the 19th and 20th centuries, by holding on to a non-realistic and harmful view that current economic realities for residents don't exist in the 21st century. South Hadley already suffers from an unfortunate reputation of being non-business-user-friendly. By denying residents an opportunity to individually profit, and by extension, the town, from a well-regulated business of STR continues to promote this unfriendly business culture, to the detriment of all.

The proposed bylaws are well-crafted upfront to address and implement all needed guardrails against abuse, e.g. noise and land pollution, which includes license suspension. Town officials have a keen vested interest to make STR work well in town for everyone and I believe that their proposed bylaws achieve this goal.

It should also be noted that Airbnb, a company focused on short-term rentals, will put in place a new booking rule, which is designed to be of benefit to both its hosts and guests, and in the process, to the surrounding neighbors, etc.:

<https://www.cnbc.com/2023/02/03/airbnb-will-soon-push-all-vacationers-and-hosts-to-verify-identity.html>

*A summary from the CNBC article can be found here:*

*Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of*

*a valid government-issued ID or a legal name and address.*

With the growing popularity of STR, it makes economic and community sense for South Hadley to support and adopt the proposed bylaws for the immediate protection and benefit of its residents and visitors.

Best,

Mariann Millard  
South Hadley resident

## Airbnb is making a simple, but big booking change bringing it closer to hotel check-in



Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of a valid government-issued ID or a legal name and address.

Tara Bunch, global head of operations at Airbnb, said that while 80% of the rental platform's bookings already feature identity verification as something hosts can request, the company is taking this additional step.

“It’s not so much that people that were booking listings were representing themselves as not being who they are,” Bunch said. “When you take away the anonymity of not being identify verified, I think it opens up the perception that people could behave badly and not be held accountable, and by definition, tends to cause people to behave a little bit better because they know they will be held accountable for bad actions.”

The move puts Airbnb more in line with traditional hotels, where front desk workers request to see some form of identification from a guest prior to check-in. Most other vacation rental platforms, like [Expedia Group's Vrbo](#), don't require identification verification but do allow guests or hosts on the platform to submit their information.

Airbnb has made efforts in the past to curb bad behavior. Amid the Covid-19 outbreak, the company placed a temporary [ban on house parties](#) citing health concerns. It made that ban permanent in June, as well as [banning party-house-type situations](#), where people would book large houses for a single night.

It also rolled out [several enhanced safety features](#) following a shooting that killed five people at one of its bookings in 2019.

Bunch said as the company looked to implement these features, it leaned on machine learning to help identify potential issues. In the case of stopping house parties, Airbnb looked at things like the age of the individual booker and how long they've been on the platform, as well as things like how far away they lived from a large home they were looking to book, or if there were multiple efforts to book the same property by people in close geographic regions. As a result, Airbnb was able to further reduce parties on the platform by 35% in Australia, where it tested some of these features.

While infrequent, Bunch said there have been examples of people purposely using false identities to [dupe other users or defraud them](#). Bunch noted that there have been instances of financial fraud schemes where unverified users have looked to use stolen credit cards via fake identities, or even looked to move money between fictional guest and host combos. "An innocent guest can get caught up in that, so we felt that taking that completely out of the system, preventing any sort of financial fraud or being able to take advantage of someone with say a fake identity was really important," she said.

In collecting this data, Airbnb utilizes a variety of third-party platforms, databases, and verification systems to confirm that someone is truly who are saying they are as well as doing other background checks, Bunch said, adding that there are also manual reviews when needed. That has put more emphasis on Airbnb's internal data security, and Bunch said all of these points of ID verification from the platform are closely monitored by the company's chief privacy officer and his team, as well as for compliance with local and national data privacy regulations.

"Guests and hosts come to Airbnb because we're a trusted brand and they're trusting us to keep their property safe and keep them safe, and to have a great experience in a beautiful location with a beautiful listing," she said. "At the end of the day, the way we're going to retain and attract guests and hosts and grow our platform is creating that level of trust within our community and being the place that people know they can come to book an experience or vacation and it is worry free."

## Mariann Millard: Town residents should review short-term rental bylaw proposals



- South Hadley Town Hall

With regards to the scheduled Planning Board public hearing on short-term rentals for South Hadley on Feb. 6 at 7 p.m., I'd like to encourage South Hadley residents to thoroughly read and digest the draft proposed bylaws for short-term rentals (STR). The documents can be found online at [www.southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary](http://www.southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary). The language in the documents is quite clear about addressing “the benefits and challenges” of STR, especially resolving the challenges, which will continue to include STR non-compliance issues in the final bylaws adopted. Please do not be swayed by any public “fear-mongering” perception that the town will somehow become destroyed by allowing STR. This tactic is at best disingenuous with misinformation and the scary idea that STR use will be allowed to run amok throughout town without any compliance, enforcement and license-suspension guardrails.

Mariann Millard

South Hadley

## public comment

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**Carol Constant** <cpconstant@gmail.com>

Mon, Feb 6, 2023 at 7:18 PM

To: Colleen Canning <ccanning@southhadleyma.gov>

Hi Colleen,

I am so sorry, I cannot seem to log in to the public hearing tonight.

My comment is that in the short term rental system, AirBNB etc, owners rate renters and renters rate wonders. This system is meant to keep everybody on their best behavior. If there is a bad owner or a bad renter it goes on their record for future rentals.

Thanks!!

--

Carol Constant  
413-222-1761

*Not everyone who grows old will have dementia, but there are people living in our communities who do. People living with dementia might be our neighbors or friends, in the grocery store, shops, restaurants, or sitting next to us in worship. A dementia friendly community is one that is informed, understanding, and supportive to those living with dementia and their caregivers.*

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## 2/6/23 Planning Board meeting

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**Harriet Finkel** <hattie.finkel@gmail.com>

Tue, Feb 7, 2023 at 1:32 PM

To: Anne Capra <acapra@southhadley.ma.gov>, ccanning@southhadley.ma.gov

Good Afternoon.

I am quite frustrated as I had attended last night's Planning Board meeting vis Zoom and, though I had my hand up, was not chosen to speak. I truly feel Colleen was unable to see me- why I do not know. I am including the comments I intended to make last night in this communication as a result.

As a Town Meeting member, I have had many conversations with friends and neighbors regarding the article proposing Short Term Rental regulations in South Hadley. I find there is general support for owner occupied STRs. People I talked to felt that they are a good way for homeowners to generate extra income while providing a valuable service.

However, I found there is great opposition to non-owner occupied STRs. Residents are very concerned that living in proximity to such a facility could damage existing home values, neighborhood culture, and quality of life. I myself would never invest in a property near such an enterprise.

If the proposed article included a provision to allow non-owner occupied STRs, I would have to vote no on the article at the May Town Meeting.

Yours very truly, Hattie Finkel, 450 Amherst Road

\*Please forward this communication to all Planning Board members as soon as possible and include these comments in last night's Planning Board minutes. Thank you

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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

Thanks for trying out Immersive Reader. Share your feedback with us.  



# 25 cities and towns where it will become harder to own or manage a short-term vacation rental in 2023



*Atlanta is one of the many cities that has gotten serious about cracking down on short-term rentals.*

Steve Kelley / Getty Images

- The pandemic sparked a boom in short-term rentals, and AirDNA found listings hit a record high in 2022.
- Some residents and officials in hot cities say these rentals deplete housing stock or cause noise disturbances.
- These 25 locations across North America are looking to rein in Airbnbs and short-term rentals.

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Airbnbs and other short-term rental platforms became a go-to for investors during the pandemic as high home prices and rising interest rates made it unaffordable for regular homebuyers to enter the

market.

Investors sought to maximize their returns by renting homes to growing numbers of vacationers, travel nurses, and remote workers. But as the calendar turns to 2023, [there is more competition than ever for short-term rentals](#) which will make it more difficult for investors who are looking to capitalize on the travel boom created by the pandemic.

But that hasn't stopped a number of vacation rental owners and property managers from cashing in — in both the US and Canada — which has left some of their neighbors frustrated.

For many, it's paying off. Airbnb reported the average US host's income grew to over \$13,800 in 2021 — an increase of 85% since 2019. By early 2022, there were a towering, industry-record 1.5 million listings available, according to the analytics site AirDNA.

Locals say the mounting presence of short-term rentals in their neighborhoods can lead to a variety of issues, from mundane annoyances (noisy parties) to substantial challenges (they make it more difficult for regular people to buy homes).

Cities and towns are caught in the middle, trying to balance these concerns with the revenue that vacationers bring in and the rights of property owners. From the beaches of California to the mountains of Vermont, communities are grappling with what the future of short-term rentals looks like.

Some local governments, like in Honolulu, have passed regulations like banning rental stays under 90 days, while others, like in Aspen, Colorado, have proposed new taxes on owners. Some cities have simply called timeout: Chattanooga, Tennessee, paused new applications for non-owner-occupied units as it considered short-term rentals' future there.

An Airbnb spokesperson said in an emailed statement that "short-term rentals have been part of the fabric of popular vacation destinations such as these for decades, and our goal is to work with communities on balanced rules that support local tourism economies, provide certainty and clarity for Hosts, and address community concerns." Airbnb also maintains a page on its site dubbed City Portal, which has resources for local governments.

Here are 25 locations in the US and Canada where residents and local politicians are fighting back against short-term rentals. They are presented in alphabetical order.

*Are you trying to pass regulations to limit short-term rentals? Are you a short-term rental owner who wants to talk about your experience with regulations? Email reporter Dan Latu at [dlatu@insider.com](mailto:dlatu@insider.com).*

## Alamosa, Colorado



*The Great Sand Dune National Park and the nearby Sangre de Cristo mountains draw visitors to southern Colorado every year.*

Dan Ballard/Getty Images

A four-hour drive south of Denver, Alamosa (population 10,000) is known for its proximity to Great Sand Dunes National Park, where visitors flock to see the tallest dunes in North America.

As of November, Alamosa had 24 short-term rentals registered with the city — and many more unregistered ones, [the Alamosa Citizen](#) reported.

In April, [the Alamosa City Council unanimously passed an ordinance and two resolutions](#) that were seen as a compromise between the interests of short-term-rental owners and frustrated residents.

Under the new regulations, short-term rentals that are available for less than 30 days can only be in certain types of dwellings, including single-family homes or one unit in a multifamily property. Renting units in multifamily buildings with more than four units is no longer allowed.

Short-term-rental owners will also have to obtain a license for an initial cost of \$750 and a yearly renewal fee of \$300. There is now a 5% cap on the number of short-term-rental licenses that will be issued per zone, or city neighborhood.

When a new short-term-rental license is issued, neighbors must be notified.

The Alamosa Citizen [reported](#) that area employers were struggling to recruit workers given "a tight and increasingly expensive housing market."

"It is important to bring resolution to this item so business owners can predict what will be expected of them, neighborhoods will have some protections from nuisances, there is reasonable preservation of housing units for residents," Heather Brooks, the Alamosa city manager, [told the Valley Courier](#).

## Aspen, Colorado

*Aspen, Colorado*

[VisionsofAmerica/Joe Sohm](#)

Aspen voters approved a ballot measure in November that imposes a pair of new taxes on short-term and vacation rental properties. Ballot Issue 2A imposes a 5% tax on nightly room rates for short-term rentals with lodge-exempt permits and a 10% tax on investment properties.

The measures were approved by the local city council just days after Steamboat Springs, another popular Colorado resort town about three hours north of Aspen, passed a similar ordinance imposing

new taxes on vacation rentals.

Aspen City Council member Rachel Richards told [the Post Independent](#) in November that the vote is a "re-affirmation that Aspen is a community, wants to be a community, and supports the community."

There are 979 STRs in Aspen and they charge an average daily rate of \$749, according to [AirDNA](#). Aspen is also the most expensive city in Colorado to live in with an average home price of more than \$3 million, according to [Zillow](#).

Opponents of the measure have argued that it will depress tourism in one of Colorado's best-known resort locations. In the summer of 2020, Aspen hospitality businesses saw their average daily rates increase by 29% year-over-year while their revenue per available room increased by nearly 99%, [according to data from the Aspen Chamber of Commerce](#).

## Atlanta, Georgia

*Homes in Atlanta's popular Midtown neighborhood.*

novikat/Getty Images

In March 2021, Atlanta passed an ordinance to regulate short-term rentals.

It requires hosts to pay a \$150 annual fee for a permit — and provide a copy of the property's deed and a utility bill — to operate a rental property. The rentals are taxed at 8%, the same as hotels in Atlanta. A violation of the ordinance carries a \$300 fine.

"I'm trying to stop the city from becoming a de facto hotel city," a city councilman, Antonio Lewis, [told The Atlanta Journal-Constitution](#).

The bill was approved by a [13-2 council vote](#) to crack down on party houses by making the owner of the unit responsible for violations.

The law was scheduled to go into effect in April, allowing hosts to apply for permits the month prior.

However, according to an analysis of city-permitting data by The Atlanta Journal-Constitution, roughly 10% of the city's 7,100 listings applied for permits two months after the application process opened. Less than 3% received permits.

The enforcement date has since been extended to September 6, [according to the local NBC affiliate 11 Alive](#).

For now, all enforcement of the new rules will be complaint-driven and fall under the jurisdiction of the Atlanta police.

## **Burlington, Vermont**

*Church Street in Burlington, Vermont, is the downtown hub of the state's most populous city.*

DenisTangneyJr/Getty Images

Vermont's most populous city attracts more than just autumnal leaf-peepers, welcoming visitors year-round for its breweries, nature excursions, and cultural attractions.

For the past year, the city government was locked in a debate over the growth of short-term rentals. There are now between 200 to 250 short-term rentals in the 40,000-person city, [according to the VTDigger](#), and the major concern for officials is whether short-term rentals take away housing stock from Burlington residents.

In February, [the City Council passed an ordinance](#) requiring short-term-rental owners to also live in the house as their primary residence. But the [mayor vetoed the measure in March](#), saying it was too restrictive.

In April, the City Council, with new members sworn in, [voted to consider a new set of rules](#) and passed a brand-new ordinance in June, [according to the local outlet Seven Days](#).

Short-term-rental owners must now live on the property, though there are some exceptions. Hosts will also pay an annual fee of up to \$110 and a 9% tax on revenue from the rental, according to Seven Days.

## Chattanooga, Tennessee

*Riverboat cruises draw visitors to the Tennessee River in Chattanooga, where the city has paused all short-term-rental applications.*

SeanPavonePhoto/Getty Images

The Chattanooga City Council [has paused all applications for short-term rental that are not owner-occupied](#). The freeze will last the rest of 2022.

The city, with a riverfront and historic battlegrounds that attract tourists, has been debating the merits of its profitable rental industry. A local station, Channel 9 News, reported [that Airbnb rentals brought in tax revenue of \\$3.5 million for the county in 2021](#).

But some residents are concerned about the ability of outside investors to reap rewards at the expense of Chattanooga locals.

"I'm not in favor of having investors that come in out of state, out of country even, and buy 10 to 15 pieces of property. They're not invested in the community. They're not invested in Chattanooga," Donna Morgan, a local resident, told Channel 9.

There are 1,120 active short-term rentals, according to analytics site AirDNA.

## **Coeur d'Alene, Idaho**

*Coeur d'Alene, Idaho is a resort town that is a 40-minute drive east of Spokane, Washington.*

Alan Nick

City leaders in Coeur d'Alene, a resort town along the north edge of Idaho's Harrison Slough, are working to limit the number of short term rentals in their town.

The city first passed laws concerning short term rentals in 2017, but is considering adding a slew of restrictions as the number of vacation rentals continues to grow. Coeur d'Alene's General Services/Public Works Committee could amend the law to require off-street parking, increase fees for violating the ordinance, and limit the number of permits issued annually.

"We can't have a thousand people rushing to get a permit when we might not allow that many," [Councilwoman Christie Wood told KREM 2 in September.](#)

According to AirDNA, there are about 790 active vacation rentals in Coeur d'Alene that charge an average daily rate of around \$260. However, a large chunk of the rentals may be illegal as city officials [told local news station KREM in November](#) that only 453 vacation rental properties have been authorized.

The debate over vacation rentals in Coeur d'Alene comes at a time when the local housing market is shifting in favor of buyers. The average home value is down more than 6% to just under \$500,000 as of November while the number of homes sold has dropped by more than 35% year-over-year, according to Redfin.

## Dallas, Texas

*Dallas is one of the fastest growing cities in the nation.*

Danny Lehman/ Getty Images

Local leaders on the Dallas City Plan Commission [voted 9-4 on December 8](#) to recommend defining short-term rental properties as "lodging" under the city's zoning code. The move could effectively prevent the properties from existing in Dallas' single-family residential neighborhoods.

The Dallas City Council still needs to approve the recommendation before any enforcement actions can take place. The body could vote on the recommendation as early as January 11, 2023.

Commissioner Claire Stanard, one of the commission members who voted in favor of the proposal, [told the Dallas Morning News](#) that the proposal could help improve public safety. The commission heard several complaints from local residents about "party houses" with loud music and lots of cars during their debate.

"If my granddaughter is living next to a short-term rental or between them, is that really what my son-in-law bought a house to have as his next-door neighbor," Standard said.

According to data from [AirDNA](#), there are more than 5,400 short-term rentals in Dallas. The properties charge an average daily rate of \$165 and they have a 60% occupancy rate.

Other commissioners weren't as convinced that adding new regulations would help solve the problems that city residents are complaining about.

"I don't have any faith that regulation is the sole solution to this problem," Commissioner Melissa Kingston told the Dallas Morning News.

Other cities in Texas like Fort Worth and Arlington have already restricted vacation rental properties from their residential neighborhoods.

## Dauphin Island, Alabama

*Dauphin Island, Alabama sits on the Gulf Coast near the Louisiana border.*

## Barry Winiker

Another vacation destination that has imposed limitations on short term rental properties is Dauphin Island, Alabama, a small island off of the gulf coast in Pelican Bay.

In August, Dauphin Island's Planning Commission finalized several STR restrictions in a rewrite of the town's zoning code. The restrictions include limiting where short term rental properties can be located on the island, restricting the number of vehicles that can be parked at a rental property, and imposing a \$75 annual fee for rental property owners.

The new limitations have put residents at odds with one another, [according to a report by AL.com](#). Some claim the properties are improving the island by attracting tourists. Those who want to limit the number of short term rentals say the regulations are striking a balance between business interests and the local community.

"One group will say they are renting out (their house) and the next thing you know is you have eight cars parked all over the yards," Dauphin Island City Councilman Earle Connell, who is also the local liaison for the planning commission, told AL.com in August. "To them, it's a vacation. I understand that. But these people who do that don't understand we have a community and neighborhood that is protected."

There are 574 vacation rental homes in Dauphin Island, and they have a 68% occupancy rate, according to [AirDNA](#).

## Dillon, Colorado

*Dillon, Colorado is a ski town near Breckenridge.*

Brad McGinley

Dillon, Colorado's city council is considering how to move forward with the town's new short-term rental regulations after voters approved a slate of measures aimed at curtailing the properties in November.

Currently, city council members are debating a new ordinance to increase the annual fee charged to short-term rentals from \$50 to \$250 and include new application questions about how the rental unit will be used, [according to a report by Summit Daily](#).

The ordinance comes after voters approved a pair of ballot questions that levy a 5% excise tax on short-term rentals and increased the city's lodging tax from 2% to 6%.

The city – which has just over 1,000 full-time residents – is located in Summit County, home to some of Colorado's favorite ski attractions such as the Breckenridge ski resort, Copper Mountain, and Grays Peak.

Overall, the city estimates that the new taxes could return approximately \$3 million in annual tax revenue. Dillon can collect up to \$4.5 million of this specific tax before triggering a tax refund under state law, [town finance director Carri McDonnell](#) told [Steamboat Pilot & Today](#).

Voters approved the new taxes at a time when Dillon's housing market is soaring. Dillon's median home price has increased more than 30% over the last 12 months to \$915,000, according to [Redfin](#).

## Frisco, Colorado

*Frisco, Colorado is another ski town near Breckenridge.*

Bloomberg Creative

Frisco, Colorado – a small town in central Colorado – capped the number of short term rental properties within its jurisdiction at 900, or 25% of the local housing stock, back in October.

The new regulations also require short term rental landlords to live at their property for at least 10 months out of the year but passed on the opportunity to create a new license for short-term rentals versus traditional rental properties, [according to the Summit Daily](#).

The ordinance could also have a significant impact on tourism in Frisco, which is seen by locals as a cheap midway point between popular resort destinations like Breckenridge and Copper Mountain. Frisco currently levies a 5% excise tax on short term rentals and a 2% lodging tax.

"There are a lot of people very unhappy — as one person had mentioned — with having the short-term rentals next to them because some people might be very careful to who they rent to and how they monitor it, but others are not," [city councilmember Lisa Holenko told Summit Daily](#).

There are currently more than 1,700 STRs in Frisco, according to [AirDNA](#). These properties charge an average daily rate of \$299 and have an average occupancy rate of about 50%.

## Lexington, Kentucky

*Lexington, Kentucky is home to the world-famous Kentucky Derby horse race.*

iStock/Getty Images Plus

Popular tourist towns like Lexington, Kentucky — which is home to the annual Kentucky Derby — are starting to crack down on vacation rentals at a time when their housing markets are growing more competitive by the day.

Lexington's Special Planning and Public Safety Committee is considering requiring Airbnb and Vrbo landlords in the area to acquire a special business license and imposing an additional transient tax on the properties, [according to a report by WKYT](#).

Business owners like Heath Green, co-owner of the Kentucky Life Property Management Group, told the committee that the additional measures could decrease tourism, which is Kentucky's economic bread and butter.

But the measure also comes at a time when real estate values in Lexington are outpacing the national average in terms of home price appreciation. Data from Redfin shows that Lexington's [median home](#)

price has increased 14.4% over the last year up to nearly \$298,000 as of November 2022. That's compared to the national average increase of just 2.6%, [according to Redfin](#).

There are more than 1,200 active vacation rentals in Lexington that charge an average daily rate of \$171 and have an occupancy rate of more than 50%, [according to data from AirDNA](#).

## Marco Island, Florida

*Marco Island is a barrier island near Naples, Florida.*

Marc Frei

Voters in Marco Island, Florida approved an [ordinance](#) on August 23 that created a registration program for short term rental properties and imposed several new restrictions. After months of debate, it was narrowly approved by the local city council in December.

To register a property, short term rental owners must hold a liability insurance policy of at least \$1 million, provide city officials with a phone number that is answered 24-hours per day, and pay a \$50 registration fee.

The ordinance was submitted by a group called Take Back Marco, a nonpartisan political action committee. Ed Issler, who leads Take Back Marco, [told WINK](#) that additional regulations are necessary because short term rental properties have "gotten out of control" on Marco Island. According to data from AirDNA, there are more than 2,400 short term rental properties, which charge an average daily rate of \$329.

Vacation rental property owners have filed a lawsuit to prevent the ordinance from going into effect. David Di Pietro, an attorney representing the property owners, told Gulfshore Business in August that the ordinance is overly restrictive.

"Once this ordinance passes, until you receive the certificate from the city, which means you have to have an inspection from the fire department and the city, you can't rent until that's done," Di Pietro said. "There are over 2,000 rentals and there's nobody doing that job right now. So, we think that it's going to be a ban for an indefinite amount of time."

## Montréal

*The nighttime skyline of downtown Montréal.*

Nicolas McComber/Getty Images

It's not just Americans who oppose the barrage of short-term rentals.

Activists in Montréal, the largest city in Canada's Quebec province, are trying to curb the wave of listings in order to preserve housing for residents.

"In recent years, we have lost thousands of apartments in Montréal to short-term rentals," Cédric Dussault, the spokesperson for the Coalition of Housing Committees and Tenants Associations of Quebec, [told CBC in a May interview](#).

Some restrictions are in place. Currently, in order to rent out a unit, the owner must obtain an establishment number and, in some cases, a classification certificate from Quebec's tourism body. Since May 2020, it is required that operators put the establishment number on any advertisement or posting to rent space. The maximum stay is also capped at 31 days.

Montréal, however, has had a tough time enforcing these regulations.

CBC cited data from independent watchdog group [Inside Airbnb](#) stating that 11,639 Montréal Airbnbs are unlicensed. That's about 95% of them, it estimated.

"The simple story is that the province put a very good set of rules in place, but has not put in any effort to make sure that anybody follows those rules," David Wachsmuth, the Canada Research Chair in Urban Governance at McGill University, told CBC.

## **New York City, New York**

*There may be upwards of 10,000 short-term rentals operating illegally in New York City.*

Alexander Spatari/Getty Images

Mayor Eric Adams has moved to require Airbnb and Vrbo hosts to register their properties with the city, provide proof that the hosts live in the units with their guests, and show that the property meets local zoning and safety guidelines. The proposal will go into effect in January and hosts who fail to comply could face between \$1,000 and \$5,000 in penalties.

A [report by NPR](#) suggests the policy could remove as many as 10,000 short-term rentals that are operating in the city illegally.

"Currently as is, this is an entirely unregulated market and the consequences have been disastrous for New Yorkers," New York State Assembly Member Zohran Mamdani [said during a hearing about the proposal in early December](#).

Data from AirDNA shows that there are more than 24,500 active short-term rentals in New York that charge an average daily rate of \$234 and are about 75% occupied.

## Oahu, Hawaii

*The famous Waikiki Beach on the island of Oahu, which brings in nearly half of Hawaii's annual visitors.*

M Swiet Productions/Getty Images

In April, Honolulu's mayor, Rick Blangiardi, signed a new law requiring a minimum stay of 90 days for short-term rentals in residential areas on the island of Oahu, in an attempt to curb the sprawl of vacation rentals in the city. [Hawaii News Now reported](#) that the city estimates there are between 10,000 to 14,000 short-term rentals in Oahu.

["This is a historic moment," Blangiardi said at a press conference for the bill](#), which passed the City Council by a vote of 8-1.

The new law applies to the non-resort neighborhoods of Hawaii's most popular island, Oahu, which is home to iconic attractions like Waikiki Beach and Pearl Harbor. Before the pandemic, [the Hawaii Tourism Authority recorded over 6 million visitors to Oahu](#) in 2019, which represented nearly half of all tourism spending for the state.

But local residents complain of tourists overrunning residential neighborhoods, taking away housing opportunities, and causing disturbances.

"Any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts on our neighborhoods and local residents," Oahu resident Thomas Cestare said at a City Council hearing, according to [Hawaii News Now](#).

A group of short-term-rental owners [sued the city](#) in June, seeking an exemption for 30- to 90-day rentals that existed pre-ordinance, according to Courthouse News Service. In the suit, the Hawaii Legal Short-Term Rental Alliance said thousands of owners previously operating legally would be "irreparably harmed" by the new 90-day minimum.

In September, the alliance asked for an injunction ahead of the ordinance's planned effective date, October 23, [according to Courthouse News Service](#). The presiding judge deferred the decision, but Courthouse reported the parties asked to meet with the judge before the deadline.

*Palm Springs is known for its many golf courses and beautiful weather during the winter months.*

Robin Smith/Getty Images

## Palo Alto, California

*Palo Alto is the home of major tech companies HP, VMware, SAP Labs, and others.*

[Shutterstock](#)

One of California's wealthiest cities is planning to limit the number of short-term rental properties in its jurisdiction as it struggles to add new housing units.

Palo Alto's city council voted 5-2 on December 12 to explore creating new regulations on vacation rentals. The council is exploring regulations that range from requiring the properties to be owner-occupied to banning rentals of fewer than 30 days, [Palo Alto Online reported](#).

Data from AirDNA shows that there are 610 short-term rentals in Palo Alto, which attract an average daily rate of \$277 and have a 77% occupancy rate. For comparison, [Zillow's website](#) shows there are just 179 available rental listings in Palo Alto.

"We have more units available through Airbnb through short-term rentals than we do as far as just available rental units in the city," Palo Alto councilmember Greer Stone [told Palo Alto Online](#). "That's a concern. Presumably, every short-term rental unit on the market is potentially a housing unit that someone can be in long-term or permanently."

Other council members noted that limiting short-term rentals in the area could greatly restrict the ability of families who come to town to visit relatives who are being treated at nearby Stanford Hospital.

"If we remove this option, we're really going to be limiting the people who live here and the people who have a pretty legitimate need to come here," said councilwoman Alison Cormack.

## **Park Township, Michigan**

*The shoreline of Lake Michigan.*

iStock/Getty Images Plus

Starting October 1, 2023, local officials in Park Township, Michigan — which is located about 30 miles due west of Grand Rapids — will start enforcing a town rule that prohibits short-term rental properties in residential neighborhoods.

The ordinance has been on the books since 1974, the town's board of trustees noted as they voted unanimously on the plan during their November meeting. The ordinance still allows short-term rentals in commercial zones just like hotels and motels.

[During the meeting](#), the trustees offered a range of reasons why they support the ordinance, from keeping the peace to preserving the character of the resort town's residential neighborhoods.

Data from AirDNA shows that there are 141 active vacation rental properties in Park Township compared to the 119 homes listed for sale and the 22 homes for rent that are [listed on Zillow](#).

# Portland, Maine

*Sunset over Portland, Maine.*

Mark Bibikow

State legislators in Portland, Maine are considering adding new restrictions on short-term rental properties like Airbnb and Vrbo after voters defeated a ballot initiative that sought to restrict how the properties can operate.

The [initiative](#) was submitted by the [local chapter of the Democratic Socialists of America](#), a political organization, and approved by the local city council over the summer. It seeks to prohibit corporate owners of rental properties from owning short term rentals, prohibits evictions for the purpose of converting a property to a short term rental, and increases penalties for properties that don't comply with the law. Voters defeated the initiative by a 55% to 45% margin.

Business owners and some employees formed a political action group called "Enough is Enough" to oppose the initiative, claiming that the Democratic Socialists are manipulating the city's citizen initiated referendum process.

"My biggest issue is, trying to govern the city through referendum I think is a bad idea," said Nick Mavodone, a former city council member and the chairman of the Enough is Enough campaign. "One thing I know is there are a lot of unintended consequences with everything that comes before an elected body, no matter how simple it seems."

Now, lawmakers on the Joint Select Committee on Housing are poised to consider new regulations for short-term rentals when the legislature reconvenes in January 2023, [according to the Portland Press Herald](#).

According to [data from AirDNA](#), there are 766 short term rental properties in Portland and they have an occupancy rate of 74%. These properties are also charging an average daily rate of nearly \$280, which is less than other popular destinations in Maine such as Bar Harbor.

## Red Hook, New York

*The Kingston–Rhinecliff Bridge in New York's Hudson Valley.*

OlegAlbinsky/Getty Images

Red Hook, a small town about two hours north of New York City in the bucolic Hudson Valley region, unanimously passed short-term-rental regulations at the end of 2021.

The new local laws limit the number of days a property can be rented out, establish rules for what type of renting is allowed, and require permits for hosting.

In districts that are heavily residential, only one-bedroom rentals are permitted and are limited to 120 days per year. In less densely residential areas, units with multiple bedrooms are allowed to be rented. They are not capped by a day limit.

No matter its size, the rule says, the home must be the primary residence of the host.

To give a sense of the number of short-term rentals in the broader area, a [search](#) for available Airbnbs for a weekend in June in and around Red Hook, NY, led to more than 300 listings.

Some Red Hook residents have voiced concerns about their town becoming [overrun by weekenders](#) and as a site for party houses.

"With nearly four years of committee and community discussion, input and changes, we hope we've been able to strike a balance between encouraging short-term rentals and protecting residential neighborhoods from conversion," Robert McKeon, the Red Hook town supervisor, [told the Poughkeepsie Journal](#).

## **Santa Rosa, California**

*Santa Rosa, California is a town 55 miles north of San Francisco.*

Matt Dutcher

The Santa Rosa City Council voted on August 10 to limit the number of STRs in its jurisdiction to 198.

There are currently 581 short term rental properties in Santa Rosa, [according to AirDNA](#), which means that nearly two-thirds of property owners won't be able to continue renting their homes. The new limitations have also pitted neighbor against neighbor in the town that sits 55 miles north of San Francisco.

"My problem is I moved into a residential neighborhood and now I live next to a hotel," resident Bernadette Burrell told the city council in August when they voted on the new cap.

The new cap on short term rentals comes as cities across California move to place restrictions on these properties. Other cities include Lake Tahoe in California's popular wine country, Temecula, and Riverside.

Property owners say the new cap is just another example of city officials "harassing" them and trying to "solve a problem that doesn't exist," [according to a report by CBS News](#).

Rental owners like Gary Lentz told CBS that they try to work collaboratively with neighbors who complain about noise and other issues with their properties. Still, Lentz feels the scrutiny against his business is unjustifiable.

"It's almost unenforceable what these people are trying to do," Lentz said.

## **Sarasota, Florida**

*Sarasota, Florida is on the Gulf of Mexico.*

krblokhin/Getty Images

The beachy city of Sarasota has become a hotbed for short-term-rental stays — especially in the early spring months.

With 4,923 active listings, [AirDNA](#) listed Sarasota as the No. 3 destination in the country for spring travel in 2022, based nights booked for March and April, behind Orlando and Phoenix. That's notable, considering Sarasota's population of 54,842 is a fraction of Orlando's 307,573 residents and Phoenix's 1,608,139 residents.

The city passed vacation-rental regulations in May 2021. Sarasota now requires a seven-day minimum for stays, and a 10-person maximum for single-family-home stays.

Some residents — like Caitlyn Marriott, who lives in nearby Venice — believe that isn't enough and are advocating for further regulations.

"The county and some small towns tried to initiate some local ordinances to try to put a curb on the effects that it would have on neighbors, but not so much the community as a whole," Marriott said.

Starting June 1, 2022, hosts are required to have a certificate of registration, which costs \$250, from the city in order to rent out property for less than 30 days. Registration is not required for owner-occupied vacation rentals, condos, and rentals that exceed 30 days, according to the city.

## Steamboat Springs, Colorado

*Mountains rise behind a street in Steamboat Springs, Colorado.*

Shutterstock/Rachele A. Morlan

Steamboat Springs, an idyllic ski town in northwest Colorado, passed an ordinance in June that created a 9% tax on short-term rental properties to fund affordable housing developments.

The law was passed as [wealthy out-of-towners continue to make up a majority of buyers](#) in Colorado's resort towns. In 2020, nearly two-thirds of homebuyers in Routt County — where Steamboat Springs is located — hailed from other counties and took home an average salary of approximately \$150,000, according to a [survey](#) by the Colorado Association of Ski Towns.

For comparison, more than 60% of Routt County's workforce earns less than \$150,000 per year, the survey found. Meanwhile, the average home sales price in the county has jumped to nearly \$2 million, a 33.7% increase since June 2021, according to [data from the Colorado Association of Realtors \(CAR\)](#).

"There is not a day goes by that I don't hear from someone ... that they have to move" because they can't afford rent, Heather Sloop, Steamboat Springs' city council president, [told KUNC](#), an NPR affiliate station in northern Colorado. "It's crushing our community."

An [economic impact study](#) commissioned by Airbnb in May shows that there are more than 6,800 short-term rentals listed in Routt County compared to the county's total housing inventory of 16,800 units.

Short-term rental and second-property owners pushed back against the ordinance, saying it could effectively tax them out of the town.

"New people became involved with the politics and the ski resorts and everything, and their goal was to make it a winter and summer destination," Sara Gambino, a local real estate broker, told [Steamboat Pilot & Today](#). "So, they're kind of going back on all the work that went into making the county the destination that it is."

## Tybee Island, Georgia

*Tybee Island is barrier island in the Atlantic Ocean about a 30-minute drive from downtown Savannah, Georgia.*

Jeff Foster/500px/Getty Images

Tybee Island, Georgia, which sits about 20 miles southeast of Savannah along the South Carolina border, passed an ordinance in October that prohibits vacation and short-term rental properties from its residential neighborhoods.

The move comes about 16 months after the local city council initially instituted a moratorium on short term rental properties like Airbnb and Vrbo in August 2021, citing numerous complaints from local residents.

"I've seen my neighborhood change from all permanent residents to over half vacation rentals now," Anna Butler, a Tybee resident since 1994, [told Savannah Now in August](#). "I support the extension of the moratorium so that the new ordinance can be worked out in a fair and equitable manner."

However, not everyone agrees with the ordinance. Tybee Alliance, a local coalition of business leaders, is suing Tybee Island to overturn the ordinance.

"We believe that the city disregarded their own city charter and state law in passing the ordinance by ignoring the basic rules by which a city government is required to provide written notice and written text of a law before they pass it so that the public can review, comment and provide feedback to their elected leaders," Dusty Church, a member of Tybee Alliance, [told local news station WTOC in December](#).

According to [data from AirDNA](#), there are about 1,500 active short-term rentals on the island today. That's compared to the island's total population of about 3,000 full-time residents, according to census data.

## Weehawken, New Jersey

*Across the river from New York City, short-term stays have been banned altogether in Weehawken, NJ.*

TC Franco/Getty Images

Weehawken, New Jersey, sitting on the Hudson River waterfront directly across from Manhattan, banned all short-term rentals in the 15,000-person town at the very end of 2022.

The new law went into effect immediately, impacting stays that ranged from \$80 to \$400 per night on the Airbnb site.

Mayor Richard Turner told the Hudson Reporter that town officials will "examine all the ordinances" other New Jersey communities passed and could one day bring back short-term rentals with stricter regulations. But for now, he believes a ban was necessary.

"Right now we're going to ban them because it really is starting to get out of control," [Turner told the Reporter](#).

Affordable housing was a top motivation, the mayor explained. "We are losing affordable apartments to Airbnb and we decided to take some action because we have several buildings that are getting carried away with it," he told the Hudson Reporter.

Penalties for owners breaking the ban start with \$1,000 for the first infraction and jump to \$2,000 and the possibility of jail time for a third infraction.

**Planning Board Report on Proposed Residential Short-Term Rental Units ZONING Bylaw  
May 10, 2023 Annual Town Meeting  
Article 21**

ARTICLE 21. To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Residential Short-Term Rental Units by amending: Section 255-10 Terms Defined by inserting the definition for a Short-Term Rental; Section 255 Attachment 1:1 Use Regulations Schedule to establish which districts a Short-Term Rental may be permitted and how they may be permitted (Site Plan Review or Special Permit); and Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-51 Short-Term Rental to provide standards and details under which a Short-Term Rental may be permitted, as further articulated in the Planning Board’s Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

The proposed changes are as follows:

- 1. Amend Section 255-10 Terms Defined by adding the following terms:**
  - a. Short-term rental - All or part of a legally established Dwelling Unit for no more than twenty-eight (28) consecutive days or less, including home-sharing and vacation rentals.
  
- 2. Amend Section 255 Attachment 1:1 Use Regulations Schedule by inserting the following new uses related to Short Term Rentals in the Residential Use Classification, and indicate how they are to be permitted or prohibited, as indicated below:**

Use Classification – Residential Uses	Zoning Districts											
	Residence				AGR	Business				Industrial		
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden
Short Term Rental – Owner Occupied	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	N	N
Short Term Rental – Non-Owner Occupied	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N

SPR = Site Plan Review    SP = Special Permit    N = Prohibited

- 3. Amend Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-51 Short Term Rental to provide standards and details under which a Residential Short Term Rental may be permitted, as follows:**

Chapter 255. Zoning  
Article VII. Supplemental District Regulations  
§255-X. Residential Short-Term Rental Units

A. Purpose and Intent. The operation of Short-term rentals within residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of the Short-term rental with the social, cultural, and physical characteristics of the neighborhood;
2. To protect and enhance the essential characteristics and quality of life within existing residential neighborhoods for all residents; and,
3. Allow residents to engage in generation of revenue from their properties while avoiding excessive noise, traffic, and other possible adverse effects of transient populations in residential areas.

B. Special Permit required per Article IX of the Zoning Bylaw.

*[Zoning Districts where use is allowed by Special Permit to be noted in Use Regulations Schedule]*

The Planning Board, acting as the Special Permit Granting Authority, may approve a special permit allowing for a Short-term rental in such zoning districts where permitted under the Use Regulations Schedule.

C. A Short-term rental is defined as all or part of a legally established Dwelling Unit for no more than twenty-eight (28) consecutive days or less, including home-sharing and vacation rentals.

D. Application Requirements. Plans for Short-term rental need only comply with the following requirements, and not those of Article XII:

1. Plan Requirements: A parcel map showing the following, at a scale determined sufficient by the SPGA:
  - a. Parcel boundaries;
  - b. Location of all structures within the parcel, including the dwelling proposed for the Short-term rental;
  - c. Location of parking for maximum number of potential occupants in the Short-term rental, as well as any other occupants of all dwelling units on the parcel.
  - d. Floor plan of the dwelling indicating entrance(s) and layout of the Short-term rental and all other dwelling units.
2. A list of each room, including bedrooms, offices, dens, living rooms, kitchen and sunroom in the Dwelling Unit. The list shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
3. Contact Information. Name(s) and current contact information for the owner-occupant of the property subject to the Short-term rental, including but not limited to mailing address, telephone number and email address; and owner if to be non-owner occupied.
4. Trash Collection. Narrative detailing how trash will be stored and removed from the property.
5. Snow Removal. Narrative detailing how and where snow will be removed and stored on site while the Short-term rental is occupied.

E. General Criteria and Standards.

1. Applicant must be the owner-occupant of the dwelling unit.
2. The dwelling unit must have been legally established under the Town of South Hadley Zoning Bylaws Chapter 255.
3. The tax parcel(s) subject to the location of the dwelling unit to be used as the Short-term rental must be in compliance with the Zoning Bylaw Dimensional Schedule.
4. The tax parcel(s) for the dwelling unit designated for the Short-term rental must be current on all local taxes and fees.
5. Owner-Occupied Short-term Rentals

- a. Owner-Occupied Short-term Rentals – The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
  - b. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
6. Non-Owner Occupied Short-term Rentals
- a. The owner must be the license applicant.
  - b. The owner-occupant does not reside on the property during the rental period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints.
- F. Conditions and Restrictions. The following conditions and restrictions shall apply to each parcel on which a Short-term rental Special Permit is approved under these provisions, or Site Plan Review per Article XII is approved:
- a. All applicable building and fire codes must be complied with.
  - b. Adequate onsite parking, as determined by the SPGA, shall be provided, to be determined by the number of bedrooms within the Short-term rental.
  - c. No exterior signage is permitted.
  - d. There shall be no exterior storage of materials, equipment, vehicles or other supplies used in conjunction with the Short-term rental business.
  - e. A Business License from the Town Clerk must be obtained.
  - f. A Lodging Permit from the Board of Health must be obtained.
  - g. An annual Short-term Rental License must be obtained through the Building Commissioner.
  - h. The Planning Board may waive any of these conditions as deemed appropriate to the specific conditions of the site.
  - i. The Building Commissioner may adopt regulations for the administration of this bylaw and Short-term rental special permits.
  - j. No more than one Short-term rental is permissible on any one tax parcel, or group of parcels under common ownership.
  - k. Any approved Special Permit shall expire with a lapse or revocation of the annual Short-Term Rental License, and/or a change in ownership of the property. The Special Permit is non-transferable.

[END ZONING BYLAW]

**OBJECTIVES:**

The objective of this Article is to provide for reasonable and appropriate regulation of residential short-term rental units within the Zoning Bylaw. A separate Article on the Town Meeting Warrant is to create a licensing and enforcement process for residential short-term rental units through the General Bylaw (Article \_\_\_\_).

**SUMMARY:**

The proposed zoning bylaw defines a short-term rental as all or part of a legally established Dwelling Unit for no more than twenty-eight (28) consecutive days or less, including home-sharing and vacation rentals. The applicant for the zoning permit must be the owner-occupant of the dwelling unit. The tax parcel subject to the short-term rental must be in compliance with the Zoning Bylaw Dimensional Schedule, and no more than one short-term rental is permissible on any one tax parcel or group of tax parcels in common ownership. In addition to a short-term rental zoning permit, the applicant must obtain a Business License from the Town Clerk, a Lodging Permit from the Board of Health and an annual Short-term Rental License from the Building Commissioner. A Special Permit issued for a short-term rental expires with a change in ownership of the property subject to the short-term rental. Short-term rentals are classified as either *Owner Occupied* or *Non-Owner Occupied*.

*Owner Occupied short-term rentals* are proposed to be allowed as follows:

- by Site Plan Review in the Residential, Agricultural and Business zoning districts; and,
- prohibited in the Industrial zoning districts.

*Non-Owner Occupied STRs* are proposed to be allowed as follows:

- by Special Permit in the Residential, Agricultural and Business zoning districts; and,
- prohibited in the Industrial zoning districts.

**BACKGROUND:**

Short-term rentals in South Hadley are considered any rental of all or part of a dwelling unit for 28 consecutive days or less, including home sharing and vacation rentals. Other communities may define them for a greater or fewer number of days. Short-term rentals are sometimes referred to as AirBNB or VRBO, however both are actually companies that provide an online reservation platform for short term rentals. Thus, within the proposed bylaw, the term “short term rental” is used as defined above.

The presence of STRs in communities can pose great benefits as well as challenges. A number of STRs were operating in South Hadley illegally until April 2022 when cease and desist orders issued by the Building Commissioner came into effect. The South Hadley Zoning Bylaw Chapter 255 clearly states that any use not recognized in the Bylaw is considered prohibited. Of the twelve operating short-term rental facilities, two were able to obtain a Special Permit for a Bed-and Breakfast Home, subsequent to the cease-and-desist. The other ten facilities either did not apply for a Bed-and-Breakfast Special Permit or did not meet the standards for that use. Thus, due to the presence of short-term rentals within South Hadley, and their presence nationally in growing numbers, it is prudent to develop regulations to manage their existence within the community to protect and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents. Regulations also have the intended purpose of protecting the health, safety and welfare of tenants and the surrounding community, and providing a means by which responsibilities for owners and tenants are codified, and compliance with such is required for continued operation.

The purpose of a Zoning Bylaw is to regulate the use (activity on a specific parcel of land) in a designated area (each of the twelve zoning districts in South Hadley). Such regulation includes whether or not the use is allowed, by what form of zoning permit, if any, and the standards that the use must comply with. Zoning permits for short-term rentals are proposed to be either by Site Plan Review or Special Permit. Issuance of a zoning permit in no way waives any rental operation from complying with all applicable local, state and federal building, fire and other codes and regulations.

Additionally, if local bylaws are adopted by Town Meeting enabling short-term rentals, the Town may also adopt enabling provisions under state law to impose an up to 6% local excise tax on such rentals. These funds could be used to support the administration and enforcement of short-term rental licenses within South Hadley. Consideration of imposing a local excise tax will be referred to the Selectboard upon adoption of Short-Term Rental General and Zoning Bylaws.

**RELATIONSHIP TO MASTER PLAN AND OTHER COMMUNITY PLANS:**

The 2020 Master Plan is silent on short-term rentals specifically. However, one of the Plan’s core goals is to incorporate measures in its [Town] policies and practices to increase the Town’s resiliency and ability to prosper and thrive in response to challenges such as a significant economic downturn, climate change, and other stressors. Additionally, Objective 3-5 states: Identify and take advantage of non-tax base revenue sources. As elaborated upon further below in the public hearings, some residents and operators of short-term rentals expressed that their short-term rental produced a much needed source of income for their household, particularly during the Covid-19 pandemic. They stated that their clientele were visitors to Mount Holyoke College and had not their local short-term rental been available, they would have stayed in overnight accommodations in neighboring communities.

**DEPARTMENT COMMENTS:**

*Police Chief Gunderson, Email 10/13/22:* We can track “calls for service into the PD at every specific address. If we had a list of current licenses, we could flag those accordingly and then run reports as expected (monthly, quarterly) that could be shared with the Building Commissioner. We did this in Amherst, so this is not new territory for me. “Nuisance” calls that might come in into the PD/PSAP include: noise, parking, underage drinking, unattended fires, disturbances/fights.

*Captain Jason Houle, Fire District 1, Email 8/8/22:* The town has already adopted MGL 148, S26H. If any homes are rented out to 6 or more persons then the Fire Department would have to enforce that law, regardless of any town bylaws or ordinances.

**PUBLIC HEARING:**

The Planning Board began discussion on developing regulations for short-term rentals in August 2022, in response to several requests from operators of such facilities which had been issued cease-and-desist orders by the former Building Commissioner David Gardner. Posted public meetings to develop draft zoning and general bylaws were held on August 29, 2022, September 19, 2022, October 3, 2022, October 17, 2022 and, November 7, 2022. A Public Hearing on the proposed Short-Term Rental Zoning Bylaw was opened on February 6, 2023, and continued on March 20, 2023 and, March 27, 2023. These public hearings were held jointly for the Short-Term Rental General Bylaw.

Public Hearing comments and letters received expressed a range of opinions on short-term rentals. Generally, there was support for allowing owner occupied short-term rentals. Several operators of the facilities detailed their positive experiences with clients, typically visitors to Mount Holyoke College, and

the lack of problems or complaints generated, as supported by former Building Commissioner David Gardner who stated he had not received any complaints against the twelve short-term rentals issued cease and desist orders. Overnight accommodations in South Hadley are limited to a few bed-and-breakfast facilities which means visitors must stay in neighboring communities. The residents recognized Mount Holyoke College as well as other area colleges as a major draw for visitors to South Hadley. Some recalled community forums on the Master Plan update where the creation of policies and programming to take advantage of the rich culture offered by the college were discussed generally, and the value of this attraction for both residents and the local economy through new visitors as customers. Many of the operators of short-term rentals issued cease and desist orders told the Planning Board that their clientele were parents visiting their child at school, extended family members attending graduation or similar events, visiting academic professionals, and/or other professionals associated with the colleges. Because overnight accommodations are limited to a few bed-and-breakfast facilities, most visitors take their money and pay to stay in accommodations in neighboring towns and cities. Likewise, visitors staying in neighboring communities are also spending their money at restaurants and shops closer to their overnight accommodations. The owner of a non-owner occupied whole house rental said that in addition to the clientele stated above, she has rented to South Hadley families who were renovating their own home and in need of temporary housing during construction.

Limiting the number of days per year for a short-term rental was also discussed. Concerns were raised that as a result of such a limitation, properties would sit vacant for weeks or months once they reached the cap on rental days, which would not be of benefit to the property owner, abutters, or community at large. The Board therefore decided not to limit the total number of days per year a short-term rental could be occupied.

Several residents, including three Planning Board members, and an operator of a non-owner occupied, expressed support for non-owner occupied short-term rentals. Arguments in favor of such included the need for whole house rentals by extended families attending events at Mount Holyoke College (i.e. graduation, etc.), a preference by tenants for privacy and not sharing an accommodation with strangers, and a desire by some homeowners to rent their house seasonally/periodically while they traveled afar. Concerns expressed regarding short-term rentals in general included a potential burden on Town resources for the administration and enforcement of a short-term rental license. Some people spoke in favor of removing a cap on the total number of licenses, while others sought to see it reduced to less than the proposed number of 25. Concerns about the potential for short-term rentals to limit the availability of long-term rentals were expressed, and submitted examples of how short-term rentals are displacing long-term rentals in major cities and tourist destinations. Director Capra asserted that South Hadley is not a tourist destination and was not likely to become one in the future.

Residents questioned the reasoning for allowing a total of five non-owner occupied rentals, and expressed concern that allowing whole house short-term rentals would remove needed housing stock from the long-term rental market. The majority of the Board expressed that the small number of whole house rentals wouldn't burden the long-term rental market, which is also why a small number of whole house rentals was selected. Some members felt a total ban on non-owner occupied rentals would be disadvantageous to people whose houses were small. Only people with large homes would have the space to rent a portion of their house as a short-term rental. Some members of the public also expressed concerns that short-term rentals would become investment properties which may not be in line with the purpose of the bylaw to offer financial support for residents.

The permitting process was also questioned. The earlier draft zoning bylaw permitted owner-occupied short-term rentals in the Business zoning districts by-right, Residential and Agricultural by Site Plan Review, and prohibited in the Industrial zoning districts. Non-owner occupied short-term rentals are proposed to be allowed by Special Permit in all zoning districts. Both Site Plan Review and Special Permits require abutter notification and a public hearing. Some residents stated the importance of abutter notification and comment from the public at a public hearing. In response to these discussions, the Board amended the proposed Use Regulations Schedule to require Site Plan Review for owner occupied short-term rentals in all Business zoning districts.

Other concerns about non-owner occupied short-term rentals included lack of operator on site to police potential nuisance behavior which some suggested could include loud parties, unsightly storage of trash or other materials in the yard, overflow of parking, and illicit activities such as the sale of illegal drugs, all of which could infringe upon the peace and quiet of a residential neighborhood, the safety of abutters, and home values. Based on these concerns, the Board further deliberated about enforcement procedures. The Police Chief previously asserted by email specific addresses issued short-term rental licenses could be tracked for calls and reports issued to the Building Commissioner periodically. Building Commissioner Damian Cote was consulted on the questions about enforcement process and the potential to shorten the period mandated for compliance and the amount of fines issued. He replied that the 90-day period was already built into the zoning law (MGL Chapter 40A) and the building code, and could not be altered in a local bylaw. Town Counsel Attorney Mead advised that fines could be issued up to \$300 per offense and therefore, General Bylaw Section 136-14 Enforcement was amended increasing the fine from \$100 to \$300. Town Counsel further advised that appeals for failure to issue a license or the suspension of a license be taken to Superior Court rather than the Selectboard. General Bylaw Section 136-15 was amended accordingly. General Bylaw Section 136-9 Tenant Information was amended to require the Owner to provide to tenants a copy of South Hadley Bylaw Chapter 179 Nuisances.

Clarification was requested on the Town Meeting voting threshold for adoption of the bylaws, winter snow removal and storage, references to affordable housing restrictions, and allowances under a pending sale. Clarifications were provided as follows:

- 2/3 supermajority vote is required for adoption of the Short-Term Rental Zoning Bylaw, and a simple majority vote is required for adoption of the Short-term Rental General Bylaw.
- Application site plan requirements in the Zoning Bylaw Section D and General Bylaw Section 136-12 were amended to require information on winter snow removal under parking requirements.
- Town Counsel Attorney Mead was consulted on whether or not deed restricted affordable housing units could be prohibited from use as short-term rentals. Attorney Mead consulted with the Massachusetts Department of Housing and Community Development whom advised that no such prohibition could be made upon deed restricted ownership units, and for rental units, it is likely that the deed restriction limits use as such. Therefore, General Bylaw Section 136-7 Licensing was amended to require submittal of any deed restrictions to certify no such violations.
- References to allowance of short-term rentals during a pending sale were removed to ensure proper oversight of all rentals by the owner licensee.

**RECOMMENDATION:**

At their meeting on March 27, 2023, the Planning Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to recommend to the Selectboard

inclusion of the Short-Term Rental Zoning Bylaw on the May 2023 Annual Town Meeting Warrant. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

**ATTACHMENTS:**

Attachment A: Public Hearing Minutes for February 2<sup>nd</sup>, March 20<sup>th</sup>, and March 27<sup>th</sup>, 2023

Attachment B: Public Hearing Public Comment Submittals

## ATTACHMENT A: Public Hearing Minutes

### SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

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 FEBRUARY 6, 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 7:00 PM and Clerk Brown read the hearing notice below out loud:

*The South Hadley Planning Board will hold a virtual public hearing on Monday, February 6, 2023 at 7:00 p.m. 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.*

*The public hearing will be conducted virtually/online 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/81859898540?pwd=V0dnbmZzO2dxZFNEVlpsZE5nanFDdz09>*

*Or join by phone: + 1(646) 558-8656 Webinar ID: 818 5989 8540 Passcode: 751566*

*The current drafts of the proposed bylaws and any accompanying documentation can be found here:*

*<https://www.southhadley.org/1318/ProposedDraft-Bylaws>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.*

*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, January 6, 2023  
Friday, January 13, 2023*

Chair Hutchison reviewed the objectives and protocols for the hearing. Director Capra followed by sharing a slideshow (attached) which gave an overview of the proposed drafted General and Zoning Short Term Rental (STR) bylaws.

Chair Hutchison opened the hearing to public comment.

Mike Lynch, 20 Riverlodge Road, addressed the Board. He asked for clarity of the language concerning non-owner occupied rentals. He also asked what the procedure was for securing a special permit. Director Capra clarified that special permits were issued by the Planning Board following a public hearing.

Martha Terry, 25 Brainard Street, addressed the Board. She inquired why different regulatory standards were proposed for Short Term Rentals when Bed-and-Breakfast permitting pathways were available to residents. She questioned the amount of Town resources that would be needed for administration and enforcement. She recommended that the drafts be revised to identify the time frame officials have for following up on complaints and to limit the number of guests and

days a unit can be rented. She objected to non-owner occupied short-term rentals but was supportive of owner-occupied rentals with appropriate regulations.

Brett and Ashley Murphey, 5 Dove Hill Road, addressed the Board. They identified themselves as one of the households who were issued cease-and desist for operating a short-term rental. They asked if sprinkler systems would be required. Chair Hutchison stated that the requirement was under building and fire code; not zoning.

Ira Brezinsky, 93 Woodbridge Street/Bylaw Review Committee, addressed the Board. He indicated support for Short Term Rentals and with less regulation than proposed. He was not supportive of capping the allowable number of rentals in Town and cited that no complaints had been received for the rentals previously in operation. He supported allowing the use by-right.

Linda Sachs, 93 Woodbridge Street, addressed the Board. She was opposed to non-owner occupied short-term rentals but was supportive of owner-occupied ones. She was concerned that administration of the new bylaw could take resources from the Town. She also advocated that trees not be removed to accommodate additional parking for potential renters.

Lynn Williams, 15 College View Heights, addressed the Board. She agreed with the previous points made by Ira Brezinsky. She asked for clarity on a number of administrative items in the bylaw such as the requirement for a self-certification checklist and the requirement for record retention.

Anne Stockton, 325 Hadley Street, addressed the Board. She supported owner-occupied short term rentals. She recommended that the cap be lowered to 15 total allowable rentals Town-wide. She questioned the Town's ability to monitor permit compliance.

Kevin Taugher, 42 Woodlawn Street, addressed the Board. He was concerned that allowing short term rentals would put an additional burden on the Town's Building Commissioner. He stated that a building inspection and abutter notification should be required before a short-term rental permit is granted. He recommended that language in the bylaw be clarified to avoid ambiguity and recommended that guest records be made available as is common at hotels.

Linda Young, 15 Westbrook Road, addressed the Board. She was opposed to non-owner occupied rentals but was supportive of owner-occupied ones. She recommended that the allowable rental cap be reduced to 10-15 properties and recommend that the duration of rental be limited to 13 days or less.

David King, 6 Oakley Drive, addressed the Board. He identified himself as one of the property owners who was issued a cease-and-desist. He stated that South Hadley does not currently offer many accommodations for travelers and short-term rentals help fill the demand. Many of his short-term renters had affiliations with Mount Holyoke College. However, he appreciated the stated concerns for non-owner occupied rentals. He asked for greater clarity in licensing requirements.

Selene Weber, 17 N Sycamore Knolls, addressed the Board. She was supportive of short-term rentals and identified that she was one of the property owners who received a cease-and-desist. However, she was later able to secure special permitting for a bed-and-breakfast. The operation offers her additional income while also offering accommodations to travelers with few lodging alternatives.

Robert Salthouse, 20 The Knolls, addressed the Board. He expressed concern that short term rentals would limit the availability of long term rentals.

Carol Constant, 100 Morgan Street, addressed the Board. She identified that South Hadley was not a vacation town. Therefore, it shouldn't be expected that short term rentals will have a significant impact on South Hadley like that of Cape Cod or other vacation destinations.

Bobbi Salthouse, 20 The Knolls addressed the Board. She was concerned that non-owner occupied short term rentals would negatively impact existing neighborhoods. Additionally, operators of non-owner occupied rentals did not have the same stakes in the community as residents.

Carl Weber, 17 N Sycamore Knolls, addressed the Board. His wife, Selene Weber, spoke previously. He noted that removal of a bad tenant from a short term rental was far easier than one from a long term rental. Additionally, short term rentals were heavily regulated. Long term rentals, rentals over 30 days, had no regulations under zoning.

Rick Winfield, 1 Dickinson Farm Road, addressed the Board. He recalled that a property in his neighborhood had gone through a number of different uses and was ultimately rented out to disrespectful tenants. They held loud parties and created a negative culture in the neighborhood. He was concerned that allowing non-owner occupied rentals would lead to similar problems.

Sheila Moos, 629 Granby Road, addressed the Board. She was one of the property owners who was issued a cease-and-desist. She did not occupy the property but lived close by in Northampton. The property was her husband's childhood home and renting the property as a short term rental gave them the financial ability to keep the property. Their experience with short term renters had always been positive.

Tunde Gyorgy, 14 Hadley Street, addressed the Board. She was one of the property owners who was issued a cease-and-desist. Her property was a multifamily home in close proximity to the Village Commons. She was furloughed from her job during the pandemic and operating a short-term rental offered her some income. As her property was close to the Village Commons, the area had a mix of residential and commercial properties which seemed like a good fit for a short term rental.

Member Therien responded to public concern for handling complaints and questioned how they would be handled. Director Capra responded that concerns that required immediate action would be handled by the police.

Clerk Brown asked for clarity on the voting threshold for adoption at Town Meeting. Director Capra stated that 2/3 majority vote was required for adoption of the zoning bylaw and a simple majority vote was required for adoption of the general bylaw.

Members were appreciative of all the feedback from the public. The comments would be considered when revising the current draft bylaws.

The hearing would be continued to allow for additional public feedback.

**Motion:** Clerk Brown moved to continue the public hearing to March 20, 2023 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.

The regular meeting reconvened at 9:48 PM.

Respectfully Submitted  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

<b>Document</b>	<b>Document Location</b>
Director Capra's Slideshow	Attached
Public submission – Martha Terry - Business Insider Article	Attached
Public submission – Linda Sachs – Letter	Attached
Public submission – Kayla Taylor - email	Attached
Public submission – Marian Millard – email and Hampshire Gazette Article	Attached
Public submission – Carol Constant - email	Attached

## **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 20, 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 6:48 PM.

Director Capra summarized the progress of the current draft General and Zoning Short Term Rental (STR) Bylaws. A meeting with Town Counsel would be required to discuss certain items in the general bylaw such as the process for revocation of an STR license. It was recommended that the Board wait for counsel's review of the general bylaw before further consideration. However, this gave the Board the opportunity to further consider the zoning bylaw.

Member Therien drafted a report (attached) which consolidated his thoughts and support of the STR bylaws. His report included regulatory recommendations to quell some concerns heard during the hearings. For example, the current bylaw draft allowed STRs in business zoning districts by-right. If the use required Site Plan Review, abutter notification would be required. Ideally, this change would mitigate concern from residents as all STRs in Town would require abutter notification before in operation. Member Therien also considered recommending capping the amount of STRs one individual could operate. During the previous hearing, stated concerns included the possibility that overzealous entrepreneurship could lead to one entity operating an unequitable amount of STRs.

Chair Hutchison opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She supported allowing 20 owner-occupied STRs in Town but was opposed to the allowance for 5 non-owner occupied ones. She felt that non-owner occupied STRs lessened available housing stock and could create uncomfortable neighborhood dynamics.

Anne Stockton, Amherst Road, addressed the Board. She opposed non-owner occupied STRs as it would take available housing away from long-term residents.

Members indicated that much of the public concern for short term rentals related to potential nuisance complaints. Member Davis felt there was a public perception of STRs being 'party houses'. However, that was not his experience interacting with STRs. He anticipated that most short-term renters in South Hadley would be affiliated with Mount Holyoke College and did not foresee troublesome tenants. Clerk Brown was familiar with a number of cases where STRs lead to problems within the communities where they were located which included criminal activity. She cautioned that there would be negative consequences associated with STRs. Vice-Chair Mulvaney shared that she had many positive and negative experiences with neighbors. In her

experience, the worst neighbor she had was a homeowner resident. She added that nuisance laws were in place, non-owner occupied rentals were limited to 5, and the Board held thorough discussion on the topic.

Lynn Williams, College View Heights, addressed the Board. She operated a bed-and-breakfast and relayed the rigorous vetting process during tenant selection. She explained that fire and building code requirements were complex and expensive to maintain as she had spent the past year trying to satisfy compliance requirements. She questioned if a kitchen could be included inside the lodging space of an owner-occupied bed-and-breakfast. Chair Hutchison referenced the zoning bylaw and relayed that a kitchen was not permissible inside the lodging space. The requirement could not be waived by the Planning Board.

Members discussed the recommendations included in Member Therien's comment letter including the recommendation to change the permitting threshold from 'by-right' to 'site plan review' for an STR in business zoning districts.

**Motion:** Member Therien moved to revise the draft STR zoning bylaw to require Site Plan Review for all short term rentals within business zoning districts. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Chair Hutchison voted against the motion.

Members discussed Member Therien's recommendation to limit the amount of STR licenses an individual can be issued to two; of which one needed to be owner-occupied. Associate Member Adelman advocated for limiting the number of licenses to one. Members were supportive of limiting the number of licenses to one or were neutral on the matter.

**Motion:** Member Davis moved to revise the short term rental bylaw to indicate that only one short term rental license can be issued to an individual. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Clerk Brown identified items that needed clarity in the current drafts. The bylaw made unclear references to affordable housing and housing under a pending sale. Director Capra would review these items with Town Counsel.

Clerk Brown asked if the bylaw language included requirements for snow removal. The zoning bylaw did require a narrative explaining snow removal practices.

As the Board needed to wait for Town Counsel comments on the bylaw, the board considered continuing the hearing to the next regular meeting.

**Motion:** Clerk Brown moved to continue the hearing to March 27, 2023 at 7:00 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The regular meeting reconvened at 8:37 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
February 15 commentary report provided by Member Nate Therien	Attached
February 7 email from Hattie Finkle, 450 Amherst Road	Attached

## **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

## ATTACHMENT B: Public Hearing Public Comments

193 Woodbridge Street  
South Hadley, MA 01075  
[lsachsnyc@earthlink.net](mailto:lsachsnyc@earthlink.net)

February 3, 2023

Anne Capra  
Director of Planning and Conservation  
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed Short Term Rental Zoning Bylaw and General Bylaw.

Please share this document with the Planning Commission.

I am not an attorney and apologize in advance if my comments do not incorporate knowledge of existing municipal and state laws or if I have misunderstood the draft Bylaws.

Please understand that I am writing from the perspective of a homeowner, living and enjoying a home on a peaceful, somewhat rural road. I also write, not just out of selfish concern, but on behalf of the huge silent majority of homeowners who will never be STR operators but may be forced to live next to a STR property.

I am very concerned that these proposed bylaws fall short when it comes to:

1. Protecting the quality of life within existing residential neighborhoods.
2. Protecting the values of neighboring properties
3. Protecting the rights of homeowners to the quiet and peaceful enjoyment of their homes and properties.

The 12/15/2022 Draft Bylaws Summary prominently states:

“The presence of STRs in communities can pose great benefits as well as challenges.”

This statement evinces an inappropriate bias and it seems to have no basis in facts. At least none are stated. What are the “**great benefits**” aside from enormous financial gain for a handful of STR operators?

Short Term Rentals have the potential to completely change the character of a neighborhood and to destroy the quality of life for contiguous property owners and others in the neighborhood who are not using their properties as STR businesses. What happens if a STR becomes like a noisy out-of-control fraternity house?

Because the Short Term Rental business is a business and has the potential to be quite lucrative for operators, it must be the operators who bear all costs associated with licensing, regulation, and enforcement. Otherwise, you are essentially asking the town, its taxpayers and an operator’s neighbors to subsidize their business. Failure to recoup all costs is a subsidy.

I respectfully request the following changes/additions be made to these draft Bylaws:

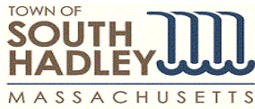
1. There must be a special license for the STR business, not just a general business license and that license fee should be large enough to recoup all administrative costs associated with issuing the license.
2. No individual should be allowed to operate more than one STR.
3. You must have a mechanism for establishing the duration of a violation. Since the draft General Bylaw only says that a Code Official will inspect within a “reasonable amount of time,” there is no current method for establishing the duration of a violation and thereby assessing an appropriate fine. The Bylaws should allow photographs and video to become accepted evidence of violations.
4. Fines for violations must be higher than \$100 per day, otherwise the fine is simply the cost of doing business.

5. Establish a Rental Registry so that the South Hadley Police Department and residents can track nuisance calls and all complaints and violations against an operator.
6. Establish a clear and easy path for neighbors to bring concerns, complaints and violations to the attention of appropriate officials.
7. Establish clear lines of responsibility when trash and snow removal “narratives” mentioned in the draft Zoning bylaw are not followed. For example, what happens if trash is put out the day after collection? Are the trash cans and recycling bins just going to sit there for days or two weeks? What if trash starts blowing around everywhere? Trash can make a neighborhood look and feel awful. Will neighbors be expected to clean this up? Or will they have to wait for the Code Official to appear within a “reasonable amount of time?”
8. Prohibit the killing of any trees or the paving of ground for the purposes of establishing increased parking for the STR operator’s business. Doing either – killing trees or covering the ground with pavement/ concrete violates the spirit if not the letter of South Hadley’s updated Master Plan, damages the environment, changes the character of a street, causes temperatures to increase in the immediate area, makes a street less lovely and potentially harms wildlife. Why should all these harms be permitted for the financial gain of a few individuals?

Thank you for hearing me out.

Yours truly,

Linda Sachs



Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: Short Term Rental Proposed bylaw

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

Mon, Feb 6, 2023 at 1:59 PM

From: **Kayla Taylor** <817ktaylor@gmail.com>  
Date: Sun, Feb 5, 2023 at 3:40 PM  
Subject: Short Term Rental Proposed bylaw  
To: <acapra@southhadleyma.gov>

Hi Anne,

I am writing in response to the proposed by law regarding Short Term Rentals (STR). While I appreciate that the town is considering allowing STRs, I strongly disagree with the cap on total STRs and the reasoning for the cap regulation.

By not allowing STRs currently, the town is already essentially telling our out of town guests that we don't welcome them; that's why they have to stay in Holyoke, Chicopee, Easthampton, or Northampton. All of these towns listed, unsurprisingly, already have booming local economies with dining and shopping options that far outweigh ours, both in quality and choice. This fact is worth noting as not only are we not welcoming out of town guests, we're actually giving them reasons to not choose our town for anything outside of the reason they have to be in town in the first place.

Now, by choosing to allow STRs, but capping the amount of STRs, we're telling out of town guests; "sure you can stay here but you have to be wealthy enough to afford it." Once you cap something, you're battling with supply and demand; less supply, and a presumed decent demand during certain times of the year = increased rental price.

It's not a secret that our town isn't some hidden gem, vacation destination. Anyone who would seek out a short term rental here, is doing so with a purpose, and I am confident that has nothing to do with a bachelorette weekend or to host a neighborhood house party. Given this, I am stuck on the reason to regulate on the proposed by law being listed as "preserving residential neighborhoods and quality of life". To me that sounds like an excuse to cherry pick who you allow in what neighborhood and in my opinion quite elitist; given I'd bet no one is looking to rent a house on School Street; even if it was offered up on Air BnB. We already have noise ordinances, trash ordinances and can easily update parking ordinances if it were to honestly be to preserve residential neighborhoods.

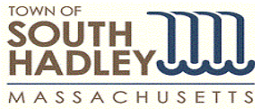
Do you truly expect 25+ owner occupied homes to suddenly pop up on Air BnB? And will they be highly concentrated in one neighborhood, that it will cause such chaos and need to be this controlled? I urge you to allow STRs and see how it comes to fruition prior to proceeding with a cap. Let's tell our out of town guests that we really DO! welcome them, all of them; not dependent on their wealth.

Thank you for your time.

Kayla Taylor  
31 N Main Street

Sent from my iPhone

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Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: In full support of South Hadley's proposed STR Bylaws

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

Mon, Feb 6, 2023 at 2:02 PM

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

From: **Mariann Millard** <mariannmillard@yahoo.com>  
Date: Mon, Feb 6, 2023 at 11:46 AM  
Subject: In full support of South Hadley's proposed STR Bylaws  
To: Anne Capra <acapra@southhadleyma.gov>

Dear Ms. Capra,

I'm writing this email to state my full support of South Hadley adopting its Proposed Short Term Rentals General Bylaw and Zoning Bylaw.

After a comprehensive review of the proposed bylaws, I believe that it makes sense for the town and its residents to be in favor of adopting the bylaws for the following reasons:

- It will help to eliminate the number of illegal STR that has taken place in town by allowing a set number of legal licenses to operate.
- It will help to lessen the time & expense burden of the Building Commissioner to continually ferret out the illegal licenses, based on the assumption that those previously operating illegally will willingly and cooperatively apply for a license, and abide by the bylaw rules.
- It will help recognize that South Hadley cannot remain in the 19th and 20th centuries, by holding on to a non-realistic and harmful view that current economic realities for residents don't exist in the 21st century. South Hadley already suffers from an unfortunate reputation of being non-business-user-friendly. By denying residents an opportunity to individually profit, and by extension, the town, from a well-regulated business of STR continues to promote this unfriendly business culture, to the detriment of all.

The proposed bylaws are well-crafted upfront to address and implement all needed guardrails against abuse, e.g. noise and land pollution, which includes license suspension. Town officials have a keen vested interest to make STR work well in town for everyone and I believe that their proposed bylaws achieve this goal.

It should also be noted that Airbnb, a company focused on short-term rentals, will put in place a new booking rule, which is designed to be of benefit to both its hosts and guests, and in the process, to the surrounding neighbors, etc.:

<https://www.cnbc.com/2023/02/03/airbnb-will-soon-push-all-vacationers-and-hosts-to-verify-identity.html>

*A summary from the CNBC article can be found here:*

*Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of*

*a valid government-issued ID or a legal name and address.*

With the growing popularity of STR, it makes economic and community sense for South Hadley to support and adopt the proposed bylaws for the immediate protection and benefit of its residents and visitors.

Best,

Mariann Millard  
South Hadley resident

## Airbnb is making a simple, but big booking change bringing it closer to hotel check-in



Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of a valid government-issued ID or a legal name and address.

Tara Bunch, global head of operations at Airbnb, said that while 80% of the rental platform's bookings already feature identity verification as something hosts can request, the company is taking this additional step.

"It's not so much that people that were booking listings were representing themselves as not being who they are," Bunch said. "When you take away the anonymity of not being identify verified, I think it opens up the perception that people could behave badly and not be held accountable, and by definition, tends to cause people to behave a little bit better because they know they will be held accountable for bad actions."

The move puts Airbnb more in line with traditional hotels, where front desk workers request to see some form of identification from a guest prior to check-in. Most other vacation rental platforms, like [Expedia Group's Vrbo](#), don't require identification verification but do allow guests or hosts on the platform to submit their information.

Airbnb has made efforts in the past to curb bad behavior. Amid the Covid-19 outbreak, the company placed a temporary [ban on house parties](#) citing health concerns. It made that ban permanent in June, as well as [banning party-house-type situations](#), where people would book large houses for a single night.

It also rolled out [several enhanced safety features](#) following a shooting that killed five people at one of its bookings in 2019.

Bunch said as the company looked to implement these features, it leaned on machine learning to help identify potential issues. In the case of stopping house parties, Airbnb looked at things like the age of the individual booker and how long they've been on the platform, as well as things like how far away they lived from a large home they were looking to book, or if there were multiple efforts to book the same property by people in close geographic regions. As a result, Airbnb was able to further reduce parties on the platform by 35% in Australia, where it tested some of these features.

While infrequent, Bunch said there have been examples of people purposely using false identities to [dupe other users or defraud them](#). Bunch noted that there have been instances of financial fraud schemes where unverified users have looked to use stolen credit cards via fake identities, or even looked to move money between fictional guest and host combos. "An innocent guest can get caught up in that, so we felt that taking that completely out of the system, preventing any sort of financial fraud or being able to take advantage of someone with say a fake identity was really important," she said.

In collecting this data, Airbnb utilizes a variety of third-party platforms, databases, and verification systems to confirm that someone is truly who are saying they are as well as doing other background checks, Bunch said, adding that there are also manual reviews when needed. That has put more emphasis on Airbnb's internal data security, and Bunch said all of these points of ID verification from the platform are closely monitored by the company's chief privacy officer and his team, as well as for compliance with local and national data privacy regulations.

"Guests and hosts come to Airbnb because we're a trusted brand and they're trusting us to keep their property safe and keep them safe, and to have a great experience in a beautiful location with a beautiful listing," she said. "At the end of the day, the way we're going to retain and attract guests and hosts and grow our platform is creating that level of trust within our community and being the place that people know they can come to book an experience or vacation and it is worry free."

## Mariann Millard: Town residents should review short-term rental bylaw proposals



- South Hadley Town Hall

With regards to the scheduled Planning Board public hearing on short-term rentals for South Hadley on Feb. 6 at 7 p.m., I'd like to encourage South Hadley residents to thoroughly read and digest the draft proposed bylaws for short-term rentals (STR). The documents can be found online at [www.southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary](http://www.southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary). The language in the documents is quite clear about addressing “the benefits and challenges” of STR, especially resolving the challenges, which will continue to include STR non-compliance issues in the final bylaws adopted. Please do not be swayed by any public “fear-mongering” perception that the town will somehow become destroyed by allowing STR. This tactic is at best disingenuous with misinformation and the scary idea that STR use will be allowed to run amok throughout town without any compliance, enforcement and license-suspension guardrails.

Mariann Millard

South Hadley

## public comment

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**Carol Constant** <cpconstant@gmail.com>

Mon, Feb 6, 2023 at 7:18 PM

To: Colleen Canning <ccanning@southhadley.ma.gov>

Hi Colleen,

I am so sorry, I cannot seem to log in to the public hearing tonight.

My comment is that in the short term rental system, AirBNB etc, owners rate renters and renters rate wonders. This system is meant to keep everybody on their best behavior. If there is a bad owner or a bad renter it goes on their record for future rentals.

Thanks!!

--

Carol Constant  
413-222-1761

*Not everyone who grows old will have dementia, but there are people living in our communities who do. People living with dementia might be our neighbors or friends, in the grocery store, shops, restaurants, or sitting next to us in worship. A dementia friendly community is one that is informed, understanding, and supportive to those living with dementia and their caregivers.*

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## 2/6/23 Planning Board meeting

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**Harriet Finkel** <hattie.finkel@gmail.com>

Tue, Feb 7, 2023 at 1:32 PM

To: Anne Capra <acapra@southhadley.ma.gov>, ccanning@southhadley.ma.gov

Good Afternoon.

I am quite frustrated as I had attended last night's Planning Board meeting vis Zoom and, though I had my hand up, was not chosen to speak. I truly feel Colleen was unable to see me- why I do not know. I am including the comments I intended to make last night in this communication as a result.

As a Town Meeting member, I have had many conversations with friends and neighbors regarding the article proposing Short Term Rental regulations in South Hadley. I find there is general support for owner occupied STRs. People I talked to felt that they are a good way for homeowners to generate extra income while providing a valuable service.

However, I found there is great opposition to non-owner occupied STRs. Residents are very concerned that living in proximity to such a facility could damage existing home values, neighborhood culture, and quality of life. I myself would never invest in a property near such an enterprise.

If the proposed article included a provision to allow non-owner occupied STRs, I would have to vote no on the article at the May Town Meeting.

Yours very truly, Hattie Finkel, 450 Amherst Road

\*Please forward this communication to all Planning Board members as soon as possible and include these comments in last night's Planning Board minutes. Thank you

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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

Thanks for trying out Immersive Reader. Share your feedback with us.  



# 25 cities and towns where it will become harder to own or manage a short-term vacation rental in 2023



*Atlanta is one of the many cities that has gotten serious about cracking down on short-term rentals.*

Steve Kelley / Getty Images

- The pandemic sparked a boom in short-term rentals, and AirDNA found listings hit a record high in 2022.
- Some residents and officials in hot cities say these rentals deplete housing stock or cause noise disturbances.
- These 25 locations across North America are looking to rein in Airbnbs and short-term rentals.

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Airbnbs and other short-term rental platforms became a go-to for investors during the pandemic as high home prices and rising interest rates made it unaffordable for regular homebuyers to enter the

market.

Investors sought to maximize their returns by renting homes to growing numbers of vacationers, travel nurses, and remote workers. But as the calendar turns to 2023, [there is more competition than ever for short-term rentals](#) which will make it more difficult for investors who are looking to capitalize on the travel boom created by the pandemic.

But that hasn't stopped a number of vacation rental owners and property managers from cashing in — in both the US and Canada — which has left some of their neighbors frustrated.

For many, it's paying off. Airbnb reported the average US host's income grew to over \$13,800 in 2021 — an increase of 85% since 2019. By early 2022, there were a towering, industry-record 1.5 million listings available, according to the analytics site AirDNA.

Locals say the mounting presence of short-term rentals in their neighborhoods can lead to a variety of issues, from mundane annoyances (noisy parties) to substantial challenges (they make it more difficult for regular people to buy homes).

Cities and towns are caught in the middle, trying to balance these concerns with the revenue that vacationers bring in and the rights of property owners. From the beaches of California to the mountains of Vermont, communities are grappling with what the future of short-term rentals looks like.

Some local governments, like in Honolulu, have passed regulations like banning rental stays under 90 days, while others, like in Aspen, Colorado, have proposed new taxes on owners. Some cities have simply called timeout: Chattanooga, Tennessee, paused new applications for non-owner-occupied units as it considered short-term rentals' future there.

An Airbnb spokesperson said in an emailed statement that "short-term rentals have been part of the fabric of popular vacation destinations such as these for decades, and our goal is to work with communities on balanced rules that support local tourism economies, provide certainty and clarity for Hosts, and address community concerns." Airbnb also maintains a page on its site dubbed City Portal, which has resources for local governments.

Here are 25 locations in the US and Canada where residents and local politicians are fighting back against short-term rentals. They are presented in alphabetical order.

*Are you trying to pass regulations to limit short-term rentals? Are you a short-term rental owner who wants to talk about your experience with regulations? Email reporter Dan Latu at [dlatu@insider.com](mailto:dlatu@insider.com).*

## Alamosa, Colorado



*The Great Sand Dune National Park and the nearby Sangre de Cristo mountains draw visitors to southern Colorado every year.*

Dan Ballard/Getty Images

A four-hour drive south of Denver, Alamosa (population 10,000) is known for its proximity to Great Sand Dunes National Park, where visitors flock to see the tallest dunes in North America.

As of November, Alamosa had 24 short-term rentals registered with the city — and many more unregistered ones, [the Alamosa Citizen](#) reported.

In April, [the Alamosa City Council unanimously passed an ordinance and two resolutions](#) that were seen as a compromise between the interests of short-term-rental owners and frustrated residents.

Under the new regulations, short-term rentals that are available for less than 30 days can only be in certain types of dwellings, including single-family homes or one unit in a multifamily property. Renting units in multifamily buildings with more than four units is no longer allowed.

Short-term-rental owners will also have to obtain a license for an initial cost of \$750 and a yearly renewal fee of \$300. There is now a 5% cap on the number of short-term-rental licenses that will be issued per zone, or city neighborhood.

When a new short-term-rental license is issued, neighbors must be notified.

The Alamosa Citizen [reported](#) that area employers were struggling to recruit workers given "a tight and increasingly expensive housing market."

"It is important to bring resolution to this item so business owners can predict what will be expected of them, neighborhoods will have some protections from nuisances, there is reasonable preservation of housing units for residents," Heather Brooks, the Alamosa city manager, [told the Valley Courier](#).

## Aspen, Colorado

*Aspen, Colorado*

[VisionsofAmerica/Joe Sohm](#)

Aspen voters approved a ballot measure in November that imposes a pair of new taxes on short-term and vacation rental properties. Ballot Issue 2A imposes a 5% tax on nightly room rates for short-term rentals with lodge-exempt permits and a 10% tax on investment properties.

The measures were approved by the local city council just days after Steamboat Springs, another popular Colorado resort town about three hours north of Aspen, passed a similar ordinance imposing

new taxes on vacation rentals.

Aspen City Council member Rachel Richards told [the Post Independent](#) in November that the vote is a "re-affirmation that Aspen is a community, wants to be a community, and supports the community."

There are 979 STRs in Aspen and they charge an average daily rate of \$749, according to [AirDNA](#). Aspen is also the most expensive city in Colorado to live in with an average home price of more than \$3 million, according to [Zillow](#).

Opponents of the measure have argued that it will depress tourism in one of Colorado's best-known resort locations. In the summer of 2020, Aspen hospitality businesses saw their average daily rates increase by 29% year-over-year while their revenue per available room increased by nearly 99%, [according to data from the Aspen Chamber of Commerce](#).

## Atlanta, Georgia

*Homes in Atlanta's popular Midtown neighborhood.*

novikat/Getty Images

In March 2021, Atlanta passed an ordinance to regulate short-term rentals.

It requires hosts to pay a \$150 annual fee for a permit — and provide a copy of the property's deed and a utility bill — to operate a rental property. The rentals are taxed at 8%, the same as hotels in Atlanta. A violation of the ordinance carries a \$300 fine.

"I'm trying to stop the city from becoming a de facto hotel city," a city councilman, Antonio Lewis, [told The Atlanta Journal-Constitution](#).

The bill was approved by a [13-2 council vote](#) to crack down on party houses by making the owner of the unit responsible for violations.

The law was scheduled to go into effect in April, allowing hosts to apply for permits the month prior.

However, according to an analysis of city-permitting data by The Atlanta Journal-Constitution, roughly 10% of the city's 7,100 listings applied for permits two months after the application process opened. Less than 3% received permits.

The enforcement date has since been extended to September 6, [according to the local NBC affiliate 11 Alive](#).

For now, all enforcement of the new rules will be complaint-driven and fall under the jurisdiction of the Atlanta police.

## **Burlington, Vermont**

*Church Street in Burlington, Vermont, is the downtown hub of the state's most populous city.*

DenisTangneyJr/Getty Images

Vermont's most populous city attracts more than just autumnal leaf-peepers, welcoming visitors year-round for its breweries, nature excursions, and cultural attractions.

For the past year, the city government was locked in a debate over the growth of short-term rentals. There are now between 200 to 250 short-term rentals in the 40,000-person city, [according to the VTDigger](#), and the major concern for officials is whether short-term rentals take away housing stock from Burlington residents.

In February, [the City Council passed an ordinance](#) requiring short-term-rental owners to also live in the house as their primary residence. But the [mayor vetoed the measure in March](#), saying it was too restrictive.

In April, the City Council, with new members sworn in, [voted to consider a new set of rules](#) and passed a brand-new ordinance in June, [according to the local outlet Seven Days](#).

Short-term-rental owners must now live on the property, though there are some exceptions. Hosts will also pay an annual fee of up to \$110 and a 9% tax on revenue from the rental, according to Seven Days.

## Chattanooga, Tennessee

*Riverboat cruises draw visitors to the Tennessee River in Chattanooga, where the city has paused all short-term-rental applications.*

SeanPavonePhoto/Getty Images

The Chattanooga City Council [has paused all applications for short-term rental that are not owner-occupied](#). The freeze will last the rest of 2022.

The city, with a riverfront and historic battlegrounds that attract tourists, has been debating the merits of its profitable rental industry. A local station, Channel 9 News, reported [that Airbnb rentals brought in tax revenue of \\$3.5 million for the county in 2021](#).

But some residents are concerned about the ability of outside investors to reap rewards at the expense of Chattanooga locals.

"I'm not in favor of having investors that come in out of state, out of country even, and buy 10 to 15 pieces of property. They're not invested in the community. They're not invested in Chattanooga," Donna Morgan, a local resident, told Channel 9.

There are 1,120 active short-term rentals, according to analytics site AirDNA.

## **Coeur d'Alene, Idaho**

*Coeur d'Alene, Idaho is a resort town that is a 40-minute drive east of Spokane, Washington.*

Alan Nick

City leaders in Coeur d'Alene, a resort town along the north edge of Idaho's Harrison Slough, are working to limit the number of short term rentals in their town.

The city first passed laws concerning short term rentals in 2017, but is considering adding a slew of restrictions as the number of vacation rentals continues to grow. Coeur d'Alene's General Services/Public Works Committee could amend the law to require off-street parking, increase fees for violating the ordinance, and limit the number of permits issued annually.

"We can't have a thousand people rushing to get a permit when we might not allow that many," [Councilwoman Christie Wood told KREM 2 in September.](#)

According to AirDNA, there are about 790 active vacation rentals in Coeur d'Alene that charge an average daily rate of around \$260. However, a large chunk of the rentals may be illegal as city officials [told local news station KREM in November](#) that only 453 vacation rental properties have been authorized.

The debate over vacation rentals in Coeur d'Alene comes at a time when the local housing market is shifting in favor of buyers. The average home value is down more than 6% to just under \$500,000 as of November while the number of homes sold has dropped by more than 35% year-over-year, according to Redfin.

## Dallas, Texas

*Dallas is one of the fastest growing cities in the nation.*

Danny Lehman/ Getty Images

Local leaders on the Dallas City Plan Commission [voted 9-4 on December 8](#) to recommend defining short-term rental properties as "lodging" under the city's zoning code. The move could effectively prevent the properties from existing in Dallas' single-family residential neighborhoods.

The Dallas City Council still needs to approve the recommendation before any enforcement actions can take place. The body could vote on the recommendation as early as January 11, 2023.

Commissioner Claire Stanard, one of the commission members who voted in favor of the proposal, [told the Dallas Morning News](#) that the proposal could help improve public safety. The commission heard several complaints from local residents about "party houses" with loud music and lots of cars during their debate.

"If my granddaughter is living next to a short-term rental or between them, is that really what my son-in-law bought a house to have as his next-door neighbor," Standard said.

According to data from [AirDNA](#), there are more than 5,400 short-term rentals in Dallas. The properties charge an average daily rate of \$165 and they have a 60% occupancy rate.

Other commissioners weren't as convinced that adding new regulations would help solve the problems that city residents are complaining about.

"I don't have any faith that regulation is the sole solution to this problem," Commissioner Melissa Kingston told the Dallas Morning News.

Other cities in Texas like Fort Worth and Arlington have already restricted vacation rental properties from their residential neighborhoods.

## Dauphin Island, Alabama

*Dauphin Island, Alabama sits on the Gulf Coast near the Louisiana border.*

## Barry Winiker

Another vacation destination that has imposed limitations on short term rental properties is Dauphin Island, Alabama, a small island off of the gulf coast in Pelican Bay.

In August, Dauphin Island's Planning Commission finalized several STR restrictions in a rewrite of the town's zoning code. The restrictions include limiting where short term rental properties can be located on the island, restricting the number of vehicles that can be parked at a rental property, and imposing a \$75 annual fee for rental property owners.

The new limitations have put residents at odds with one another, [according to a report by AL.com](#). Some claim the properties are improving the island by attracting tourists. Those who want to limit the number of short term rentals say the regulations are striking a balance between business interests and the local community.

"One group will say they are renting out (their house) and the next thing you know is you have eight cars parked all over the yards," Dauphin Island City Councilman Earle Connell, who is also the local liaison for the planning commission, told AL.com in August. "To them, it's a vacation. I understand that. But these people who do that don't understand we have a community and neighborhood that is protected."

There are 574 vacation rental homes in Dauphin Island, and they have a 68% occupancy rate, according to [AirDNA](#).

## Dillon, Colorado

*Dillon, Colorado is a ski town near Breckenridge.*

### Brad McGinley

Dillon, Colorado's city council is considering how to move forward with the town's new short-term rental regulations after voters approved a slate of measures aimed at curtailing the properties in November.

Currently, city council members are debating a new ordinance to increase the annual fee charged to short-term rentals from \$50 to \$250 and include new application questions about how the rental unit will be used, [according to a report by Summit Daily](#).

The ordinance comes after voters approved a pair of ballot questions that levy a 5% excise tax on short-term rentals and increased the city's lodging tax from 2% to 6%.

The city – which has just over 1,000 full-time residents – is located in Summit County, home to some of Colorado's favorite ski attractions such as the Breckenridge ski resort, Copper Mountain, and Grays Peak.

Overall, the city estimates that the new taxes could return approximately \$3 million in annual tax revenue. Dillon can collect up to \$4.5 million of this specific tax before triggering a tax refund under state law, [town finance director Carri McDonnell](#) told [Steamboat Pilot & Today](#).

Voters approved the new taxes at a time when Dillon's housing market is soaring. Dillon's median home price has increased more than 30% over the last 12 months to \$915,000, according to [Redfin](#).

## Frisco, Colorado

*Frisco, Colorado is another ski town near Breckenridge.*

Bloomberg Creative

Frisco, Colorado – a small town in central Colorado – capped the number of short term rental properties within its jurisdiction at 900, or 25% of the local housing stock, back in October.

The new regulations also require short term rental landlords to live at their property for at least 10 months out of the year but passed on the opportunity to create a new license for short-term rentals versus traditional rental properties, [according to the Summit Daily](#).

The ordinance could also have a significant impact on tourism in Frisco, which is seen by locals as a cheap midway point between popular resort destinations like Breckenridge and Copper Mountain. Frisco currently levies a 5% excise tax on short term rentals and a 2% lodging tax.

"There are a lot of people very unhappy — as one person had mentioned — with having the short-term rentals next to them because some people might be very careful to who they rent to and how they monitor it, but others are not," [city councilmember Lisa Holenko told Summit Daily](#).

There are currently more than 1,700 STRs in Frisco, according to [AirDNA](#). These properties charge an average daily rate of \$299 and have an average occupancy rate of about 50%.

## Lexington, Kentucky

*Lexington, Kentucky is home to the world-famous Kentucky Derby horse race.*

iStock/Getty Images Plus

Popular tourist towns like Lexington, Kentucky — which is home to the annual Kentucky Derby — are starting to crack down on vacation rentals at a time when their housing markets are growing more competitive by the day.

Lexington's Special Planning and Public Safety Committee is considering requiring Airbnb and Vrbo landlords in the area to acquire a special business license and imposing an additional transient tax on the properties, [according to a report by WKYT](#).

Business owners like Heath Green, co-owner of the Kentucky Life Property Management Group, told the committee that the additional measures could decrease tourism, which is Kentucky's economic bread and butter.

But the measure also comes at a time when real estate values in Lexington are outpacing the national average in terms of home price appreciation. Data from Redfin shows that Lexington's [median home](#)

price has increased 14.4% over the last year up to nearly \$298,000 as of November 2022. That's compared to the national average increase of just 2.6%, [according to Redfin](#).

There are more than 1,200 active vacation rentals in Lexington that charge an average daily rate of \$171 and have an occupancy rate of more than 50%, [according to data from AirDNA](#).

## Marco Island, Florida

*Marco Island is a barrier island near Naples, Florida.*

Marc Frei

Voters in Marco Island, Florida approved an [ordinance](#) on August 23 that created a registration program for short term rental properties and imposed several new restrictions. After months of debate, it was narrowly approved by the local city council in December.

To register a property, short term rental owners must hold a liability insurance policy of at least \$1 million, provide city officials with a phone number that is answered 24-hours per day, and pay a \$50 registration fee.

The ordinance was submitted by a group called Take Back Marco, a nonpartisan political action committee. Ed Issler, who leads Take Back Marco, [told WINK](#) that additional regulations are necessary because short term rental properties have "gotten out of control" on Marco Island. According to data from AirDNA, there are more than 2,400 short term rental properties, which charge an average daily rate of \$329.

Vacation rental property owners have filed a lawsuit to prevent the ordinance from going into effect. David Di Pietro, an attorney representing the property owners, told Gulfshore Business in August that the ordinance is overly restrictive.

"Once this ordinance passes, until you receive the certificate from the city, which means you have to have an inspection from the fire department and the city, you can't rent until that's done," Di Pietro said. "There are over 2,000 rentals and there's nobody doing that job right now. So, we think that it's going to be a ban for an indefinite amount of time."

## Montréal

*The nighttime skyline of downtown Montréal.*

Nicolas McComber/Getty Images

It's not just Americans who oppose the barrage of short-term rentals.

Activists in Montréal, the largest city in Canada's Quebec province, are trying to curb the wave of listings in order to preserve housing for residents.

"In recent years, we have lost thousands of apartments in Montréal to short-term rentals," Cédric Dussault, the spokesperson for the Coalition of Housing Committees and Tenants Associations of Quebec, [told CBC in a May interview](#).

Some restrictions are in place. Currently, in order to rent out a unit, the owner must obtain an establishment number and, in some cases, a classification certificate from Quebec's tourism body. Since May 2020, it is required that operators put the establishment number on any advertisement or posting to rent space. The maximum stay is also capped at 31 days.

Montréal, however, has had a tough time enforcing these regulations.

CBC cited data from independent watchdog group [Inside Airbnb](#) stating that 11,639 Montréal Airbnbs are unlicensed. That's about 95% of them, it estimated.

"The simple story is that the province put a very good set of rules in place, but has not put in any effort to make sure that anybody follows those rules," David Wachsmuth, the Canada Research Chair in Urban Governance at McGill University, told CBC.

## **New York City, New York**

*There may be upwards of 10,000 short-term rentals operating illegally in New York City.*

Alexander Spatari/Getty Images

Mayor Eric Adams has moved to require Airbnb and Vrbo hosts to register their properties with the city, provide proof that the hosts live in the units with their guests, and show that the property meets local zoning and safety guidelines. The proposal will go into effect in January and hosts who fail to comply could face between \$1,000 and \$5,000 in penalties.

A [report by NPR](#) suggests the policy could remove as many as 10,000 short-term rentals that are operating in the city illegally.

"Currently as is, this is an entirely unregulated market and the consequences have been disastrous for New Yorkers," New York State Assembly Member Zohran Mamdani [said during a hearing about the proposal in early December](#).

Data from AirDNA shows that there are more than 24,500 active short-term rentals in New York that charge an average daily rate of \$234 and are about 75% occupied.

## Oahu, Hawaii

*The famous Waikiki Beach on the island of Oahu, which brings in nearly half of Hawaii's annual visitors.*

M Swiet Productions/Getty Images

In April, Honolulu's mayor, Rick Blangiardi, signed a new law requiring a minimum stay of 90 days for short-term rentals in residential areas on the island of Oahu, in an attempt to curb the sprawl of vacation rentals in the city. [Hawaii News Now reported](#) that the city estimates there are between 10,000 to 14,000 short-term rentals in Oahu.

["This is a historic moment," Blangiardi said at a press conference for the bill](#), which passed the City Council by a vote of 8-1.

The new law applies to the non-resort neighborhoods of Hawaii's most popular island, Oahu, which is home to iconic attractions like Waikiki Beach and Pearl Harbor. Before the pandemic, [the Hawaii Tourism Authority recorded over 6 million visitors to Oahu](#) in 2019, which represented nearly half of all tourism spending for the state.

But local residents complain of tourists overrunning residential neighborhoods, taking away housing opportunities, and causing disturbances.

"Any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts on our neighborhoods and local residents," Oahu resident Thomas Cestare said at a City Council hearing, according to [Hawaii News Now](#).

A group of short-term-rental owners [sued the city](#) in June, seeking an exemption for 30- to 90-day rentals that existed pre-ordinance, according to Courthouse News Service. In the suit, the Hawaii Legal Short-Term Rental Alliance said thousands of owners previously operating legally would be "irreparably harmed" by the new 90-day minimum.

In September, the alliance asked for an injunction ahead of the ordinance's planned effective date, October 23, [according to Courthouse News Service](#). The presiding judge deferred the decision, but Courthouse reported the parties asked to meet with the judge before the deadline.

*Palm Springs is known for its many golf courses and beautiful weather during the winter months.*

Robin Smith/Getty Images

## Palo Alto, California

*Palo Alto is the home of major tech companies HP, VMware, SAP Labs, and others.*

[Shutterstock](#)

One of California's wealthiest cities is planning to limit the number of short-term rental properties in its jurisdiction as it struggles to add new housing units.

Palo Alto's city council voted 5-2 on December 12 to explore creating new regulations on vacation rentals. The council is exploring regulations that range from requiring the properties to be owner-occupied to banning rentals of fewer than 30 days, [Palo Alto Online reported](#).

Data from AirDNA shows that there are 610 short-term rentals in Palo Alto, which attract an average daily rate of \$277 and have a 77% occupancy rate. For comparison, [Zillow's website](#) shows there are just 179 available rental listings in Palo Alto.

"We have more units available through Airbnb through short-term rentals than we do as far as just available rental units in the city," Palo Alto councilmember Greer Stone [told Palo Alto Online](#). "That's a concern. Presumably, every short-term rental unit on the market is potentially a housing unit that someone can be in long-term or permanently."

Other council members noted that limiting short-term rentals in the area could greatly restrict the ability of families who come to town to visit relatives who are being treated at nearby Stanford Hospital.

"If we remove this option, we're really going to be limiting the people who live here and the people who have a pretty legitimate need to come here," said councilwoman Alison Cormack.

## **Park Township, Michigan**

*The shoreline of Lake Michigan.*

iStock/Getty Images Plus

Starting October 1, 2023, local officials in Park Township, Michigan — which is located about 30 miles due west of Grand Rapids — will start enforcing a town rule that prohibits short-term rental properties in residential neighborhoods.

The ordinance has been on the books since 1974, the town's board of trustees noted as they voted unanimously on the plan during their November meeting. The ordinance still allows short-term rentals in commercial zones just like hotels and motels.

[During the meeting](#), the trustees offered a range of reasons why they support the ordinance, from keeping the peace to preserving the character of the resort town's residential neighborhoods.

Data from AirDNA shows that there are 141 active vacation rental properties in Park Township compared to the 119 homes listed for sale and the 22 homes for rent that are [listed on Zillow](#).

# Portland, Maine

*Sunset over Portland, Maine.*

Mark Bibikow

State legislators in Portland, Maine are considering adding new restrictions on short-term rental properties like Airbnb and Vrbo after voters defeated a ballot initiative that sought to restrict how the properties can operate.

[The initiative](#) was submitted by the [local chapter of the Democratic Socialists of America](#), a political organization, and approved by the local city council over the summer. It seeks to prohibit corporate owners of rental properties from owning short term rentals, prohibits evictions for the purpose of converting a property to a short term rental, and increases penalties for properties that don't comply with the law. Voters defeated the initiative by a 55% to 45% margin.

Business owners and some employees formed a political action group called "Enough is Enough" to oppose the initiative, claiming that the Democratic Socialists are manipulating the city's citizen initiated referendum process.

"My biggest issue is, trying to govern the city through referendum I think is a bad idea," said Nick Mavodone, a former city council member and the chairman of the Enough is Enough campaign. "One thing I know is there are a lot of unintended consequences with everything that comes before an elected body, no matter how simple it seems."

Now, lawmakers on the Joint Select Committee on Housing are poised to consider new regulations for short-term rentals when the legislature reconvenes in January 2023, [according to the Portland Press Herald](#).

According to [data from AirDNA](#), there are 766 short term rental properties in Portland and they have an occupancy rate of 74%. These properties are also charging an average daily rate of nearly \$280, which is less than other popular destinations in Maine such as Bar Harbor.

## Red Hook, New York

*The Kingston–Rhinecliff Bridge in New York's Hudson Valley.*

OlegAlbinsky/Getty Images

Red Hook, a small town about two hours north of New York City in the bucolic Hudson Valley region, unanimously passed short-term-rental regulations at the end of 2021.

The new local laws limit the number of days a property can be rented out, establish rules for what type of renting is allowed, and require permits for hosting.

In districts that are heavily residential, only one-bedroom rentals are permitted and are limited to 120 days per year. In less densely residential areas, units with multiple bedrooms are allowed to be rented. They are not capped by a day limit.

No matter its size, the rule says, the home must be the primary residence of the host.

To give a sense of the number of short-term rentals in the broader area, a [search](#) for available Airbnbs for a weekend in June in and around Red Hook, NY, led to more than 300 listings.

Some Red Hook residents have voiced concerns about their town becoming [overrun by weekenders](#) and as a site for party houses.

"With nearly four years of committee and community discussion, input and changes, we hope we've been able to strike a balance between encouraging short-term rentals and protecting residential neighborhoods from conversion," Robert McKeon, the Red Hook town supervisor, [told the Poughkeepsie Journal](#).

## **Santa Rosa, California**

*Santa Rosa, California is a town 55 miles north of San Francisco.*

Matt Dutcher

The Santa Rosa City Council voted on August 10 to limit the number of STRs in its jurisdiction to 198.

There are currently 581 short term rental properties in Santa Rosa, [according to AirDNA](#), which means that nearly two-thirds of property owners won't be able to continue renting their homes. The new limitations have also pitted neighbor against neighbor in the town that sits 55 miles north of San Francisco.

"My problem is I moved into a residential neighborhood and now I live next to a hotel," resident Bernadette Burrell told the city council in August when they voted on the new cap.

The new cap on short term rentals comes as cities across California move to place restrictions on these properties. Other cities include Lake Tahoe in California's popular wine country, Temecula, and Riverside.

Property owners say the new cap is just another example of city officials "harassing" them and trying to "solve a problem that doesn't exist," [according to a report by CBS News](#).

Rental owners like Gary Lentz told CBS that they try to work collaboratively with neighbors who complain about noise and other issues with their properties. Still, Lentz feels the scrutiny against his business is unjustifiable.

"It's almost unenforceable what these people are trying to do," Lentz said.

## **Sarasota, Florida**

*Sarasota, Florida is on the Gulf of Mexico.*

krblokhin/Getty Images

The beachy city of Sarasota has become a hotbed for short-term-rental stays — especially in the early spring months.

With 4,923 active listings, [AirDNA](#) listed Sarasota as the No. 3 destination in the country for spring travel in 2022, based nights booked for March and April, behind Orlando and Phoenix. That's notable, considering Sarasota's population of 54,842 is a fraction of Orlando's 307,573 residents and Phoenix's 1,608,139 residents.

The city passed vacation-rental regulations in May 2021. Sarasota now requires a seven-day minimum for stays, and a 10-person maximum for single-family-home stays.

Some residents — like Caitlyn Marriott, who lives in nearby Venice — believe that isn't enough and are advocating for further regulations.

"The county and some small towns tried to initiate some local ordinances to try to put a curb on the effects that it would have on neighbors, but not so much the community as a whole," Marriott said.

Starting June 1, 2022, hosts are required to have a certificate of registration, which costs \$250, from the city in order to rent out property for less than 30 days. Registration is not required for owner-occupied vacation rentals, condos, and rentals that exceed 30 days, according to the city.

## Steamboat Springs, Colorado

*Mountains rise behind a street in Steamboat Springs, Colorado.*

Shutterstock/Rachele A. Morlan

Steamboat Springs, an idyllic ski town in northwest Colorado, passed an ordinance in June that created a 9% tax on short-term rental properties to fund affordable housing developments.

The law was passed as [wealthy out-of-towners continue to make up a majority of buyers](#) in Colorado's resort towns. In 2020, nearly two-thirds of homebuyers in Routt County — where Steamboat Springs is located — hailed from other counties and took home an average salary of approximately \$150,000, according to a [survey](#) by the Colorado Association of Ski Towns.

For comparison, more than 60% of Routt County's workforce earns less than \$150,000 per year, the survey found. Meanwhile, the average home sales price in the county has jumped to nearly \$2 million, a 33.7% increase since June 2021, according to [data from the Colorado Association of Realtors \(CAR\)](#).

"There is not a day goes by that I don't hear from someone ... that they have to move" because they can't afford rent, Heather Sloop, Steamboat Springs' city council president, [told KUNC](#), an NPR affiliate station in northern Colorado. "It's crushing our community."

An [economic impact study](#) commissioned by Airbnb in May shows that there are more than 6,800 short-term rentals listed in Routt County compared to the county's total housing inventory of 16,800 units.

Short-term rental and second-property owners pushed back against the ordinance, saying it could effectively tax them out of the town.

"New people became involved with the politics and the ski resorts and everything, and their goal was to make it a winter and summer destination," Sara Gambino, a local real estate broker, told [Steamboat Pilot & Today](#). "So, they're kind of going back on all the work that went into making the county the destination that it is."

## Tybee Island, Georgia

*Tybee Island is barrier island in the Atlantic Ocean about a 30-minute drive from downtown Savannah, Georgia.*

Jeff Foster/500px/Getty Images

Tybee Island, Georgia, which sits about 20 miles southeast of Savannah along the South Carolina border, passed an ordinance in October that prohibits vacation and short-term rental properties from its residential neighborhoods.

The move comes about 16 months after the local city council initially instituted a moratorium on short term rental properties like Airbnb and Vrbo in August 2021, citing numerous complaints from local residents.

"I've seen my neighborhood change from all permanent residents to over half vacation rentals now," Anna Butler, a Tybee resident since 1994, [told Savannah Now in August](#). "I support the extension of the moratorium so that the new ordinance can be worked out in a fair and equitable manner."

However, not everyone agrees with the ordinance. Tybee Alliance, a local coalition of business leaders, is suing Tybee Island to overturn the ordinance.

"We believe that the city disregarded their own city charter and state law in passing the ordinance by ignoring the basic rules by which a city government is required to provide written notice and written text of a law before they pass it so that the public can review, comment and provide feedback to their elected leaders," Dusty Church, a member of Tybee Alliance, [told local news station WTOC in December](#).

According to [data from AirDNA](#), there are about 1,500 active short-term rentals on the island today. That's compared to the island's total population of about 3,000 full-time residents, according to census data.

## Weehawken, New Jersey

*Across the river from New York City, short-term stays have been banned altogether in Weehawken, NJ.*

TC Franco/Getty Images

Weehawken, New Jersey, sitting on the Hudson River waterfront directly across from Manhattan, banned all short-term rentals in the 15,000-person town at the very end of 2022.

The new law went into effect immediately, impacting stays that ranged from \$80 to \$400 per night on the Airbnb site.

Mayor Richard Turner told the Hudson Reporter that town officials will "examine all the ordinances" other New Jersey communities passed and could one day bring back short-term rentals with stricter regulations. But for now, he believes a ban was necessary.

"Right now we're going to ban them because it really is starting to get out of control," [Turner told the Reporter](#).

Affordable housing was a top motivation, the mayor explained. "We are losing affordable apartments to Airbnb and we decided to take some action because we have several buildings that are getting carried away with it," he told the Hudson Reporter.

Penalties for owners breaking the ban start with \$1,000 for the first infraction and jump to \$2,000 and the possibility of jail time for a third infraction.

**Planning Board Report on Proposed Accessory Dwelling Unit Bylaw  
May 10, 2023 Annual Town Meeting**

**Article 22**

**Accessory Dwelling Units**

**ARTICLE 22.** To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined to insert various new terms and their definitions, and to reorder the various terms alphabetically; Section 255 Attachment 1:1 Use Regulations Schedule by inserting new uses related to Accessory Dwelling Units; Section 255 Attachment 2 Dimensional Regulations Schedule for Buildings and Structures by inserting a footnote for “Accessory uses” in each of the Zoning Districts referring to Chapter 255 Article VII Supplemental District Regulations for dimensional standards for Accessory Dwelling Units; and, Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-50 Accessory Dwelling Unit to provide standards and details under which an Accessory Dwelling Unit may be permitted, as further articulated in the Planning Board’s Report to Town Meeting (Appendix \_\_\_), or take any other action relative thereto.

The proposed changes are as follows:

- 1. Amend Section 255-10 Terms Defined of the South Hadley Zoning Bylaw by adding the following terms:**
  - a. Accessory Dwelling Unit (ADU) - A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as described herein.
  - b. Detached – Not connected to or united with.
  
- 2. Amend Section 255 Attachment 1:1 Use Regulations Schedule by inserting the following new uses related to Accessory Dwelling Units in the Residential Use Classification, and indicate how they are to be permitted or prohibited, as indicated below.**

Uses to be inserted in the Residential Use Classification Schedule:

- Accessory Dwelling Unit – Attached
- Accessory Dwelling Unit – Detached

Where/How Permitted:

*Accessory Dwelling Units – Attached* shall be allowed by-right in the following zoning districts only, and prohibited in all others:

- Residence A-1, Residence A-2, Residence-B and Residence-C
- Agricultural
- Business A and Business B

*Accessory Dwelling Units-Detached* shall be allowed by Site Plan Review only in the following zoning districts, and prohibited in all others:

- Residence A-1, Residence A-2, Residence-B and Residence-C
- Agricultural
- Business A and Business B

Use Classification	Residence				AGR	Business				Industrial		
	RA-1	RA-2	RB	RC		BA-1	BA	BB	BC	IA	IB	IG
Accessory Dwelling Unit - Attached	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N
Accessory Dwelling Unit - Detached	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR	N	N	N	N

Y =Allowed by-right

N= Prohibited

SPR = Site Plan Review

Footnote:

Each of the inserted uses shall include a reference to the following footnote which shall also be inserted on the appropriate portion of the Use Regulations Schedule:

h. Subject to the provisions of Section 255-50 Accessory Dwelling Units

**3. Amend Section 255 Attachment 2 Dimensional Regulations Schedule for Buildings and Structures by inserting a footnote for “Accessory uses” in each of the Zoning Districts referring to Chapter 255 Article VII Supplemental District Regulations for dimensional standards for Accessory Dwelling Units, as follows:**

Footnote to be inserted after “Accessory uses”: Accessory Dwelling Units must conform with §255-50.

Footnote to be inserted in the following Zoning Districts in the Dimensional Regulations Schedule:

- Residence A-1 – footnote “l”
- Residence A-2 – footnote “k”
- Residence B – footnote “j”
- Residence C – footnote “c”
- Agricultural – footnote “k”
- Business A – footnote “e”
- Business B – footnote “d”

**4. Amend Chapter 255 Article VII Supplemental District Regulations by inserting a new subsection identified as 255-50 Accessory Dwelling Unit to provide standards and details under which an Accessory Dwelling Unit may be permitted, as follows:**

**I. GENERAL PROVISIONS**

**A. Purpose and Intent**

- (1) The Town of South Hadley finds and declares:
  - (a) Our community faces a severe housing crisis, with home prices and rents unaffordable by families and households of middle and moderate incomes.
  - (b) The community is falling far short of meeting current and future housing demand with serious consequences for the state's economy and the well-being of our residents, particularly lower-income and middle-income earners.
  - (c) The Town of South Hadley can play an important role in reducing the barriers that prevent homeowners from building accessory dwelling units.
  - (d) There are many benefits associated with the creation of legal accessory dwelling units on lots in single-family zones and other zoning districts. These include:
    - a. Increasing the supply of smaller housing stock types to meet the needs of smaller households of all ages;
    - b. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;
    - c. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
    - d. Providing homeowners with extra income to help meet rising homeownership costs;
    - e. Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
    - f. Providing an opportunity for increased security, home care and companionship for older and other homeowners;
    - g. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
    - h. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability; and

- i. Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.
- (2) Accessory dwelling units are, therefore, an essential component of housing choices and supply in the Town of South Hadley.

## **B. Procedural Requirements**

1. Refer to Chapter 255 Attachment 1 Use Regulations Schedule, and Article XII Site Plan Review for procedures for any application that requires Site Plan Review hereunder.

## **II. USE AND DIMENSIONAL STANDARDS**

- A. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner occupied single-family dwelling. For any proposed detached accessory dwelling unit, an applicant must seek Site Plan Review from the Planning Board.
  1. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
  2. Only one (1) accessory dwelling unit may be created within a single-family house or house lot. Multifamily dwellings (duplex and above) are not eligible for accessory dwelling units.
  3. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units (principal or accessory) as their primary residence.
  4. The gross floor area of an accessory dwelling unit shall not be larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.
  5. An accessory dwelling unit shall not be occupied by more than three (3) people nor have more than two (2) bedrooms.
  6. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, and other local bylaws and regulations.
  7. Off-street parking spaces shall be available for use by the owner-occupant(s) and tenants.
  8. Building setbacks for detached units must comply with that for the principal use structure, as identified in the Zoning Dimensional Regulation Schedule for the zoning district where the accessory dwelling unit is to be located.
    - a. For conversion of existing accessory structures to a detached accessory dwelling unit, the Planning Board may waive the principal use setback requirement if the Board determines all other use and dimensional standards are met.
  9. Detached accessory dwelling units are limited in height to 1 ½ stories.
  10. Accessory dwelling units are not eligible for short term rentals, as defined by

the Town of South Hadley.

- B. Per MGL c.40A, in order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the permit granting authority shall allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- C. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters in (D) and (E) below must be recorded at the Hampshire County Registry of Deeds or Land Court, as appropriate, in the chain of title of the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- D. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.
- E. When a structure which has received a permit for an accessory dwelling unit is sold, the new owner(s) if they wish to continue to exercise the Permit, must within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence.

### **III. ADMINISTRATION AND ENFORCEMENT**

- A. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- B. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued appropriate building permits. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained by the Board of Health and the proposed building and location thereof conform with the Town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building or accessory dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Commissioner, where required.
- C. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in violation of the conditions or terms of any plan approval, special permit or variance granted by the Planning Board, Board of Appeals, or its agent.
- D. The Building Commissioner may issue a cease-and-desist order or an enforcement order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

**OBJECTIVES:**

The objective of this article is to provide for reasonable and appropriate regulation of Accessory Dwelling Units (ADUs), as both an attached unit to an existing single-family residential dwelling and a detached unit located on the same lot as a principle single-family residential dwelling.

**SUMMARY:**

The proposed bylaw defines an Accessory Dwelling Unit as a separate unit with sleeping, cooking and sanitary facilities, not larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller. Only one (1) ADU per single-family dwelling is allowed, which means existing multi-family dwellings with two or more units are not eligible for an ADU. The owner of the residence must occupy either the principle or accessory dwelling as their primary residence. Off-street parking is required, as well as conformance with State Building Code, Title V of the State Sanitary Code, and all other local bylaws and regulations. Building setbacks for detached ADUs must comply with those for principal use structures, including conversion of existing detached accessory structures. Detached ADUs are limited to 1 ½ stories. All ADUs are not eligible for short term rental.

**BACKGROUND:**

Accessory Dwelling Units (ADUs) are gaining in popularity regionally and nationally as an emerging affordable and flexible housing option that meets the needs of older adults and young families alike. Nationally, the cost of both owner-occupied and rental housing continue to climb. Of the top 100 housing markets nationwide, 67 experienced record high appreciation rates at some point over the past year (including Boston), and rates are up >10% in the top 99 markets (which includes Springfield). Rents for apartments in professionally managed properties are up 12%, and single family home rents up 14%. Although some market cooling is beginning due to a rise in interest rates, home prices and rents are still rising because of severe constraints on supply.<sup>1</sup> Hampshire County will have a deficit of more than 3,500 housing units by 2025.<sup>2</sup> In South Hadley, low vacancy for both rental and ownership units exists, driving up rates, reducing affordability and causing families to either move out of town to find housing that meets their needs, or not settle here at all. South Hadley vacancy rates for ownership units is 0.4% and rental units is 4.2%.<sup>3</sup>

In South Hadley, home prices and rents are currently unaffordable by families and households of middle and low incomes. In addition, 40% of South Hadley households qualify as low-income, increasing the affordability gap and cost-burden for housing. The needed household income to afford the median home price in South Hadley is \$107,000/year, yet the median household income in South Hadley is only \$94,000/year. For renters, the needed income to afford the average home rental in South Hadley is \$80,000, yet the median renter household income in South Hadley is only \$42,000/year.

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<sup>1</sup> *The State of the Nation's Housing*. Joint Center for Housing Studies at Harvard University, 2022

<sup>2</sup> *Greater Springfield Regional Housing Analysis*. UMASS Donahue Institute, March 4, 2021

<sup>3</sup> *Draft South Hadley Housing Needs and Demand Assessment*. Outwith Studios, February 2023

Nationally, millennials, the largest living population cohort, are entering the home buying market for the first time. Households under age 35 posted the largest increase in home ownership between early 2020 and 2022. People aged 65-and-over are still the largest share of the home ownership market and are in need of home modifications for accessibility retrofits to meet the needs of aging in place and increasing age-related disabilities.<sup>4</sup> In South Hadley, 21.6% of the population is 65 years or older, and 14.5% are between 55 and 64 years old. Approximately 12% of South Hadley residents have a disability, including 15% of people 65-74 years old, and 40% of people 75 years and older.

In summary, Accessory Dwelling Units are small homes and apartments known by many other names such as in-law suite, guest house, granny flat, etc. They have the potential to diversify the housing stock in South Hadley and meet some of the housing needs and demands being experienced by residents to help them age in place in a safe and accessible space, derive income from their properties to address housing affordability issues, provide convenient living arrangements for care-giving in semi-independent living situations, increase the property tax base, and add new housing units in already developed neighborhoods thereby reducing the burden on undeveloped open space as the source for the creation of all new housing.

In addition, due to the housing crisis as experienced in Massachusetts, Chapter 358 of the Acts of 2020 made several amendments to Chapter 40A of the Massachusetts General Laws, commonly known as the Zoning Act. Among these amendments are: (1) changes to Section 5 of the Zoning Act, which reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a  $\frac{2}{3}$  supermajority to a simple majority; and, (2) changes to Section 9 of the Zoning Act, making similar changes to the voting thresholds for the issuance of certain kinds of special permits. Under the newly amended Section 5 of the Zoning Act, a zoning ordinance or bylaw can be enacted by a simple majority vote, rather than the  $\frac{2}{3}$  supermajority that applies to other zoning amendments, if that ordinance or bylaw does any of the following:

- Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
- Allows by special permit accessory dwelling units in a detached structure on the same lot.

*Therefore, Article 20 can be enacted by a simple majority vote of Town Meeting members.*

**RELATIONSHIP TO MASTER PLAN AND OTHER COMMUNITY PLANS:**

The 2020 Master Plan is silent specifically on accessory dwelling units and recognizes housing needs more broadly as follows:

*Objective 1-2:* Support the development of housing, at different scales and price ranges, to address the needs of people at all life stages and incomes.

*Action G1-8:* Advocate for programs and services that allow seniors to age in place.

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<sup>4</sup> Joint Center for Housing Studies at Harvard University

In addition, the 2021 *Age Friendly South Hadley – Community Assessment and Recommendations* report includes the following two priority actions that specifically address the creation of ADUs:

*Priority Action #1* – Support Town efforts to adopt inclusionary zoning policies and to allow for conversion of single-family homes to multiple units and/or to add accessory apartments to properties with single family homes.

*Priority Action #9* – Support the ability of homeowners to add Accessory Apartments to their homes or properties through zoning amendment.

**PUBLIC HEARING:**

Discussions about a framework for the proposed Accessory Dwelling Unit Bylaw were conducted at Planning Board meetings on 11/21/22, 12/19/22 and 1/9/23. The Planning Board also engaged with Building Commissioner Damian Cote at the 1/9/23 meeting to gather his feedback on how building and fire code standards would impact site planning and design considerations for attached and detached accessory dwelling units. A Public Hearing was held on February 27, 2023. The hearing was attended by approximately 50 people, including Planning Board members and Planning and Conservation Department staff. The Director of Planning and Conservation gave a presentation on the proposed bylaw and demographic and socioeconomic data for South Hadley, as recently released as part of the update to the 2016 Housing Production Plan. Verbal comments were made by 15 members of the public, and comments in the form of 23 letters, emails or Google form were received by the Board.

Overall, verbal and written comments recognized the need for ADUs and support for attached units, however there was some opposition expressed for detached units. Comments in support of attached *and* detached units expressed desire and need for more diverse housing stock, the disjointed relationship between the majority of the housing stock in town as large homes with 3-4 bedrooms while our population is aging and in need of downsizing; accessory buildings such as barns, sheds and garages are widely present in New England and readily converted to dwellings; small new housing can be built net zero and more efficient; new detached housing can be built ADA accessible more easily where it is difficult to convert an existing home to be wheelchair accessible; accessory units add gentle density in already developed neighborhoods and protect open space from development by housing; and, can be constructed to match the architectural style of the principal dwelling. The Board of the South Hadley Council on Aging, in a written letter to the Board, expressed support for both attached and detached units to address the housing needs of seniors with unanimous support.

Concerns expressed in opposition to detached ADUs included: no guarantee that the units would be affordable; concerns that mobile homes could be used and “trailer parks” would be created thereby causing home values to decrease; opposition to the definition of a detached being more than 5’ away from a structure; concern that ADUs are essentially a

conversion of a single-family to a two-family dwelling and should comply with advisory design guidelines created by a task force some years ago; the two Smart Growth Zoning Districts should be relied upon to create new affordable housing; concern that home values would decrease due to increased density in some neighborhoods; describing creation of ADUs as gentle density increase is inappropriate; not enough research has been done on the impact of detached ADUs on neighborhoods; infringement on an abutter's peace and quiet; and, a perceived taking of the full enjoyment of an abutter's property by new dwelling constructed in abutting lot.

Last, some questions were asked about the Town's ability to enforce the bylaw, which would be the jurisdiction of the Building Commissioner as the Zoning Code Enforcement Officer.

The Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to close the public hearing on February 27, 2023. Ms. Brown expressed a desire to keep the hearing open while the Board deliberated so that additional public comment could be submitted. The Board deliberated at their March 6, 2023 meeting over the public comments received and revisions to the proposed bylaw. The Board revised the definition of "detached" and eliminated the greater than 5' separation to "not connected or united with".

**RECOMMENDATION:**

At their meeting on March 6, 2023, the Planning Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to recommend to the Select Board inclusion of the following bylaw on the May 2023 Annual Town Meeting Warrant for adoption. At their meeting on March 27, 2023, the Planning Board voted 5-0 (B. Hutchison, D. Mulvaney, N. Therien, M. Davis, J. Brown) to approve this report to Town Meeting.

**ATTACHMENTS:**

Attachment A: February 27, 2023 - Public Hearing Minutes

Attachment B: Proposed Accessory Dwelling Unit Bylaw Public Comment Submittals

# ATTACHMENT A

**SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:**  
Discussion on proposing articles to Town Meeting for the purpose of creation of a new  
Accessory Dwelling Unit Zoning Bylaw  
**MEETING MINUTES OF FEBRUARY 27, 2023**

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

Chair Hutchison called the public hearing to order at 6:50 PM and Clerk Brown read the hearing notice below out loud:

*The South Hadley Planning Board will hold a virtual public hearing on Monday, February 27, 2023 at 6:30 p.m. to discuss proposing articles to Town Meeting for the purpose of creation of a new Accessory Dwelling Unit Zoning Bylaw.*

*The public hearing will be conducted virtually/online 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/88961380594?pwd=OGNGNk5MMmpGcmNsNEFObi9iTXZFdz09> Or join by phone: +1(309) 205 3325*

*Webinar ID: 889 6138 0594 Passcode: 628069*

*The current drafts of the proposed bylaws and any accompanying documentation can be found here:*

*<https://www.southhadley.org/1318/ProposedDraft-Bylaws>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.*

*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, February 3, 2023*

*Friday, February 10, 2023*

*Friday, February 17, 2023*

Chair Hutchison reviewed the objectives and protocols for the hearing. Director Capra followed by sharing a slideshow (attached) which gave an overview of the proposed Accessory Dwelling Unit (ADU) zoning bylaw draft.

Chair Hutchison opened the hearing to public comment.

Linda Young, Westbrook Road, addressed the Board. She was not supportive of allowing detached ADUs and was concerned that 'mobile homes' could be considered detached ADUs. ADUs were being presented as a tool to increase affordable housing stock. However, there was no guarantee that ADUs would be affordable. She also questioned why lot size minimums were not required for an ADU. Chair Hutchison stated that minimum lot size requirements could be seen as discriminatory against those with small lots.

Hattie Fickle, Amherst Road, addressed the Board. She was not supportive of detached ADUs and was also concerned that 'mobile homes' could be considered detached ADUs. She was opposed to language in the drafts that defined 'attached ADUs' as being within 5 feet of the

primary structure. Detached ADUs would disrupt the character of existing neighborhoods and decrease property values.

Martha Terry, Brainard Street, addressed the Board. She was not supportive of detached ADUs and found the term 'ADU' to be misleading. Attached ADUs were essentially a conversion of an existing single-family home into a two-family home. She was on a local taskforce that developed design guidelines for conversions and asked that those be referenced when considering attached ADUs. She also found it misleading to state that ADUs lead to preservation of Open Space as that was only guaranteed through deed restriction. She advocated that the Town's two existing Smart Growth Zoning Districts (SGZD) and other planning tools be utilized to create needed affordable housing.

Robert Salthouse, The Knolls, addressed the Board. He was opposed to detached ADUs and advocated that the Town's existing SGZD be utilized to create affordable housing particularly within the South Hadley Falls SGZD.

Bobbie Salthouse, The Knolls, addressed the Board. She was concerned that detached ADUs would negatively impact the visual beauty of existing neighborhoods. She supported attached ADUs and recommended that the conversion standards, as referenced in Martha Terry's comments, be utilized when permitting attached ADUs. She also did not support language in the bylaw that allowed an ADU with less than five feet of separation from the primary structure to be considered attached.

Anne Stockton, Hadley Street, addressed the Board. She supported attached ADUs but was opposed to detached. She did not support the language in the bylaw defining 'attached ADUs' as being within five feet of the primary structure. She felt that attached ADU should have similar permitting thresholds as conversions from one-family to two-family homes. Conversions were allowed through special permit in the Residence A-2 and Agricultural Zoning Districts. At minimum, ADUs should require site plan review.

Naomi Darling, Silver Street, addressed the Board. She was supportive of both attached and detached ADUs. Offering a diversity of housing types to accommodate people of all ages, abilities, and incomes helped foster a welcoming community. She observed the disjointed relationship between South Hadley's housing types and household demographics. Many single people were living in single-family homes. ADUs offered homeowners the option to downsize or collect additional income which both allowed aging in place. Accessory buildings, such as barns and carriage houses, are already present in the residential New England setting. Therefore, allowing similar ADU structures would not harm the character of existing neighborhoods. An example of an ADU was on display in Holyoke as part of a student project creating net zero housing.

Preston Smith, Woodbridge Street, addressed the Board. He supported the bylaw as written. The Town's existing SGZD had not been successful in creating the amount of housing needed. ADUs could help fill that gap through 'gentle density' in existing residential areas. He did not anticipate the presence of ADUs disrupting existing neighborhoods as homeowners would likely develop ADUs in similar architectural tradition of their primary home.

Rudy Ternbach, Ferry Street, addressed the Board. He recognized good arguments were made for and against detached ADUs but felt it was too early for him to support for the bylaw as written. Significant changes were being proposed and he questioned the Town's ability to permit and monitor the new use.

Larry DuBois, East Street, addressed the Board. He stated that the Town's SGZD were only planning tools and did not guarantee creation of housing. For example, a property within the Newton Street SGZD was recently developed into a bank rather than new housing. As a wheelchair user, he shared that many 'traditional' housing types did not satisfy the needs of disabled people. ADUs could be built customizable to fit accessibility needs. He asked those who opposed detached ADUs to consider what their own future needs may be.

Kevin Tauger, Amherst Road, addressed the Board. He questioned if the Town had the ability and resources to monitor and enforce the permitting of ADUs. He also asked if fees or payments would be collected from property owners with ADUs as the Town would be responsible for monitoring compliance. He also asked if an ADU could be built at the time a new single family home was built.

Ira Brezinsky, Woodbridge Street, addressed the Board. He supported the bylaw as drafted. ADUs would allow homeowners to age in place and also helped protect existing Open Space. He urged the Board to bring the draft bylaw to Town Meeting for endorsement.

Denise Hammon, Hadley Street, addressed the Board. She supported attached ADUs only and recommended that more consideration be given to the Town's existing SGZD.

Melissa O'Brien, Parkview Drive, addressed the Board. She supported the bylaw as written and appreciated how the language within was simple yet effective. ADUs would help satisfy the community's housing needs by gradually increasing density in existing residential areas. ADUs would have less burden on the Town's infrastructure than development on new building lots. As the properties with ADUs would be owner occupied, concern for disruption and noise would be low.

Garth Schwellenbach, Ashfield Lane, addressed the Board. He stated that a shed could be built on private property with no design limitations. It could be anticipated that an ADU would have similar visual impact.

Following public comment, the Board needed to consider next steps. Members shared their initial thoughts and feedback. Member Therein was supportive of allowing a permitting path for detached ADUs and was not comfortable restricting property owner's ability to develop their land in this way. Member Davis heard a number of residents express concern for the aesthetic degradation of neighborhoods but he knew many examples of beautiful prefabricated ADUs. Clerk Mulvaney supported the ideas of 'gentle density' and also was familiar with beautiful prefabricated ADUs and 'tiny homes'. Chair Hutchison agreed that prefabricated ADUs on the market were high quality and allowing detached ADUs was critical to the bylaw. Clerk Brown's opinion dissented from her fellow members. She was opposed to detached ADUs in low density

residential districts but was supportive of attached ADUs. She viewed the presence of detached ADUs in low density residential districts as a form of the Town's 'taking' from the impacted property abutters.

Members discussed the comments received in opposition to 'mobile homes'. The definition of mobile home could be clarified by the building commissioner but any such structure would likely be too large to be considered an ADU.

Chair Hutchison asked members to vote to indicate their interest and commitment in taking the bylaw to Town Meeting. At least one member indicated support for bring the bylaw to Town Meeting and closing the public hearing.

Member Therien moved to adjourn the hearing. Chair Hutchison seconded the motion. Members discussed the practice of the Chair seconding a motion. Chair Hutchison stated he typically did not second motions. However, as a Board member, he believed he was not precluded from seconding motions.

**Motion:** Member Therien moved to adjourn the hearing. Chair Hutchison 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 hearing closed and the regular meeting adjourned at 9:35 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation Coordinator

#### Appendix

Document	Document Location
Slideshow Presentation	Attached
February 4 email from Heidi Rademacher, South Hadley resident.	Attached
February 14 letter from the Council on Aging.	Attached
February 21 letter from Tay Silveira, Maple Street.	Attached
February 25 email from Tom Terry, Precinct B Town Meeting Member.	Attached
February 26 email and news article from Mariann Millard, AlvordStreet.	Attached
February 26 letter (attached) from Melissa O'Brien, Parkview Street resident and former Planning Board member.	Attached
February 26 email from Carol and Rick Constant, Morgan Street	Attached
February 27 email from Jacqueline Dupre, Precinct B Town Meeting Member	Attached

February 27 email from Jeff Squire, former Planning Board Chair	Attached
February 27 email from Helen Fantini, Stanton Ave.	Attached
February 27 email from Liz Schwellenbach, Ashfield Ln	Attached
February 27 email from Garth Schwellnach, Ashfield Ln	Attached
February 27 emails from Jim Bosman, Promenade Way	Attached
February 27 email from Naomi Darling, Silver Street	Attached

## 2023 Draft Accessory Dwelling Unit Bylaw Comment Compilation

### Comments from Town Officials and Town Organizations

- March 16 letter (attached) from the Council on Aging
- March 21 email (attached) from Damien Cote, Building Commissioner

### Public Comments

- January 15 email (attached) from Marth Terry, 25 Brainard Street
- February 4 email (attached) from Heidi Rademacher, South Hadley resident
- February 21 letter (attached) from Tay Silveria, Maple Street
- February 25 email (attached) from Tom Terry, Precinct B Town Meeting Member
- February 26 email (attached) and news article (attached) from Mariann Millard, 12 Alvord Street
- February 26 letter (attached) from Melissa O'Brien, 2 Parkview Street
- February 26 email (attached) from Carol and Rick Constant, 100 Morgan Street
- February 27 email (attached) from Jacqueline Dupre, Precinct B Town Meeting Member
- February 27 email (attached) from Jeff Squire, former South Hadley Planning Board Member and Chair
- February 27 email (attached) from Helen Fantini, 17 Stanton Avenue
- February 27 email (attached) from Naomi Darling, Five College Associate Professor of Sustainable Architecture and resident of Silver Street
- February 27 email (attached) Liz Schwellenbach, 19 Ashfield Lane
- February 27 google form (attached) from Garth Schwellenbach, 19 Ashfield Lane
- February 27 emails (attached) from Jim Boseman, 12 Promenade Way
- February 27 letter (attached) from Linda Sachs, 193 Woodbridge Street
- February 27 letter (attached) from Lucia Foley, 60 Shandowbrook Estates
- February 27 email (attached) from Marion Canning, Lyman Street.
- February 28 email (attached) from John Hine, 39 Chestnut Hill Road
- March 6 letter (attached) from Preston Smith, 95 Woodbridge Street
- March 6 letter (attached) from Martha Terry, 25 Brainard Street
- March 5 email (attached) from Kay Klausewitz. 43 Mountain Avenue

Robert Pueschel, Chairperson  
Marilyn Ishler, Vice Chairperson  
Liane Pueschel, Secretary

LESLIE HENNESSEY, Executive Director

South Hadley Planning Board  
116 Main Street  
South Hadley, MA 01075

March 16, 2023

Reference: Letter of Support for Accessory Dwelling Unit Bylaw

Dear Planning Board,

The South Hadley Council on Aging Board of Directors is writing to submit our support for the adoption of an Accessory Dwelling Unit Bylaw. We believe Accessory Dwelling Units have the potential to address scarce housing needed by not only seniors in our communities but young families. Creating new housing units within existing neighborhoods offers individuals and families the ability to stay in South Hadley rather than be relocated to other communities.

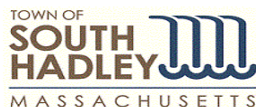
The older adult population in Massachusetts is expected to grow from 14 percent in 2010 to **21 percent of the state population by the year 2030**. As this number increases, so will the need for affordable housing options for seniors.

Accessory Dwelling Units (ADU's) are an affordable option that can ease this need and allow South Hadley residents to "age in place". ADU's are typically more energy efficient than larger homes, are more affordable to construct and maintain, and offer proximity to supportive family members. Seniors can stay social and active and enjoy activities with family and community amenities; important benefits that lead to a greater quality of life.

The South Hadley Council on Aging Board of Directors supports the adoption of an Accessory Dwelling Bylaw. Further, we support both attached and detached accessory dwelling units being allowed through the bylaw. Each property will have its own circumstances that will dictate whether an attached or detached dwelling unit makes the most sense. It is short sighted for the bylaw to limit the options available to a property owner and their intended use of this space by saying how and where it must be located. People need housing now. South Hadley should adopt a bylaw that enables the creation of new units, no hinders it.

Sincerely,

Robert Pueschel, South Hadley Council on Aging Chairperson  
Marilyn Ishler, South Hadley Council on Aging Vice Chairperson  
Liane Pueschel, South Hadley Council on Aging Secretary  
Jim Bosman, South Hadley Council on Aging Board Member  
Carol Constant, South Hadley Council on Aging Board Member  
Richard Mattson, South Hadley Council on Aging Board Member  
Rachel Tierney, South Hadley Council on Aging Board Member  
Leslie Hennessey, South Hadley Council on Aging Executive Director



Colleen Canning <ccanning@southhadleyma.gov>

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## Fwd: mobile homes vs manufactured housing

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

Wed, Mar 22, 2023 at 11:02 AM

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

From: **Damian Cote** <dcote@southhadleyma.gov>  
Date: Tue, Mar 21, 2023 at 8:11 AM  
Subject: mobile homes vs manufactured housing  
To: Anne Capra <acapra@southhadleyma.gov>

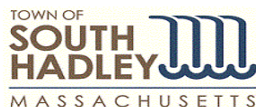
Good morning,

I do not believe that mobile homes would be allowed to be used as an ADU given the proposed and current zoning bylaw language. The size requirements alone automatically disallow them as an ADU.

The only type of (non-stick built) homes that can be used as a detached structure will be a house built and approved by the state manufactured buildings program. These are homes built in a factory that are substantially completed and sent on a truck to the site. They are on approved foundations (not wheels). For all intents and purposes, these look no different than any other home. Most ranch style homes are in fact "manufactured buildings" which make up a large share of the housing stock in the town.

Damian J. Cote, MFA, CBO, CFM  
Building Commissioner

Building Department  
116 Main Street  
South Hadley, MA 01075  
413-538-5030 ex 6112  
[www.southhadley.org/238/Inspection-Services](http://www.southhadley.org/238/Inspection-Services)



Colleen Canning &lt;ccanning@southhadleyma.gov&gt;

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## Fwd: letter to Planning Board Members

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

Wed, Mar 22, 2023 at 11:42 AM

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

From: **Martha Terry** <marthaterry25@gmail.com>  
Date: Sun, Jan 15, 2023 at 6:31 PM  
Subject: letter to Planning Board Members  
To: Anne Capra <acapra@southhadleyma.gov>

Dear South Hadley Planning Board Members:

I am writing to support the concept of accessory dwelling units but, at the same time, to voice my opposition to *detached* accessory dwelling units.

The town of South Hadley is now predominantly residential, and detached accessory dwelling units would seriously alter the character of single home/structure neighborhoods.

The quiet enjoyment of one's property would be seriously compromised by detached dwelling units occupying the neighboring side or back yards.

At a recent meeting of the Planning Board, it was stated that "detached dwellings have been a part of New England's history..." This might have been true in previous eras when carriage houses and quarters for workers were needed. This is no longer the case, and very few of these detached dwelling units remain. Moreover, houses are now on smaller lots.

I strongly urge the Planning Board to remove *detached* accessory dwelling units from the proposed bylaw that is now being considered.

Thank you.

Martha Terry

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## Fwd: From South Hadley

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**Heidi Rademacher** <hrademacher@gmail.com>  
To: shplanboard@southhadleyma.gov  
Cc: allsaintschurchrector@gmail.com

Sat, Feb 4, 2023 at 3:36 PM

Cc: Rev. Tanya Wallace.

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

From: **Heidi Rademacher** <hrademacher@gmail.com>  
Date: Sat, Feb 4, 2023 at 3:34 PM  
Subject: From South Hadley  
To: <hrademacher@gmail.com>

Hello:

I do not support the following document, below, referenced on the South Hadley site. Strangers do not have my permission nor the authority to be on my property or in my house.

<https://www.southhadley.org/DocumentCenter/View/10679/Accessory-Dwelling-Unit-Bylaw---Working-Draft---January-20-2023>

Heidi Rademacher

February 21, 2022

South Hadley Planning Board

116 Main Street

South Hadley, MA 01075

Reference: Letter of Support for Accessory Dwelling Unit Bylaw

Dear Planning Board,

I am Tay Silveira, a longtime resident who is interested in accessible housing and disability related matters. I am writing in support of the concept of an Accessory Dwelling Unit Bylaw. Accessory dwelling units have long been a housing choice for some people with disability. The benefits of flexible housing are as diverse as the people who may be accommodated. I believe Accessory Dwelling Units have the potential to address needed housing for seniors, young families, and people with disabilities.

ADUs accommodate semi-independent to independent living arrangements. For example, ADUs are a good option for someone who may need onsite (live-in) care but still wants some privacy, or for someone who lives independently but can benefit from having someone oversee some of the general responsibilities.

Accessory Dwelling Units may be especially beneficial when the primary residence is no longer ideal due to design. People who experience a life change due to an accident, aging, or otherwise can respond by creating more suitable housing on the property without being displaced from the community. I knew someone who essentially faced homelessness as his ALS progressed because his house could not accommodate his wheelchair. His search for suitable housing was arduous and extensive.

Some people with disability are overhoused by traditional units and may find an ADU's smaller size more manageable physically and financially. While each financial situation is different, it is true that disability can impact the ability to earn money and when someone receives a disability payment, it is usually a portion of the employment wages. The average federal disability payment hovers around \$1000/ or \$1300/month depending on the benefit type.

Further, I support both attached and detached accessory dwelling units. Each property will have its own circumstances that will dictate whether an attached or detached dwelling unit makes the most sense. Disabilities are diverse and we need options to invest in the most appropriate housing for our circumstances. Members of our community who have disabilities need safe and accessible housing options. South Hadley should adopt a bylaw that enables the creation of new units so we can maximize the accessibility of our housing options.

People with disabilities are among the most vulnerable for homelessness. While there may be financial considerations in housing, there are also architectural and accessibility considerations. People with disabilities may face homelessness on the basis of disability simply because no available compatible housing exists. Allowing flexibility in ADU development provides more options for people to be able to meet their specific accessibility needs.

Disability is diverse and so are the housing needs of people who have disabilities. Accessory Dwelling Units will diversify available new housing. I encourage any Accessory Dwelling Unit Bylaw to allow flexibility to accommodate accessible housing.

Sincerely,

Tay Silveira

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## Fwd: Accessory Dwelling Units By-law

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

Mon, Feb 27, 2023 at 3:08 PM

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

From: **Tterry21@aol.com** <tterry21@aol.com>  
Date: Sat, Feb 25, 2023 at 12:00 PM  
Subject: Accessory Dwelling Units By-law  
To: **acapra@southhadleyma.gov** <acapra@southhadleyma.gov>

Dear Members of the South Hadley Planning Board:

I have read through the draft of the proposed by-law on Accessory Dwelling Units.

I ask the Planning Board to delete from the by-law all language pertaining to Detached Accessory Dwelling Units.

I am a town meeting member, and actually have spoken to a number of other residents, some of whom are also town meeting members. Almost without exception, they oppose the inclusion of Accessory Dwelling Units..

The town certainly needs an accessory dwelling units by-law, but I do not believe it would pass town meeting as currently written. If the Detached Dwelling Unit portion is removed, I would be happy to support the revised by-law and believe town meeting members would do the same.

Thank you,  
Thomas Terry  
Town Meeting Member, Precinct B

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**Fwd: LETTER OF SUPPORT: Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing  
Monday 2/27 @ 6:30PM**

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**Colleen Canning** <ccanning@southhadley.ma.gov>  
To: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Feb 27, 2023 at 3:10 PM

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

From: **Mariann Millard** <mariannmillard@yahoo.com>

Date: Sun, Feb 26, 2023 at 11:06 AM

Subject: LETTER OF SUPPORT: Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing Monday 2/27 @ 6:30PM

To: Anne Capra <acapra@southhadley.ma.gov>

Dear Ms. Capra and South Hadley Planning Board,

Please consider this letter to be a full letter of support to adopt the Accessory Dwelling Units (ADU) Draft Zoning Bylaw in South Hadley.

For decades, the residents of South Hadley have been denied the crucial ability to allow for productive and life-affirming affordable housing development. Much of the resistance--past and current--on the part of residents opposed to ADUs, is based on an antiquated, fervent desire for South Hadley to remain a town with only one single-family dwellings on 1-acre lots.

We are solidly now in the 21st century where critical problems exist in town to provide affordable housing for all residents, whether they be elderly family members, single-parent families, workers, or students. This cannot remain problematic, not if we are to help ensure the ongoing health, safety and livelihoods of residents. We the residents and the town leaders must be willing to acknowledge and proactively solve this critical problem.

That said, having the ability to implement ADUs within town with suitable restrictions, guardrails, etc., such as can be found in the draft zoning bylaw, is a sound, reasonable approach and solution, not only for the residents, but for the town infrastructure needs as well.

Thank you for putting forth an excellent draft zoning bylaw for adoption in the South Hadley!

Best,

Mariann Millard  
12 Alvord Street  
South Hadley, MA

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## Fwd: Article in support of South Hadley's ADU zoning bylaw

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

Mon, Feb 27, 2023 at 3:11 PM

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

From: **Mariann Millard** <mariannmillard@yahoo.com>  
Date: Sun, Feb 26, 2023 at 1:34 PM  
Subject: Article in support of South Hadley's ADU zoning bylaw  
To: Anne Capra <acapra@southhadleyma.gov>

Dear Ms. Capra and South Hadley Planning Board:

This article is an excellent example of how well a solid ADU zoning bylaw, such as the one that's being proposed in South Hadley, could work for SH residents.

Lots of benefits to everyone noted in this article!

Best,

Mariann Millard  
12 Alvord Street  
South Hadley MA 01075

This 26-year-old pays \$0 to live in a luxury tiny home she built for \$35,000 in her backyard—take a look inside



### **This 26-year-old pays \$0 to live in a luxury tiny home she built for \$35,000 in her backyard—take a look inside**

By Precious Price, Contributor

In 2020, Precious Price built a tiny home for \$35,000 in her backyard, which she now lives in with her dog. The income she earns from renting out her main 3-bedroom house pays for all of her living expenses, including mortgage fees, property taxes an

## This 26-year-old pays \$0 to live in a ‘luxury tiny home’ she built for \$35,000 in her backyard—take a look inside



VIDEO7:5007:50

I live in a \$35,000 tiny home in my backyard in Atlanta, Georgia - take a look inside

[Unlocked](#)

In 2019, I bought a three-bedroom, 1,400-square-foot house in Atlanta, Georgia for \$196,000. I figured I could earn extra income by renting out the spare rooms on Airbnb, especially since I traveled a lot for work and was rarely home.

Unfortunately, the bookings dried up in 2020. No one wanted to share a house with a stranger in the early days of the pandemic. My work travels also stopped, so I was living alone in a house that felt too big.

But that May, as I stared out the kitchen window into my huge backyard, something clicked: I could use that space to build a tiny home to live in, and fully rent out the main house.

# How I built my luxury tiny home

Before getting started, I had to submit building, electrical and plumbing permits to the city planning office.

Then I purchased a shed from [Liberty Storage Solutions](#) and hired a local contracting team to pour a concrete slab foundation. They got to work in October 2020.

Overall, it cost me around \$35,000 to build the home, which includes the prefabricated shed structure, labor and material costs.

Instead of taking out a bank loan, I cashed out \$8,500 in stocks and put about \$20,000 on my credit cards to pay for everything. I was able to pay off this debt last year.

While the house was being built, I rented out my primary home and rented a room from my neighbor for \$300 a month.



After we finished building the 296-square-foot tiny home in March 2021, I immediately rented it out on Airbnb for a few months to recoup costs.

By charging between \$89 and \$129 per night and \$1,300 for monthly leases, I was able to bring in almost \$32,000 in gross rental income. And this January, I moved into the tiny home to save on living expenses.

Here are the monthly associated costs for both homes:

- **Mortgage and property taxes:** \$1,200
- **Electricity:** \$190
- **Water:** \$110
- **Internet:** \$80

**Total:** \$1,580

All of this is covered by the \$2,725 I make from renting out the main house, which means I'm able to live in my tiny home for free.

## A look inside my loft-style backyard home

To give the place a light and airy feel, I painted the walls a coastal blue shade and added some rustic touches like a wooden ladder leading to the loft's queen-sized mattress.

Nestled under the sleeping loft is a small desk, which she uses to check emails and catch up on work.  
Jeffrey Beard for CNBC Make It

In addition to the daybed that doubles as a couch on the main floor, there's a full bathroom, kitchen and breakfast nook.

The rustic barn sliding doors provide easy privacy.

Jeffrey Beard for CNBC Make It

The bathroom features a shelf for extra storage and a glass shower door, which makes the room feel bigger.

Jeffrey Beard for CNBC Make It

My favorite area is the kitchen. Most people are surprised to see that it has a full-sized fridge and extra large sink.

The kitchen has an induction cooktop and a small breakfast nook.

Jeffrey Beard for CNBC Make It

The eight separate windows, wall mirrors and glass shower door all make the space feel bigger. I sometimes forget I'm living in a shed.

Small details like this mirror make the space feel larger and more homey. "I sometimes forget I'm living in a shed," says Precious.

Jeffrey Beard for CNBC Make It

## The "tiny house" lifestyle

I've had to downsize my wardrobe and shoe collection. But rather than getting rid of clothes I still want to keep, I store some at a friend's house. Every few weeks, we do a wardrobe swap.

Precious' dog Sachia also lives in the tiny home with her. She plans to entertain friends in the backyard when the weather gets warmer.

Jeffrey Beard for CNBC Make It

I don't have friends over very often, but once the weather gets warmer, I plan to use the fire pit as a hosting area.

Having this home has given me a ton of real estate options, including rental income and backup housing for myself or aging family members.

I believe that tiny homes will play an important role in offsetting the global housing crisis. Last year, I gave a [TEDx Talk](#) about how they can help create a sustainable sharing economy for land.

When it's nice outside, the spacious porch is a great place to enjoy the fresh air with some coffee.

Jeffrey Beard for CNBC Make It

In 2021, after realizing effects of vacation rentals on the real estate market in Atlanta, I stopped listing my properties for short-term rental on sites like Airbnb. Renting out more and more space for vacations means less space for folks who need long-term homes.

I've since decreased my portfolio and am renting to local students and low-income workers. My plan is to add an attached guest suite to the main home and provide even more stable housing. Precious' least favorite part of her home is the loft area, which doesn't have much clearance for anything but sleeping.  
Jeffrey Beard for CNBC Make It



VIDEO9:0309:03

What it's like buying a \$160,000, all-cash home in Mexico

[Unlocked](#)

February 26, 2023

Dear Planning Board,

I am writing to convey my firm support of the Accessory Dwelling Units (ADUs) draft zoning bylaw which is now being considered for adoption in our town.

As aptly noted in Purpose and Intent section of this bylaw proposal, we are facing a housing crisis in our community. This crisis extends to the state and greater New England region as well. If South Hadley wishes to welcome new residents of diverse ages, backgrounds, income levels, we must ensure that there are more accessible and varied housing options for people to live in.

Allowing ADUs in town will offer a range of benefits which include the following:

- **Provide new rental housing** that is in high demand and critically needed by smaller households or individuals who have been priced out of the traditional single family housing market which currently dominates as the primary housing option in town.
- **Allow elders to age in place** or within in close proximity of family members.
- **Provide residents with additional sources of income.**
- **Protect town character** by requiring ADUs to:
  - Be owner-occupied which means that landlords live next to the ADU renter and the risk of property neglect or loud disturbances is minimal;
  - Be highly dispersed and barely visible throughout town (in contrast to constructing a large complexes consisting of rental housing only);
  - Contain appropriate guardrails that restrict ADU square footage, require compliance with existing zoning district setbacks and state building code.
- **Has minimal, if any, effect on density:** With shrinking household sizes, new residents in ADUs might maintain current neighborhood densities, but will unlikely increase them. Even if household sizes remained the same, the density increase would be minimal at best.
- **Alleviate impact on town infrastructure and open space:** Adding on to and/or modifying existing developed properties eases the burden on

town infrastructure and open space by reducing the need to build larger structures anew and using undeveloped land for new housing.

As a former planning board member, I truly appreciate the simplicity and effectiveness of the bylaw as currently proposed. Planners and housing advocates nationwide have found that when ADU bylaws are adopted with superfluous restrictions (e.g., limited to old houses on big lots or antique accessory buildings, can only be rented by relatives or caretakers, etc.), they are not only less impactful, but they are nearly impossible to enforce. In addition, allowing ADUs by-right (in the zoning districts/dwellings highlighted in this proposal) is essential to success. It will make the decision to add an ADU less daunting for residents and also free up significant staff and board time allowing them to focus on pressing matters like the creation of multi-family housing and redevelopment of struggling commercial hubs.

If adopted, this bylaw proposal stands to meaningfully expand affordable rental options without compromising on town character. It would enhance diversity, support aging in place and protect open space. It is a clear win-win for the town and residents, which has prioritized all of these goals in both its 2010 and 2020 master plans.

Thank you all for your hard work on this much-needed bylaw change!

Sincerely,

Melissa O'Brien  
2 Parkview Drive

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## Input for the ADU Bylaw Public Hearing

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**Carol Constant** <cpconstant@gmail.com>

Sun, Feb 26, 2023 at 8:50 AM

To: Anne Capra <acapra@southhadleyma.gov>, Colleen Canning <ccanning@southhadleyma.gov>, Nate Therien <natetherien@gmail.com>, Michael Davis <mtdavis@mtholyoke.edu>, MICHAEL ADELMAN <mike.adelman@icloud.com>, Diane Mulvaney <diane40146@netscape.net>, jbrown@southhadleyma.gov  
Cc: richardaconstant@gmail.com

Dear Planning Board,

We are unable to attend the Public Hearing on February 27 therefore, are writing to express our support for the ADU bylaw, including the provision to allow for a stand-alone unit.

The revised master plan, written with input from hundreds of residents, cites the importance of making South Hadley more affordable for older adults and young families. ADUs are one tool toward that goal. The provision that the units be 900 square feet or less, make them ideal for individuals, couples and small families, and give homeowners the flexibility to create housing that fits their family's needs.

We are the parents of an adult daughter who is blind and has multiple medical challenges. She lives in eastern MA and very much values her independence. Should there ever be a need for her to come home, a stand-alone ADU on our property would allow her to continue to live independently (and in our case, prevent her from needing to climb stairs in and out of our basement.)

Additionally, through the master planning process, residents stated they value the beauty of farms, forest lands, and open space. Allowing for ADUs in existing neighborhoods helps create more housing without expanding into the town's undeveloped lands. We enjoy walking our dog on the many beautiful walking trails, fields, and woods that are within our town limits and very much appreciate the goal of preserving these open spaces.

Thank you to our Planning Director, Anne Capra, and the Planning Board for writing a bylaw that is thoughtful and sensitive to the issues that face our community.

Carol and Rick Constant  
100 Morgan Street

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Carol Constant  
413-222-1761

*Not everyone who grows old will have dementia, but there are people living in our communities who do. People living with dementia might be our neighbors or friends, in the grocery store, shops, restaurants, or sitting next to us in worship. A dementia friendly community is one that is informed, understanding, and supportive to those living with dementia and their caregivers.*

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## Re: ADU Tonight

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**Anne Capra** <acapra@southhadley.ma.gov>  
To: Jacqueline Dupre <jdupre118@verizon.net>  
Cc: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Feb 27, 2023 at 9:05 AM

Jacqueline,

Your letter has been received and will be forwarded to the Board. Please note, letters may not be "read into the record". It is at the discretion of the Chair and due to the number of letters received to date, it is very likely that letters will not be read at the hearing.

Anne

On Mon, Feb 27, 2023 at 8:04 AM Jacqueline Dupre <jdupre118@verizon.net> wrote:

Hi Ann:

Please read this into the record at tonight's planning meeting. Thanks.

Honorable Planning Board Members:

After reading the proposed ADU Bylaw I am unable to support the section that endorses detached ADU. This makes no sense to me for many reasons. I will only support this proposed by law if all language regarding detached accessory units is removed from the draft.

Thanks in advance for your thoughtful consideration and efforts to maintain the quality of life in South Hadley.

Respectfully,  
Jacqueline Dupre  
Precinct B  
Town Meeting Member

Sent from my iPad

--  
**Anne Capra, AICP**  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
[acapra@southhadley.ma.gov](mailto:acapra@southhadley.ma.gov)

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## Accessory Dwelling Units Draft Zoning Bylaw - Public Hearing Monday 2/27 @ 6:30PM

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Jeffrey D Squire <jeff@berkshiredesign.com>

Mon, Feb 27, 2023 at 2:16 PM

To: Anne Capra <acapra@southhadleyma.gov>, Colleen Canning <ccanning@southhadleyma.gov>

Cc: Brad Hutchison <BHutchison@kuhnridde.com>

Anne,

Thank you for including me on the zoning bylaw updates. Unfortunately I will be unable to attend the public hearing tonight but I did want to take a moment to express my support for the proposed ADU bylaw.

Presently, our country is in the midst of a severe housing crisis. Not only is there a deficiency in housing stock available, but what is available is often priced far more than most people can afford. Additionally, new land development continues to eat away at any remaining green space, which has proven to be vitally important not only for our environment but also for public's health & well-being. Furthermore, many large family homes or estates do not function the way they were intended when they were originally constructed. Many family members and relatives do not remain in the same house for generations as they may have in years past. The result is that for those who do live in these homes, there is often an inability to afford ongoing costs between maintenance and taxes and often, with much of home going unused. This is especially true for elderly residents and new home buyers.

Adding to the housing crisis and loss of open space, construction costs have hit all time highs making new construction much less viable than just 3-years ago. This applies to all facets of construction including buildings and infrastructure. New construction requires both of these and those costs are usually passed along to the end user resulting in higher purchase prices, and less affordability.

Recent trends in housing have favored smaller building footprints, higher efficiency units, and a closer proximity to amenities such as grocery stores and public transportation. Implementing an Accessory Dwelling Use bylaw would create new housing opportunities with current housing stock, or existing residential lots, already equipped with infrastructure in existing, established neighborhoods. Allowing accessory residential units in existing, underutilized homes is something that should have been passed years ago. There are also several existing residential lots that are underutilized and which could easily support the construction of small, new residential units without a detrimental impact to the surrounding neighborhoods.

Opportunities such as these would allow South Hadley to retain and/or attract home buyers or renters looking for affordable housing options in the area. With many now looking to leave South Hadley in search of housing opportunities elsewhere because of the limited stock and price points available in town. It is time for South Hadley to follow suit with the many adjacent towns and look at creative ways in which to provide new housing opportunities in a manner that acknowledges the high cost of construction, affordability, and the protection of open space.

Sincerely,

Jeff Squire, RLA, ASLA

[Berkshire Design Group](#)

Phone 413.582.7000 x 106

Mobile 413.427.1772

***And former South Hadley Planning Board member and Chair.***

[Quoted text hidden]

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## Fwd: ADU Bylaw

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

Mon, Feb 27, 2023 at 3:20 PM

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

From: **Helen Fantini** <hfantini@hotmail.com>  
Date: Mon, Feb 27, 2023 at 2:31 PM  
Subject: ADU Bylaw  
To: Anne Capra <acapra@southhadleyma.gov>

February 27, 2023

To the Planning Board,

I am writing to voice my support for the Accessory Dwelling Units (ADUs) draft zoning bylaw now being considered for adoption in South Hadley.

As clearly expressed in recent Master Plan update, South Hadley endeavors to become a more welcoming community, for people of all races, ages, and income levels. South Hadley suffers from a dearth of housing choice, and we remain at risk of a 40B action the longer we fail to meet our affordable housing targets mandated by the State. It is time to be more proactive in taking care of this longstanding roadblock to allowing our town to grow and thrive.

There are many benefits to allowing ADUs in South Hadley:

- Provision of new rental housing is in high demand for those who have been priced out of the traditional single family housing market and may help to meet our affordable housing target;
- Allowing elders to age in place or within proximity of family members;
- Minimal affect on density as new housing is accommodated within the framework of an existing neighborhood in a low impact way;
- Alleviates impacts on town infrastructure and open space: by adding on to and/or modifying existing developed properties the burden on town infrastructure is eased and threats to open space are diminished if housing needs can be met with ADUs.

The bylaw provides a critical safeguard by requiring owner-occupation, and the existing zoning district setbacks must still be met. This is a low impact way to address the many goals enumerated in our Master Plan.

I truly appreciate the time and effort that has gone into drafting this bylaw and strongly support it.

Sincerely,  
Helen Fantini  
17 Stanton Avenue

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## Fw: ADU support

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

Mon, Feb 27, 2023 at 7:32 PM

----- Forwarded Message -----

**From:** Naomi Darling <darling.naomi@gmail.com>  
**To:** Brad Hutchison <bradfordhutchison@yahoo.com>; Anne Capra <acapra@southhadleyma.gov>  
**Sent:** Monday, February 27, 2023 at 06:30:45 PM EST  
**Subject:** ADU support

Hi –

My name is Naomi Darling and I am an architect and Five College Sustainable Architecture professor living in South Hadley on Silver St. I am writing in just in case I am not able to fully tune in to the meeting tonight as I think the ADU provision is a very important and positive step for our town to take to address the housing shortfall facing South Hadley as well as much of Massachusetts.

As part of the Housing Advisory Committee, I have learned more about the lack of affordable housing in Town, as well as the mis-match of the existing housing stock – which is predominantly 3+ bedroom family homes - and the people who actually live here – many people living alone or as a couple, who would benefit from an inventory of smaller homes.

ADUs have many advantages which are clearly outlined in the ADU provision and will be able to increase density while still preserving the neighborhoods that we all cherish. By requiring that ADUs do not exceed 50% of the floor area of the primary home, or 900 sf max, this will ensure that from the street, the ADUs will look not much different than many garages – if anything, they will be visually more appealing with doors and windows – and will contribute to our neighborhoods.

I am currently involved in a teaching team at UMass in which we are working with OneHolyoke, a housing non-profit in Holyoke, that works to address the housing issues facing their city. We are doing this through working with students to design and build net zero ADUs. The first iteration of this course resulted in the Hygge House which has been on display on Main St in Holyoke across from the train station – perhaps some of you present have driven past it. This is a 350 sf ADU that is net zero and in addition to providing a great learning experience for our students will also soon provide a home to up to 2 people when it is relocated to its permanent home just south of where it has been for the past year. There is more information on the project here: <https://blogs.umass.edu/umassdesbuild/>

Thank you

--  
Naomi Darling AIA LEED AP BD+C

Naomi Darling Architecture  
[www.naomidarling.com](http://www.naomidarling.com)

Five College Associate Professor of Sustainable Architecture  
Mount Holyoke College // University of Massachusetts, Amherst

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## Fwd: Support for ADUs

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

Mon, Feb 27, 2023 at 5:34 PM

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

From: **Liz Schwellenbach** <lshswell@gmail.com>  
Date: Mon, Feb 27, 2023 at 4:44 PM  
Subject: Support for ADUs  
To: Anne Capra <acapra@southhadleyma.gov>

Hi,

I'd like to submit for public comment my support for ADUs in South Hadley.

We purchased our residence with an ADU, which was a definite draw and value for us. It has served us well as private quarters for family or friends. It has functioned as a true mother-in-law apartment, which enabled me to care for my sick mother during Covid and her to live with us for my nursing care and for holidays, birthdays, etc. Otherwise she would have been in a facility or at home 500 miles away, isolated either way. It served well for several years as an Airbnb, which was not a disturbance in any way to our neighbors, and a great help to us financially. We used the proceeds to replace our roof and do tree work for safety, a plus for the neighborhood. I feel it was a great service to families of MHC, given the dearth of nearby accommodation.

We use it now for private space, and the location of my home business.

I am in favor of this sort of dwelling unit in town. Ours is attached but I also support the detached variety. It has enhanced our home ownership options immensely. This satisfaction is one if many reasons we love living in South Hadley.

Sincerely

Liz Schwellenbach  
19 Ashfield Lane

# February 27, 2023 Planning Board Public Hearing- Accessory Dwelling Units

## 6:30 - Public Hearing

to discuss proposing articles to Town Meeting for the purpose creating a new Accessory Dwelling Unit Zoning Bylaw (<https://www.southhadley.org/1318/ProposedDraft-Bylaws>)

Please read the Planning Board's protocols for virtual meetings here : [Virtual Meeting Protocols](#) \*



I have read and acknowledged the protocols

Please State Your First and Last Name \*

Garth Schwellenbach

Please State Your Street Address including City/State \*

19 Ashfield Lane

Please state your email address - if any

garthhs@gmail.com

Do you wish to speak at the Planning Board meeting?

Yes

No

Please list the agenda items to which you wish to speak

ADU Bylaw

You can include written comments below

I would like to express my support for him a zoning bylaw that allows for accessory dwelling units in South Hadley, specifically detached units. There's already precedent within the zoning to allow detached accessory structures by right, and this should include accessory dwelling units. Accessory dwelling units are a vital method of increasing the availability of housing within the town, and can provide more housing density without substantially increasing locked coverage.

This form was created inside of southhadley.ma.gov.

Google Forms

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## ADUs

3 messages

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'Jim Bosman' via SHPlanBoard <SHPlanBoard@southhadleyma.gov>

Mon, Feb 27, 2023 at 6:54 PM

Reply-To: Jim Bosman <jimbosman@me.com>

To: SHPlanBoard@southhadleyma.gov

The Purpose and Intent section cites a severe housing crisis for lower- and middle-income earners, and older adults.

Will the town provide any incentives to encourage renting to the elderly and low-income earners?

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The proposed bylaw states the ADU shall not be occupied by more than three people.

If I rent my two-bedroom ADU to a young couple who have twins a year later, do they have to move out?

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Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 27, 2023 at 6:56 PM

To: Jim Bosman <jimbosman@me.com>

Cc: SHPlanBoard@southhadleyma.gov

Thank you for your comment. Can you share your address or affiliation for the record?

Thanks!

Colleen Canning  
Planning/Conservation Coordinator

(413)-538-5030 X6127

[ccanning@southhadleyma.gov](mailto:ccanning@southhadleyma.gov)



[Quoted text hidden]

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Jim Bosman <jimbosman@me.com>

Mon, Feb 27, 2023 at 6:58 PM

To: Colleen Canning <ccanning@southhadleyma.gov>

Jim Bosman  
12 Promenade Way  
So Hadley

Sent from my iPad

On Feb 27, 2023, at 6:57 PM, Colleen Canning <[ccanning@southhadley.ma.gov](mailto:ccanning@southhadley.ma.gov)> wrote:

[Quoted text hidden]

**\*Do not print this email unless necessary**

## ADUs

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'Jim Bosman' via SHPlanBoard <SHPlanBoard@southhadleyma.gov>

Mon, Feb 27, 2023 at 8:23 PM

Reply-To: Jim Bosman <jimbosman@me.com>

To: SHPlanBoard@southhadleyma.gov

Most MA communities have not done enough to address the obvious and embarrassing problem of affordable housing. We must be intentional about our housing policies. I support this effort and commend the Planning Board for bringing this bylaw forward.

Jim Bosman  
12 Promenade Way  
So Hadley

Sent from my iPad

193 Woodbridge Street  
South Hadley, MA 01075  
[lsachsnycc@earthlink.net](mailto:lsachsnycc@earthlink.net)

February 27, 2023

Anne Capra  
Director of Planning and Conservation  
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed **Accessory Dwelling Unit Zoning Bylaw**

Please share this document with the Planning Commission:

Thank you for giving me an opportunity to share my thoughts on this proposed zoning bylaw.

The draft ADU Zoning Bylaw, aims to achieve quite a number of lofty, complex and complicated goals. These include: increasing housing stock; enhancing the livability and beauty of our town; and the well being of residents of all ages, incomes and abilities.

The proposed method of accomplishing all this is to allow ADUs, including detached ADUs up to 900 Square feet. That is impossible.

There are several misstatements in the Bylaw that minimize the negative impacts of detached ADUS and erroneously promote the benefits of these detached second dwellings.

I am totally opposed to **detached ADUs**.

First, the proposed Bylaw states that our community faces a severe housing crisis, but that statement does NOT make it so. South Hadley's **Housing Needs Assessment Plan** never uses this language of a quote "severe housing shortage."

Second, stating that a detached ADU is going to **gently** increase housing density does not make it so. A second, 900 Square foot house on a residential lot is not at all a **gentle** thing.

I understand that in world of urban planning and among builders the very term ADU usually includes detached units, but that doesn't mean South Hadley has to parrot and copy what other towns and states do. Let's make our own way, let's not turn our beautiful town into a crowded city.

This brings me to my final point which is sadly another piece of misinformation in the bylaw under Intent and Purposes. The Bylaw lists **benefit (h) as:**

**Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability;**

Protecting forests and other natural areas is a laudable goal. But the effective way to reduce the loss of farm and forest lands and natural areas and resources is to place permanent restrictions against development on these lands. Increasing the density in our single-family neighborhoods will not preserve open space and woodlands.

The other way to do accomplish this goal is for the Planning Board to mandate that builders and developers stop cutting down trees when they do build. That should be an imperative.

Several years ago a developer was given permission to cut down approximately 5 acres of forest to build an ugly four home subdivision – Chatham Way -- that is totally out of character with the rural neighborhood of north Woodbridge Street where I live. Instead of trees, most of the the land is now planted with turf grass -- which is death to pollinators-- acres and acres of turf grass which needs pesticides, fungicides, artificial fertilizer and lots and lots of water to keep green, not to mention smelly, noisy, constant gasoline powered mowing. All those beautiful missing trees, supported wildlife and birds, purified the air and kept summertime temperatures cooler.

So If you are serious about preserving natural resources, then I urge you to do that purposefully and effectively. Purposely and effectively **excludes** permitting Detached Accessory Dwelling Units as proposed in this draft Bylaw.

Thank you.

Yours truly,

Linda Sachs

[lsachsnyc@earthlink.net](mailto:lsachsnyc@earthlink.net)

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## Fwd: Accessory Dwelling Units Draft Zoning Bylaw

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

Fri, Mar 3, 2023 at 10:40 AM

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

From: **Lucia Foley** <luciafoley@yahoo.com>  
Date: Mon, Feb 27, 2023 at 8:44 PM  
Subject: Accessory Dwelling Units Draft Zoning Bylaw  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)>  
Cc: [shplanning@southhadleyma.gov](mailto:shplanning@southhadleyma.gov) <[shplanning@southhadleyma.gov](mailto:shplanning@southhadleyma.gov)>

Dear Anne and Planning Board members:

It's clear that a great deal of thought has gone into the draft ADU bylaw and I appreciated the informative presentation tonight.

After following the development of modern, prefab housing for over twenty years, I am very excited by the potential of freestanding/detached units as well as attached ADUs on existing properties here in South Hadley. Many of these are beautiful, well-designed structures that use high quality materials. This would open up many new possibilities for affordable housing, and has been highly successful in other areas.

As home buyers, we have looked in the past for properties with separate living units where family members could live more modestly since rentals cost are so high, but as there are so few of these we were not able to find what we needed. For some homebuyers, this would enhance the value of a property rather than detract from it. We are in a condo now, but if the option for detached ADUs becomes available, that would inform our future housing decisions.

This option can provide a lot of flexibility for our residents, and the constraints built into the bylaw seem intended to help maintain the flavor of our neighborhoods. While there's a great deal of concern about ADU unit size, it seems likely that any detached units would likely be fairly small. In addition, a detached unit can be designed and sited address accessibility concerns, which is an important consideration for many who those who may consider an ADU.

Thank you so much for your work on this and your efforts to better utilize our land resources and increase affordable housing.

Best,

Lucia Foley  
60 Shadowbrook Est,  
South Hadley, MA 01075

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## Fwd: Planning Board meeting

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

Fri, Mar 3, 2023 at 10:41 AM

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

From: **Marion Canning** <marioncanning1@gmail.com>  
Date: Mon, Feb 27, 2023 at 6:20 PM  
Subject: Planning Board meeting  
To: <acapra@southhadleyma.gov>

Re:Accessory Dwelling Units

We favor Attached Accessory Dwelling Units but want Detached  
Accessory Dwelling Units removed from the proposed by law.  
Thank you.  
Marion Canning

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## Draft Accessory Dwelling Unit Bylaw

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**JOHN HINE** <hine39@comcast.net>

Tue, Feb 28, 2023 at 10:17 PM

To: "SHPlanBoard@southhadley.ma.gov" <SHPlanBoard@southhadley.ma.gov>

I wish to express my whole-hearted support for the proposed Accessory Dwelling Unit Bylaw.

The crisis in affordable housing both in South Hadley and throughout the State is well documented, and the consequences are real. Over 100,000 people have left Massachusetts over the past 2-3 years, with high living costs being a major reason behind that exodus. Housing is a big part of those costs.

South Hadley will change over time; that is inevitable. The question is how. If we make every effort to promote affordable housing options, we will be better able to attract younger professionals and families, and enjoy the economic, cultural and community benefits that come with that. If we don't, we will continue to age as a community and watch as school enrollments decline precipitously, economic activity stagnates and the vibrancy of our town fades.

Allowing ADUs won't, by itself, solve the affordable housing problem we have, but it is one of the easiest steps we can take to help address it.

John Hine  
[39 Chestnut Hill Road](#)  
[South Hadley, MA](#)

## **Comments on Accessory Dwelling Units**

I am in favor of the Accessory Dwelling Unit Bylaw as proposed by the South Hadley Planning Board in the working draft dated January 20, 2023. In particular, I support the adoption of the proposed zoning bylaws that would allow *both* attached and detached ADUs for the following reasons.

The town is in desperate need of both types of affordable housing: deed-restricted affordable housing as well as housing that is affordable because of its size. Both types are necessary to relieve the cost burdens of existing renters and homeowners in South Hadley while making it possible for young families to rent or buy housing in our town.

It is imperative that the town planner and planning board should have as many tools as possible to increase the supply of affordable housing in town. The proposed zoning bylaws would help to expand the volume of affordable housing and close the gap between the current stock of affordable housing in town and our civic obligation to meet the goal of ten percent of the town's housing stock. At present we don't know if the financing for the 60-unit development slated for the Woodlawn area will come through to provide necessary housing. In addition, as far as I know there are no plans to build affordable housing in the two smart growth zones. But even if we were to get more affordable housing from these important initiatives, *we still need changes in the zoning bylaws on ADUs to add to the affordable housing inventory.*

ADUs can be designed and built to fit the character of the town's single-family neighborhoods. They are important for providing affordable and flexible housing for seniors, the disabled, and young people starting out. They will likely be affordable in rent given their small size. Furthermore, they will be an important asset for the cost-burdened homeowner trying to make ends meet. Given the town's declining and aging population, ADUs can make it more attractive to buy or rent housing in South Hadley

More than anything else, the *gentle density* that ADUs provide will mean the town will not concentrate all its affordable housing and density in the Falls or in mixed residential/commercial zones like Woodlawn. It means community members will be able to enjoy the amenities of our single-family neighborhoods like the rest of us.

It doesn't do the town any good to *say* we want affordable housing, if we deny ourselves the tools to actually provide it in South Hadley.

We need to adopt the ADU zoning by-laws presented as part of the working draft on January 20, 2023.

**Preston Smith**  
**95 Woodbridge St., South Hadley**

Dear Members of the South Hadley Planning Board,

I see that you are going to make a decision on Accessory Dwelling Units at this evening's meeting. I offer these comments with the hope that you will omit Detached Accessory Dwelling Units from the proposed by law at this time.

Attached ADU's fulfill all the economic and social goals listed and preserve the character and open space atmosphere of single family home neighborhoods.

Detached ADU's fulfill these same economic and social goals and afford more privacy to the homeowner and the ADU renter, but compromise the privacy and quiet enjoyment of the neighborhood for abutters and neighbors, affect property values, and lessen open space. The owner, the neighbor, of a single-family home bought his/her home with only one home allowed on the abutting lot. A second home on the abutting lot certainly compromises his/her quality of life and decreases the value of his/her home.

So, the question is: Which option fulfills the goals and purposes of ADU's and affords the least pain?

Attached ADU's do. We must think about ADU's as being a neighborhood issue, not just an issue for the renter and the homeowner. A more holistic approach takes into account the economic needs of the homeowner, the economic and social needs of the renter, and the needs and character of the neighborhood.

Therefore, attached ADU's are a win win for the homeowner, the renter, and the neighborhood.

Tiny homes can still qualify as "attached" as they can be up to 5 feet away from the single-family home.

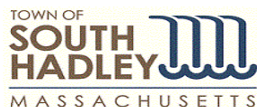
I hope that my proposal is seriously considered. Everyone gains, everyone wins, everyone gives a little.

Moreover, attached ADU's should be by site plan review. These are permanent changes, the conversion of a single-family home to a two-family home.

Neighbors should be given the decency, the consideration of a notice and a hearing. The SPR cannot be denied, but at least the acknowledgement of neighbors, a recognition of their concerns, and a respect for their input are all paramount to ensuring a good neighborhood and neighborliness. A SPR is not especially onerous for the applicant, and yet gives respect, dignity, and some feeling of empowerment to neighbors.

Thank you for your time and consideration.

Martha Terry



Colleen Canning <ccanning@southhadleyma.gov>

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## Fwd: ADUs

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

Mon, Mar 6, 2023 at 2:50 PM

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

From: **Kay Klausewitz** <kayklausewitz@gmail.com>  
Date: Sun, Mar 5, 2023 at 4:45 PM  
Subject: ADUs  
To: [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) <acapra@southhadleyma.gov>

Although I could not make it to the meeting, I want to express my support of ADUs. They're a marvelous option for people who want extended family nearby. I think the opposition about overcrowding, and disturbances to quiet enjoyment are mostly imagined.

You should know too that I live in just such a unit, a detached garage with a small apartment above. Next to me on the lot is a duplex with my son in one side and a renter in the other. It's a wonderful arrangement for all of us. We went through everything required by the town, permits and licensing about 15 years ago. No one objects. I think allowing this in the town will increase tax bases and property values. As real estate rises in cost, it's a very desirable option.

Kay Klausewitz  
43 Mountain Ave, South Hadley, MA 01075

**Planning Board Report to Town Meeting  
Landowner Petition for Zoning Map Amendment at 280 & 286 Granby Road  
May 10, 2023 Annual Town Meeting  
Article 23**

**ARTICLE 23:** To see if the Town will vote to amend the Zoning Map by changing the designation of a 2.61-acre tract of land consisting of six parcels situated on the southeast corner of the intersection of Granby Road (Route 202) and Willimansett Street (Route 33), and known as 280 and 286 Granby Road, identified on Tax Assessor's Map 15 as Parcels 122, 123, 125, 175, 176 and 113, from the present zoning designation of Residence A-1 to Business A, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

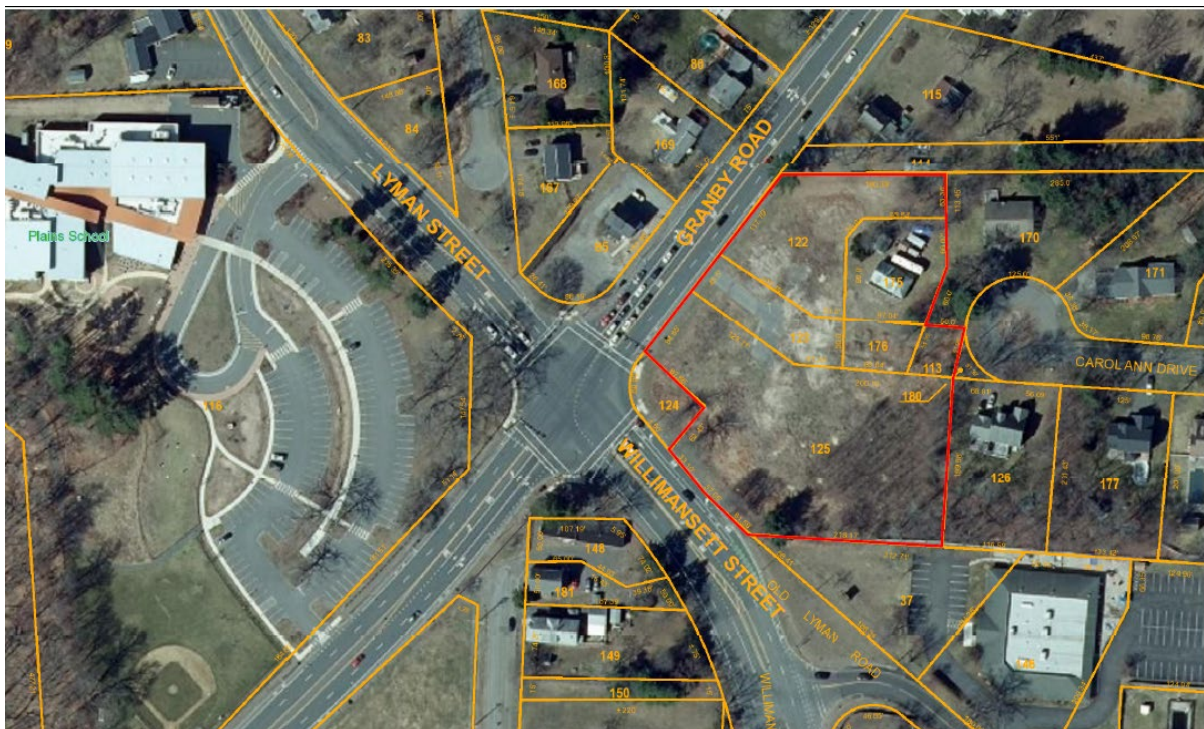
**PUBLIC HEARING:**

The Planning Board conducted a public hearing on March 13, 2023 to consider the Landowner's petition for the subject Zoning Map amendment, as articulated in the Warrant Article.

**REPORT:**

Landowner petition online here: <https://www.southhadley.org/DocumentCenter/View/10729/Granby-Road-280-and-286---Zone-Change-Petition?bidId=>

A landowner petition for a Zoning Map amendment was submitted by Robert Bolduc, Manager for RLB Management, a.k.a. Pride Limited Partnership LLC, for the above referenced parcels, located on the southeast corner at the intersection of Route 33/Lyman Street and Route 202/Granby Road. The petitioner requests an amendment from the current Residential A-1 (RA1) zoning for the six parcels totaling 2.72 acres to Business A (BA) for the construction of a Starbucks Coffee Shop with attached retail/professional use, plus a free standing building for additional retail/professional use. Site plans of the proposed development are included at the link above. NOTE - Any action on a zoning map

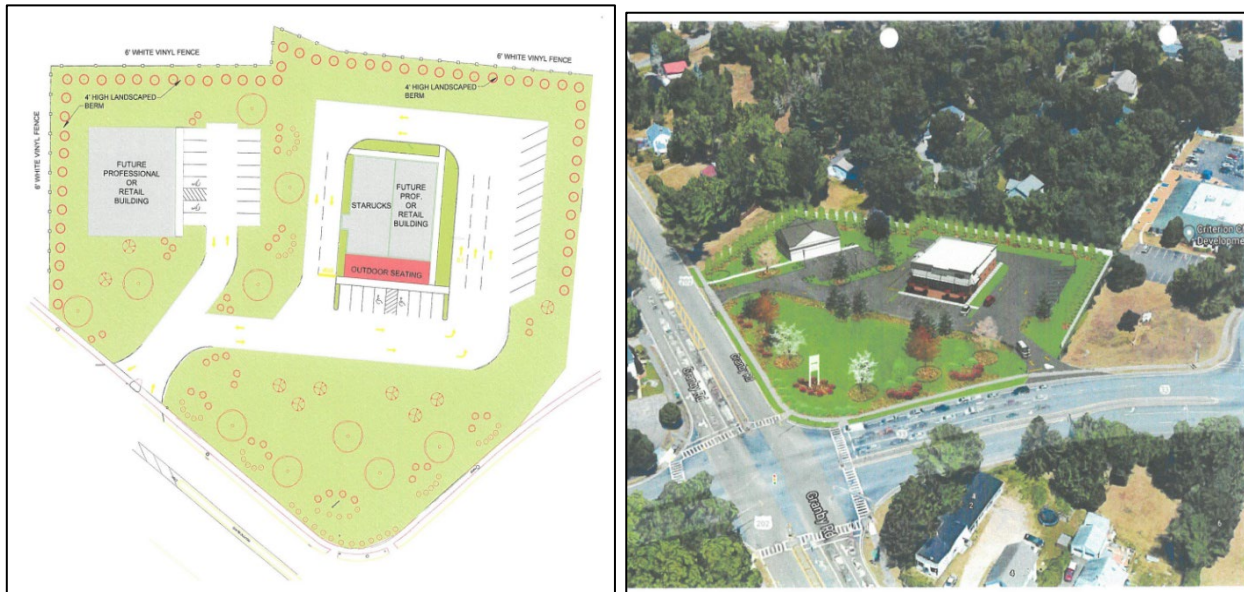


amendment does NOT grant any permit approval for the project he seeks to develop. All required permitting under the respective zoning district would still be required.

Parcel ID	Street Address	Parcel Size* (Sq. Ft.)	Parcel Size* (Acres)	Zoning
15-122	286 Granby Road	22,584	0.52	RA1
15-123	Granby Road	8,374	0.19	RA1
15-125	280 Granby Road	43,560.46	1.46	RA1
15-175	Granby Road	12,080	0.28	RA1
15-176	Granby Road	4,517	0.10	RA1
15-113	Carol Ann Drive	2,481	0.06	RA1
<b>TOTAL AREA FOR ZONE AMENDMENT PETITION</b>		<b>93,596.46</b>	<b>2.61</b>	
15-124	Granby Road	4,770	0.11	BA

\*Parcel size as noted above is from the South Hadley Assessor’s Property Tax Parcel Database.

Proposed development concept plans as submitted with the Zone Change Petition:



The following errors are noted in the petitioner’s request dated January 20, 2023:

1. The total area subject to the zoning map amendment petition include six (6) parcels not seven (7), totaling 2.72 acres of land not 3.17.
2. Parcel 15-124 is already zoned Business A and therefore is not subject to the zoning map amendment request.
3. The petitioner states that the requested zone change to Business A is recommended in the “2021 Corridor Plan”. This is a reference to the Route 33/202 Corridor Study completed in January 2022. The Study actually recommends a proposed zone change for this area as the creation of a new zoning district called “Low-density Mixed Use District”.

In 2021, the applicant submitted a similar petition for a zoning amendment, which he withdrew prior to the 2021 Annual Town Meeting. At that time, the Route 202/33 Corridor Study was underway and the Board withheld a recommendation on the zone change request to await completion of the study.

### **Allowed Uses in Each Zoning District**

The following uses are allowed within each of the subject zoning districts:

#### *RA1*

- Single-family residential by-right
- Multi-family by Special Permit
- Business uses prohibited generally
- Professional Business by Special Permit

#### *Business A*

- Single-family residential by-right
- Conversion to two-family by-right
- Multi-family by Special Permit
- All business uses by Site Plan Review or Special Permit

### **Zoning in the Area**

While a portion of the subject site is Business A (Map 15, Parcel 124), and there are several small sites nearby also zoned Business A, and rather large Business C zoning district to the south, most of the existing zoning in the area appears to be predominately Residence A-1. However, it also appears that most of the parcels zoned RA1 are also dimensionally non-conforming for the RA1 district. The minimum lot size for the RA1 district is 22,500 square feet. A large portion of the of the RA1 lots in the district in this area, with existing residential development, appear to be roughly half that size. Thus, it brings into question whether RA1 is the appropriate residential zoning district for the area.

### **Relationship to Master Plan**

Within the Master Plan, the intersection for Routes 202 and 33 is defined as one of four “sub-areas” with identified priorities. The priorities for this sub-area are as follows (p.11-12):

- Preserve the existing clusters of single-family homes; consider adding more open space such as a small park, community garden, or dog park.
- Increase commercial activity such as restaurants, ice cream shops, or retail between the neighborhood core and periphery.
- Increase the variety of housing choices.

The Master Plan identifies the intersection of Routes 33 and 202 as an area of opportunity for economic development as follows (p.40): “South Hadley already has several existing commercially oriented nodes, which could be further developed to increase access to economic opportunities for small businesses, which would help address the narrow tax base and stated concerns about the lack of retail. This includes the four areas discussed earlier in the plan: the neighborhood centered on the Village Commons and Mount Holyoke College at Route 47 and Route 116; the Woodlawn neighborhood (centered on the intersection of Routes 116 and 33); South Hadley Falls; *and the intersection of Routes 202 and 33.*” The Plan further recognizes that this area is subject to a parallel planning study, referring to the Route 202/33 Corridor Study.

The Plan also recommends the following for this location (p.53): “Modify existing regulatory and permitting requirements to diversify and stimulate new commercial uses compatible with neighborhood characteristics:

- Neighborhood centered on the Village Commons and Mount Holyoke College at Route 47 and Route 116
- Woodlawn Neighborhood (centered on the intersection of Routes 116 and 33)

- South Hadley Falls
- *Routes 202 and 33 Corridor*

### **Relationship to Other Community Plans – Route 202/33 Corridor Study (January 2022)**

The purpose of this study was to implement some of the 2010 Master Plan’s recommendations for this corridor and develop a framework for successful development of the corridor in coordination with the properties that lie close to but beyond the corridor in Chicopee and Granby. The Study provides an in depth analysis of the corridor and offers the following major findings regarding its existing land use characteristics (p.22):

- A significant mix of land uses along the corridor which includes low-density residential, commercial, educational, recreational, and open space. Multifamily developments are accessed from the corridor, but the majority of the buildings are not visible from the street.
- Significant recreational and natural assets provide visual variety along the corridor and act as both neighborhood and regional amenities.
- Routes 202/33 provide connections to other commercial areas within South Hadley and beyond, including regional access to Interstates 90 and 91. However, the proximity of these commercial areas creates potential competition for uses along this corridor.
- Non-vehicular access is poor. The corridor is not linked to either public transit or regional bicycle trails and paths. Sidewalks vary in quality and location, making walking a less-accessible alternative despite the destinations (Buttery Brook Park, the South Hadley Square Shopping Center) within easy walking distances of neighborhoods. Public transit on the corridor within South Hadley does border with South Hadley at a stop on New Ludlow Road.
- Most of the traffic along the corridor does not originate within South Hadley. The 2018 Complete Streets Prioritization Plan (prepared for South Hadley by PVPC) has an average weekday traffic count of 7,411 vehicles southbound and 7,871 vehicles northbound on Route 33 at Old Lyman Road (total average of 15,282 vehicles per weekday). Capturing these drivers as customers, or possibly as new residents, would increase the economic viability of the corridor.

In discussing the relationship between zoning, economic development and housing, the Study recommends the following (p.36): “Over the long-term, for South Hadley to develop a competitive advantage, it should focus on attracting businesses that serve the surrounding neighborhoods and professional offices while also encouraging additional housing at appropriate locations. The Town should consider adding design standards to any zoning changes to maintain certain physical characteristics of the buildings and sites along the corridor while allowing new businesses which can capitalize on the relatively high through traffic.”

The Study also recognizes that the subject location is within the Westover Airport/ARB Accident Potential Zone II (APZII) due to its alignment with the airport flight path. Westover has issued certain recommendations for these zones: “Within the APZ II zone, single unit detached residential development is acceptable along with certain manufacturing uses.” It is my understanding that this is guidance only, with no actual regulatory authority.

In summary, on pgs. 40-42, the Study recommends the creation of a “Low-density Mixed Use” zoning district at the intersection of Route 33 and 202, described as follows: “Village Center development with a mix of retail, restaurant and professional office. Conversions from single-family homes to professional offices will be allowed... The LDMU considers the recommendations for restricted density and limited

uses due to its location within the APZ II zone. Any mixed-use development should leverage the Big Y as an anchoring tenant in the area by encouraging other office and retail uses in the plaza area”.

### **Zoning Map Amendment Considerations**

1. Spot zoning should not be approved. As shown in Attachment A Zoning Map, there is a small portion of the subject property currently zoned Business A. There are also small parcels in the area, across the roads, also zoned Business A. A large are of Business C lies southerly of the subject property. Thus, changing the zoning on the subject property to Business A, or another Business zoning district, would likely not be considered spot zoning.
2. Changing the zoning of the subject property to a non-residential zoning may or may not be appropriate given the adjacent and nearby zoning and some of the adjacent uses.
3. Changing the zoning on the subject property, and in this area, should be undertaken as part of a planned approach to re-zone the entire corridor to support the recommendations of the Route 202/22 Corridor Study.

### **Public Comment**

In general, public comment focused on the development scenario proposed by the petitioner. Comments were generally unfavorable and included concerns about the following:

- Traffic and safety at intersection for vehicles, pedestrians and cyclists;
- The proposed development included drive thru business, increased traffic, and lacked residential development;
- Increased business use at location would harm/degraded surrounding residential neighborhoods due to traffic, noise, and lack of pedestrian amenities/create additional pedestrian hazards

Some comment was received in support of a zone change as follows:

- Business uses require Special Permit or Site Plan Review which offer denial or design modifications for projects thus, the submitted development concept plan may or may not be approved;
- RA1 generally inappropriate for this area due to majority of parcels in district are dimensionally non-conforming and ½ the minimum required lot size.
- Business use at this location would seem to be appropriate given the traffic volume along major roadways connecting two other towns.

### **RECOMMENDATION:**

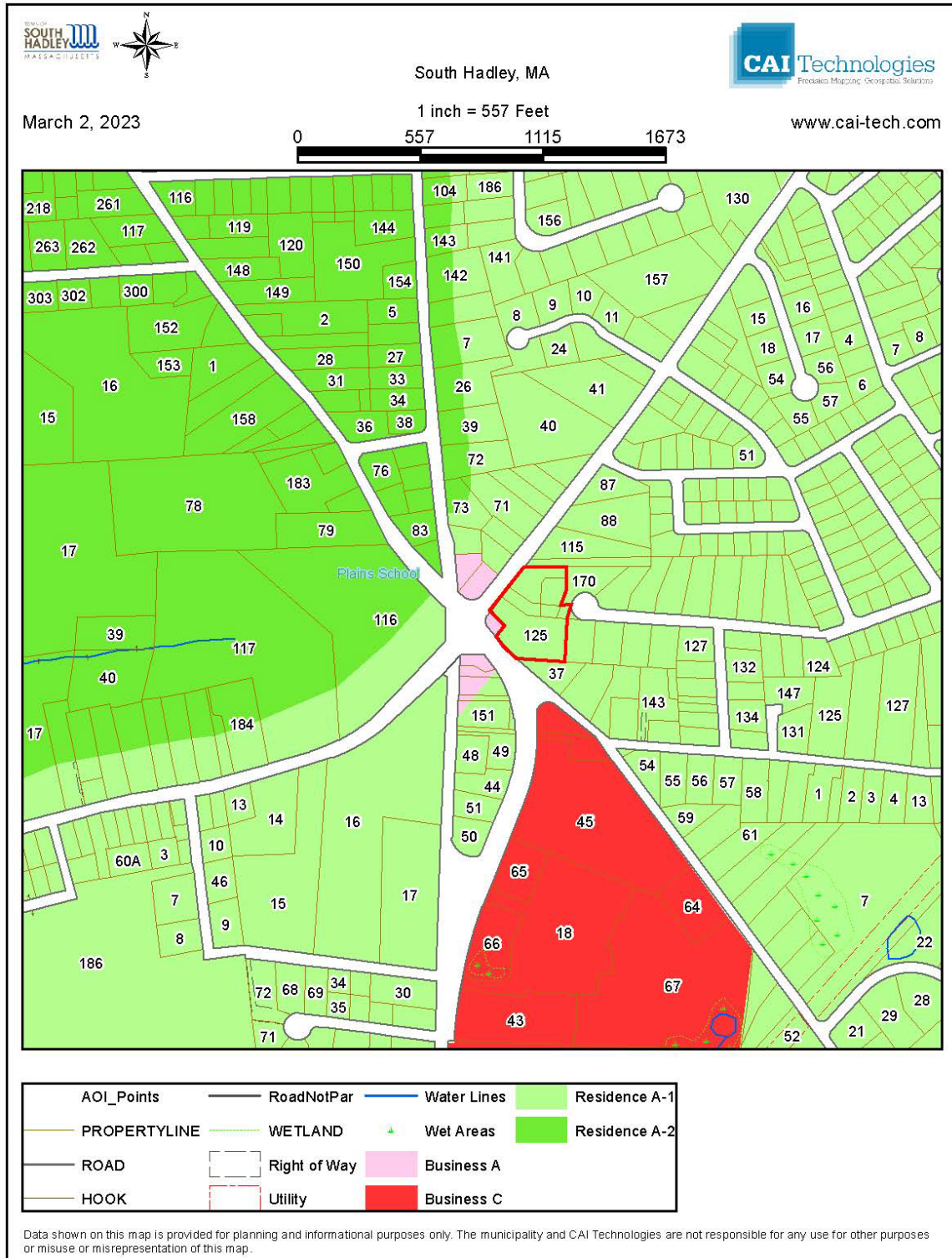
At their March 13, 2023 meeting, the Planning Board voted Four (4) opposed (D. Mulvaney, N. Therien, J. Brown, and M. Davis) to One (1) in favor (B. Hutchison) to not recommend the zoning map amendment. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

### **ATTACHMENTS:**

Attachment A: Zoning Map

Attachment B: Public Hearing Minutes

# ATTACHMENT A: Zoning Map



## **ATTACHMENT B: Public Hearing Minutes**

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

Zoning Map Amendment Request filed by RLB Management to change the zoning designation of 280 and 286 Granby Road from Residence A-1 to Business A, Map 15 Parcels 122, 123, 124, 125, 175, 176 and 113

### **MEETING MINUTES OF MARCH 13, 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 hearing to order at 7:09 PM and Clerk Brown read the hearing notice as follows:

*The South Hadley Planning Board will hold a virtual public hearing on Monday, March 13, 2023 at 6:30 p.m. to discuss a petition filed by RLB Management, c/o Robert Bolduc, to amend the South Hadley Zoning Map by changing the zoning designation of parcels at 280 and 286 Granby Road from Residence A-1 to Business A.*

*The public hearing will be conducted virtually/online 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/83878035511?pwd=Ulo3dW5lUHZpZnRmWnRPZzIeVFFndz09>*

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

*Webinar ID: 838 7803 5511 Passcode: 093700*

*The property contains seven (7) parcels creating a 3.17-acre contiguous tract of land located at the corner of Granby Road (Route 202) and Willimansett Street (Route 33) known as 280 and 286 Granby Road and identified as Assessor's Map 15 Parcels 122, 123, 124, 125, 175, 176 and 113. The property is currently undeveloped.*

*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.*

*Any person interested in, or wishing to be heard, regarding this item 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, February 24, 2023*

*Friday, March 3, 2023*

The petitioner's consultant, Rob Levesque of Rob Levesque Associates, was present at the hearing. He explained that his client wanted to develop the site into a series of retail stores. Starbucks Coffee Company has expressed interest in opening a coffee shop with drive-thru service at the location. Rob Levesque reiterated that his client had no intention or interest in opening a gas station on the site. Conceptual renderings were provided to elaborate on the petitioner's intention.

Director Capra overviewed the process for acceptance of a zone change. The petition was submitted to the Selectboard who referred it to the Planning Board for review and recommendation. The petition would then be considered at Town Meeting where it would ultimately be accepted or rejected. When considering a request for a zone change, the Board would refer to community plans and studies to guide their recommendation. Director Capra

detailed the site's existing zoning and potential uses as well as the development potential under the petitioned Business A zoning.

Chair Hutchison indicated that the petitioner's request was reasonable. The Business A zoning designation was likely the best fit for the property given all the zoning designations available.

Associate Member Adelman identified that the two renderings showing the petitioner's development interest had different traffic layouts. One rendering had one entrance and the other had two. The property was located at the intersection of Routes 202 and 33 which experiences heavy vehicle traffic. He wanted to see how site development would impact the existing traffic along the corridor as well as traffic within the abutting residential neighborhoods.

Member Therien felt a zone change recommendation was premature. Rezoning along the entire Route 202/33 corridor should be considered, as was identified in the recent corridor study, before a recommendation for this site could be given.

Vice-Chair Mulavney agreed with Member Therien's comments and looked forward to hearing public comment.

Clerk Joanna Brown agreed with Associate Member Adelman's traffic concerns. She was concerned the development would increase traffic concerns. She also identified that the property was located within the Accident Prevention Zone of Westover Air Base.

Member Michael Davis echoed the concerns for traffic as stated by other board members. He also identified that creation of a drive-thru coffee shop would further enforced vehicular use of the area rather than encourage pedestrian and bike use. He also expressed concern for the impacts to the abutting residential neighborhood.

Chair Hutchison opened the hearing to public comment.

Lucia Foley, 60 Shadowbrook Estates, addressed the Board. She lives near the site and likes to walk the area. The area was auto-centric with limited benefit to pedestrians. Innovative design strategies, such as constructing the buildings closer to the street than was theorized in the renderings, could help foster pedestrian use of the area and buffer residences behind the property.

Mike Adams, 4 Carol Anne Drive, addressed the Board. He recalled that a similar request to rezone the property came before the board a few years ago. Since that time, a study of the Route 202/33 corridor had been completed. It did not appear the proposal conformed to the findings of the study. As shown in the development renderings, vegetation serving as a buffer to his abutting neighborhood would be removed. Additionally, noise and light from the drive-thru operation would reach the abutting residential properties. He identified that the petitioner was seeking a zoning designation with the widest variety of business uses. If a zone change was granted, the property could be developed in any manner allowable under zoning of which gas stations were included.

Kevin Taugher, 42 Woodlawn, addressed the Board. He was concerned that this type of development would lead to negative traffic impacts. He stated that the intersection of Routes 202 and 33 had been identified as a 'high crash cluster'. Site development needed to be well thought out as entering and exiting the site would be challenging.

Sue and Dan Ware, 295 Granby Road, addressed the Board. They live near the site but did not receive notification of the hearing. They expressed concern for traffic and advocated that a traffic assessment be performed prior to development.

Anne Stockton, 325 Hadley Street, addressed the Board. She expressed appreciation for the Board's careful review of the petition.

Lisa Adams, 4 Carol Anne Drive, addressed the Board. She agreed with the concerns brought forward by residents during the hearing which included concerns for increased traffic.

Martha Terry, 25 Brainard Street, addressed the Board. She advocated for the Board to pursue development of a 'Low Density Mixed Use' zoning category, as was recommended in the Route 202/33 Corridor Study. This would allow the site to be developed in a manner that satisfied the needs of the property owner and the community. She was opposed to the petitioner's request for a Business A zoning designation.

Emelie Lyszchyn, 44 Old Lyman Road, addressed the Board. She supported some level of site development but did not support the amount of development proposed. She was concerned about increased traffic.

Linda Young, Westbrook Road, addressed the Board. She was concerned for traffic and questioned if a study had been performed. Chair Hutchison indicated that a study had not been performed as the petition was only for the zone change. A traffic study would be considered during review of applications for development.

Rob Levesque heard and understood the concerns made during the hearing. He would share the information with his client and consider all possible development alternatives. He asked if the Town had initiated a zoning review of the Route 202/33 Corridor as was recommended in the corridor study. Director Capra indicated that a study had not begun.

Jennifer Levitt, Oak Ave, addressed the Board. She agreed with the comments and concerns made during the hearing which included the concern for increased traffic. She opposed the petitioner's request.

Mark Adams, 4 Carol Anne Drive, addressed the Board again and reaffirmed his concerns for the petition. He asked for the zone change process to be explained. Director Capra clarified that there were a number of different processes depending on how the petition was filed. As this was a landowner petition, it was first submitted to the Selectboard and then referred to the Planning Board for Town Meeting recommendation. After such a petition is filed, the Town must act on the request.

Following public comment, members discussed a motion regarding the petitioner's request. It appeared that a majority of the Board were not supportive of the petition at this time as additional review of the zoning along the 202/33 corridor needed to be performed prior to support for a zone change.

**Motion:** Member Therein moved to *not* recommend that Town Meeting approve the petition for a zoning map amendment at 280 and 286 Granby Road to change the zoning from Residence A-1 to Business A and moved to draft a report to Town Meeting indicating such. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Chair Hutchison voted against the motion as he supported the petitioner's request.

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

The regular meeting reconvened at 8:26 PM.

Respectfully Submitted,  
Colleen Canning, Planning/Conservation

#### Appendix

Document	Document Location
280 and 286 Zone Change Petition	Planning Files
March 8 email Marth Terry, Brainard Street	Attached
March 11 Google Form from Linda Young, 15 Westbrook Road	Attached
March 11 letter from Martha Terry, Brainard Street	Attached
March 11 email from Carol Gillis, College Street	Attached
March 12 email from Thomas Terry, Brainard Street	Attached
March 12 email from Pauline Casey, Central Ave.	Attached
March 13 email from Hattie Finkel, Amherst Road.	Attached
March 13 email from Karen Hyvonen, Spruce Run.	Attached
March 13 email from Bobbie Salthouse, 20 The Knolls	Attached

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## Fwd: message

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

Fri, Mar 10, 2023 at 2:03 PM

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

From: **Martha Terry** <marthatterry25@gmail.com>  
Date: Wed, Mar 8, 2023 at 2:38 PM  
Subject: message  
To: Anne Capra <acapra@southhadleyma.gov>

Dear Anne,

Please relay this message to the Planning Board members and associate:

Dear Members of the Planning Board and Associate Member:

I have read the public hearing announcement re: Mr. Bolduc's request for a Zone Change to Business A at the corner of Routes 202 and 33.

I have also read and examined the 202/33 Corridor Study, completed in January of 2022, not 2021 as Mr. Bolduc attests.

On page 41 of the study, the proposed zone change for that corner is to Low Density Mixed Use, not to Business A, as Mr. Bolduc states.

His statement is erroneous.

I attended most, if not all, of the public meetings to create this 202/33 corridor study, and the final recommendation for the 202/33 corridor never mentions Business A zoning at this corner, but proposes the LDMU Designation, which does not yet exist as a category in the town's Use Regulations Table, but which could be created within a reasonable amount of time.

Thank you,

Martha Terry

# March 13, 2023 Planning Board Public Hearing- Granby Road Zone Change Request

## 6:30 - Public Hearing

to consider a petition filed by RLB Management to amend the zoning map by changing the zoning designation of 280 and 286 Granby Road from Residence A-1 to Business A, Map 15 Parcels 122, 123, 124, 125, 175, 176 and 113 (<https://www.southhadley.org/1347/Zoning-Map-Amendment-Requests>)

Please read the Planning Board's protocols for virtual meetings here : [Virtual Meeting Protocols](#) \*

I have read and acknowledged the protocols

Please State Your First and Last Name \*

Linda Young

Please State Your Street Address including City/State \*

15 Westbrook Road

Please state your email address - if any

lyoung@mtholyoke.edu

Do you wish to speak at the Planning Board meeting?

Yes

No

Please list the agenda items to which you wish to speak

Rte. 202/33 zone change request

You can include written comments below

I think whatever goes into this spot will become a traffic nightmare especially for people who want to head south or east. However, as something will happen here, I would prefer a mixed use development with affordable housing on top of retail. This will ease just a little our affordable housing dilemma. I would also encourage the use of Carol Ann Street as an egress though I do understand the residents on that street as well as W. Cornell and Oak have way too much traffic as it is. Thank you for reading this.

This form was created inside of southhadley.ma.gov.

Google Forms

Dear Members of the South Hadley Planning Board and Associate Member,

I am writing to express my opposition to a zone change at the northeast corner of Routes 202 and 33 in town, from Residential A-1 to Business A.

A study, funded by a grant also known as “taxpayer money”, of the Routes 202 and 33 corridor was completed in January 2022, after two years of professional study, public meetings, surveys, and input from citizens of South Hadley. I attended and participated in almost all the meetings, sent in comments, and completed any surveys that were sent out.

I also served as an appointed member of the Master Plan Committee, 2007 to 2010, and as an appointed member of the recent Master Plan Update Committee. Both these committees recommended Mixed Use at this location.

I would like the work of both these Master Plan Committees and the Routes 202/33 Corridor Study respected and followed.

On page 41 of the current Routes 202/33 Study, the proposed zone change for that corner is from Residential A-1 to Low Density Mixed Use, not to Business A as the applicant states in his letter to the Planning Board.

The applicant proposes a Starbucks business and two professional buildings with the zone change to Business A. However, under the current Residential A-1 zoning, he may have several professional business buildings, each with some allowed retail. Under the current zoning, he is also able to build residences on the site. Those residences may also house home occupations.

Mr. Bolduc therefore, under the current zoning, has many options for different types of “soft” businesses or for residences. There is no need for a zone change. Moreover, the town is under no obligation to grant the applicant his zone change request so that he may maximize his profits.

A zone change at this location is permanent. Once it is given, the applicant has free reign to develop the site as he wishes. He may develop the site as he proposes in his application or he may build something totally different. Or he may sell the property, with its enhanced value, to someone else.

I understand that the Low Density Mixed Use designation must yet be developed. I am also aware that the Planning Board has been extremely busy since the final Routes 202/33 Corridor Study was issued about a year ago.

I would like the Planning Board Members to add the creation of this Low Density Mixed Use category to their long list of projects, if they have not already done so.

Again, there is no need for haste regarding this parcel. The applicant currently has many profitable options under the current zoning.

When the LDMU category is developed, the applicant may build a Starbucks Business and other shops or professional buildings on this corner, and apartments may be built over these businesses. This is a win/win for businesses and housing, both very needed in this town.

In sum, the applicant has many, many options with the current zoning, and will have expanded options, including a Starbucks business, if he waits for the Planning Board to create the new Low Density Mixed Use zoning category.

Thank you for your time and consideration,

Martha Terry

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## Re: NO on Zoning Change

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**Anne Capra** <[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)>

Sat, Mar 11, 2023 at 1:42 PM

To: Carol Gillis <[carolgillis@comcast.net](mailto:carolgillis@comcast.net)>

Cc: Colleen Canning <[ccanning@southhadleyma.gov](mailto:ccanning@southhadleyma.gov)>

Your message has been received and will be forwarded to the Planning Board.

On Sat, Mar 11, 2023 at 12:01 PM Carol Gillis <[carolgillis@comcast.net](mailto:carolgillis@comcast.net)> wrote:

I am unable to attend meeting but am against the zoning change proposed by R. Bolduc.

Thank you, Carol Gillis

Sent from my iPad

--  
Anne Capra, AICP  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)

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## Re: Proposed Zone Change

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**Anne Capra** <acapra@southhadleyma.gov>

Mon, Mar 13, 2023 at 8:34 AM

To: "Tterry21@aol.com" <tterry21@aol.com>, Colleen Canning <ccanning@southhadleyma.gov>

Tom,

Your email has been received and will be forwarded to the Board.

Anne

On Sun, Mar 12, 2023 at 11:32 AM [Tterry21@aol.com](mailto:Tterry21@aol.com) <[tterry21@aol.com](mailto:Tterry21@aol.com)> wrote:

Dear Members of the Planning Board and Associate Member,

I am writing to express my opposition to the proposed zone change from Residential A-1 to Business A for the northeast corner of the Routes 202 and 33 intersection.

I am not opposed to a business being located at that site. However, it should be done based upon the recommendation of the recent Routes 202/33 Corridor Study, which is to rezone this parcel to Low Density Mixed Use.

While the Planning Board has not the opportunity to create the new Low Density Mixed Use zoning classification, it has expressed support. To ignore the recommendations included in the report would undermine it before it is even formally implemented.

I urge the Planning Board to not endorse this request.

Thank you,

Thomas Terry

--  
[Anne Capra](mailto:acapra@southhadleyma.gov), AICP  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)

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**Re: zone chg**

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**Anne Capra** <acapra@southhadleyma.gov>

Mon, Mar 13, 2023 at 8:33 AM

To: Pauline Casey <pcas010@comcast.net>, Colleen Canning <ccanning@southhadleyma.gov>

Pauline,  
Your letter has been received and will be forwarded to the Board.  
Thanks,  
Anne

On Sun, Mar 12, 2023 at 9:04 PM Pauline Casey <pcas010@comcast.net> wrote:

Hi Anne: I would just like to remind people of what happened in Holyoke when the new owner of the former church on Pleasant St. was granted a zone change for his plan to have a motorcycle business promising to preserve its historical aspect and after receiving it has put it up for sale. Now anything could go in there. It was granted with reluctance by at least Sue Panitch for just that possibility. Pauline Casey  
Sent from my iPhone

--  
Anne Capra, AICP  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
acapra@southhadleyma.gov

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**Re: Planning Board Meeting, 3/13/23**

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**Anne Capra** <acapra@southhadleyma.gov>

Mon, Mar 13, 2023 at 11:53 AM

To: Harriet Finkel <hattie.finkel@gmail.com>, Colleen Canning <ccanning@southhadleyma.gov>

Harriet,  
Your email has been received and will be forwarded to the Board.  
Anne

On Mon, Mar 13, 2023 at 11:40 AM Harriet Finkel <hattie.finkel@gmail.com> wrote:

Good Morning Ann,

I am writing to express my opposition to the proposed zoning change to the northeast corner of Routes 202 and 33 from current Residential A to Business A. This proposal offers no benefit to the Town and would only serve to benefit the applicant. As a Town Meeting Member, I could not support this change if it is presented as an Article at the May Town Meeting.

Please distribute this email to all Planning Board members and include these comments in tonight's Planning Board minutes.  
Thank you.

Yours very truly,

Hattie Finkel  
[450 Amherst Road](#), District D

--  
Anne Capra, AICP  
Director, Planning & Conservation  
Town of South Hadley  
116 Main Street | South Hadley, MA 01075  
(413) 538-5017 x6128  
[acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov)

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## Public Hearing for Zoning Map Amendment Request filed by RLB Management to change the zoning designation of 280 and 286 Granby Road from Residence A-1 to Business A

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**Karen Hyvonen** <kmhyv@juno.com>

Mon, Mar 13, 2023 at 10:11 AM

To: "SHPlanBoard@southhadleyma.gov" <SHPlanBoard@southhadleyma.gov>

Dear Planning Board Members,

I am troubled by how frequently careful planning and balanced, targeted approaches to town development are thwarted by calls for exceptions as soon as guidelines are confirmed. In this case, my understanding is that there is much flexibility in current zoning rules and thus no need for the changes requested. I would agree with a recent LTE in the Gazette expressing concern that such changes could also open the door to vacation rentals that could easily change the tenor of neighborhoods in unintended ways. Please support the carefully considered parameters already in place. Thank you.

Karen Hyvonen 1 Spruce Run

Sent from [Mail](#) for Windows

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## Fwd: Proposed zoning change on NE Corner of 33/202

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**Colleen Canning** <ccanning@southhadley.ma.gov>  
To: Colleen Canning <ccanning@southhadley.ma.gov>

Mon, Mar 13, 2023 at 6:00 PM

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

From: **Bobbie Salthouse** <bobbiesalthouse@gmail.com>  
Date: Mon, Mar 13, 2023 at 3:20 PM  
Subject: Proposed zoning change on NE Corner of 33/202  
To: <acapra@southhadley.ma.gov>

Hi Anne,

I am writing to express my view that the Planning board adhere to the recommendations of the 202/33 Corridor Study (as well as the 2010 and recently updated Master Plan) all which recommend that the Robert Bolduc parcel be rezoned not as Business A but as low density mixed use, which encourages both commercial and much needed housing development. **If the parcel is rezoned Business A it would not be developed in a way that benefits South Hadley's statement vision for that area.**

Thank you,

Bobbie Salthouse

**Planning Board Report to Town Meeting  
Citizen Petition for Zoning Map Amendment at 460 Amherst Road  
May 10, 2023 Annual Town Meeting  
Article 24**

**ARTICLE 24:** To see if the Town will vote to amend the Zoning Map by changing the designation of a 0.69-acre parcel situated on the northwest corner of Amherst Road (Route 47) and the intersection of Pearl Street, and known as 460 Amherst Road, identified on Tax Assessor's Map 58, Parcel 80, from mixed zoning designation of Agricultural and Business B to all Business B, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

**PUBLIC HEARING:**

The Planning Board conducted a public hearing on April 10, 2023 to consider the request by Citizen's Petition to amend the Zoning Map for the subject parcel from its split zoning configuration of partially Agricultural and Business B, to all Business B. The Board heard comments from members of the public as well as the prospective buyer of the property, who had recently withdrawn an offer to purchase the property. Minutes of the hearing are included as Attachment A.

**REPORT:**

The subject parcel is 0.69 acres located on the southwest corner of the intersection of Pearl Street and Amherst Road/Route 116. A citizen's petition for a zoning map amendment was received by the Town Clerk on January 24, 2023: "To see if the Town will vote to amend the Zoning Map, Chapter 255, Attachment 9, for Map 58, Parcel 80 (a.k.a. 460 Amherst Road) to fully Business B from the current split zoning configuration of one-half Business B and one-half Agricultural." The Selectboard referred the petition to the Planning Board for a recommendation and to make a formal report to Town Meeting.

The petition for a zone change was originated by a former resident who was interested in purchasing the property and converting it to a breakfast and lunch restaurant. The rear of the lot which is zoned Agricultural would be needed for parking for such a restaurant which necessitated the zone change. However, that person decided not to pursue that business venture and withdrew their purchase offer. However, since the zone change request was initiated by a citizen's petition filed with the Town Clerk, the Town is obligated to engage in the required process for placing it on the Warrant for a vote by Town Meeting. A full-size zoning map is submitted below. In both images, tan is the Agricultural zoning district and purple is Business B.

The subject parcel was a small market and gas station for many years until its closure sometime in the past few years. The redevelopment potential of the existing buildings and/or the environmental condition of the site is not known.



#### **Allowed Uses in Each Zoning District**

The subject zoning districts are described in the Zoning Bylaw 255-11 as follows:

Agricultural - The purpose of this district is to promote agriculture, forestry, recreation, and land conservation, as well as compatible open space and rural uses, by siting development in a manner that preserves large contiguous tracts of open space and agricultural land. The preservation of scenic vistas of open land, forestland, the Mount Holyoke Range, the Mount Tom Range, and the Connecticut River in this district is a key aspect of maintaining South Hadley's desired scenic and rural identity.

Business B (Village Center Mixed Use) - The purpose of this district is to maintain the traditional scale, density, design, and mix of uses that characterize South Hadley's historic village centers and in other areas intended to develop with a similar village character, including a wide range of business uses, low-impact manufacturing, and residential use.

Existing uses currently allowed with each Zoning district are as follows:

#### *Agricultural*

- Single-family residential by-right
- Two-family allowed by Special Permit; all other multi-family prohibited
- Business uses prohibited generally
- Open Space uses allowed

#### *Business B*

- Single-family and two-family residential by-right
- Multi-family by Special Permit
- Business uses by Site Plan Review or Special Permit
- Open Space uses allowed

### **Zoning in the Area**

There are seven parcels at or proximal to the intersection of Amherst Road and Pearl Street that have Business B zoning. A portion of the five of these parcels are similarly zoned Business B along the frontage, or a portion of their frontage, and Agricultural in the rear. One parcel to the northeast of the intersection on Amherst Road is fully Zone B (Map 58, Parcel 47). And another parcel, (Map 58, Parcel 92), has only a small area in the northeast corner zoned Business B with the remaining majority of the lot zoned Agricultural. However, six of these parcels are existing single-family residences, and one is maintained as open space. Outside of these seven parcels, the surrounding land is zoned Agricultural to the south approximately 990 feet north of The Knolls, and west to the Connecticut River, generally encompassing the entire northern portion of town. The Granby town line approximately follows Amherst Road placing the frontage of the lots to the northeast in Granby. However, the parcels to the southeast of the subject parcel in Granby are also single-family residential dwellings. At the April 10, 2023 public hearing, an attendee stated that the residential dwellings zoned Business B had housed farm related businesses in the past when agriculture was the dominant use on Pearl Street, likely several decades ago.

### **Relationship to Master Plan**

In the 2020 Master Plan Update, the intersection of Amherst Road/Route 116 and Pearl Street is not specifically identified as a focus area of concern or for recommended strategies. The 2010 Master Plan land use vision statement for Route 116, Amherst Line to Town Common is as follows:

Route 116, from the Amherst Line to the Town Common, consists of a mix of land uses with historical properties and structures located nearer to the Town Common and predominately single-family residences to the north. Particular characteristics and considerations relevant to this corridor include:

- Though limited, the commercial development along this corridor is not consistent with the dominant residential and historical nature of the corridor and does not complement neighborhood character.
- The character and intensity of development along this corridor has maintained open spaces and significant views of the Mount Holyoke Range.
- Several gravel pits are located along the north side of the Amherst Road portion of the corridor opposite the town of Granby. While only the largest of these operations predates the Zoning Bylaw, both operations are considered nonconforming (but grandfathered) since the Zoning Bylaw has been amended since the smaller operation was originally permitted. Such operations, similar to the smaller commercial businesses, should be considered exceptions, and contrary, to the corridor's dominant character.
- Future development of the Amherst Road portion of this corridor should be limited to residential uses, consistent with existing trends. Future development of the Woodbridge Street portion of this corridor (from Amherst Road to the Town Common) should complement the surrounding architecture and style.
- Implementation of a design review process, with jurisdiction over this corridor, can help retain this historical and residential character of the Town.

### **Department Comments:**

*Donna Whitely, Treasurer/Collector:* This property does have a past due Real Estate bill that was due 2/1/23. The amount due as of 4/5/23 is \$741.56.

*Missy Rimbold, Associate Assessor:* There is nothing due to this office as it is an inactive business.

*John Broderick, Acting DPW Director:* I do not know of any plans for Mass DOT to reconfigure that corner. I know the town has no plans to reconfigure the intersection of Pearl Street which is town owned with the Mass DOT easement. I do know that over the years there have been a few accidents there. Mass DOT in the last two years has added the reflective stanchions and tried a new pavement method for corners that includes a traction layer I believe it is sprayed. This was done after they milled and resurfaced the corner directly in front of 460. There have been some accidents, but I am not familiar with the building being hit other than some minor bump and goes. The few accidents at this intersection happened late at night or in western setting sun time. Large truck traffic should travel Rt.116 to Rt. 47 ideally anyways.

### **Zoning Map Amendment Considerations**

1. Spot zoning should not be approved. As indicated, approximately half of the subject property is currently zoned Business B, and six of the adjacent lots have some Business B coverage. It does not appear that changing the zoning on the subject parcel from partially Agricultural to fully Business B would constitute spot zoning.
2. The split zoning on the subject parcel may have the potential to hamper redevelopment of the site for business uses. For example, redevelopment of the property into a small restaurant was not feasible due to the small area within Business B available for parking. Extending any business uses, including parking, into the Agricultural zoned portion of the site would be prohibited, with the exception of the sale of farm products which is allowed by right. The use of the site for open space uses such as a small park or parking for other nearby open space uses may be permissible.
3. Rezoning the entire parcel Business B would still allow for redevelopment as residential uses but would also expand the options for the site to additional business uses such as retail, restaurant and professional and business services, as well as others, all of which would require either Site Plan Review or Special Permit.

### **Public Comment**

During the Public Hearing, comments from the public expressed concern for a re-zoning to a business use due to a number of severe accidents over past years on that corner and to the north along Amherst Road. MassDOT had installed reflective stanchions along the road shoulder at the subject property. The abutter at 450 Amherst Road has secured a recorded an access easement across 460 Amherst Road which they use as a driveway to their property due to what they reported as dangerous traffic conditions along that segment of Amherst Road. Some residents supported the idea of a small business to serve neighborhood needs as the former Gagne's Market had done for years. The prospective buyer for the subject property stated that she has withdrawn her offer to purchase the property due to the high cost estimate received to renovate the site for a restaurant. Some residents expressed a desire for the Town to acquire the property and redevelop it as a small park with parking for the Lithia Springs trailhead which is off of Pearl Street on Lithia Springs Road.

### **RECOMMENDATION:**

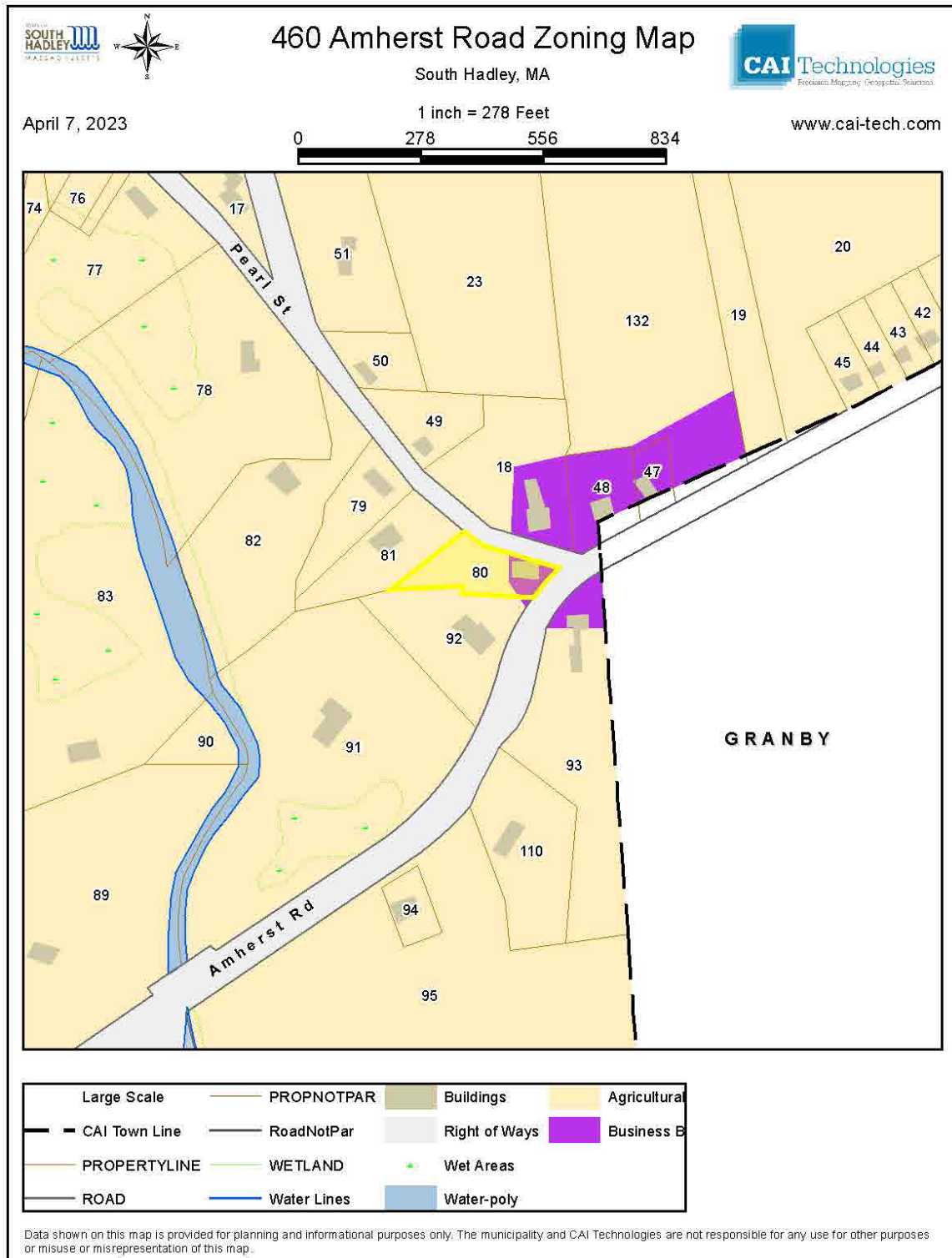
At their April 10, 2023 meeting, the Planning Board voted Five (5) opposed (B. Hutchison, D. Mulvaney, N. Therien, J. Brown, and M. Davis) to not recommend the zoning map amendment. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

### **ATTACHMENTS:**

Attachment A: Zoning Map

Attachment B: Public Hearing Minutes

**ATTACHMENT A: Zoning Map**



## **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=OjBISlQ3MFZxSVZvd00xdGNVeHpNUT09>*

*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 abutter 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**

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