

# Background Materials November 27, 2023– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 11/21/23

**NOTE – Meeting start time at 6:00 PM**

**Cable Access Channel 15** –The Cable Studio has indicated that this meeting will be live streamed on Channel 15.

## AGENDA ITEM #1 Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy, as amended 9/11/23, posted on the Town of South Hadley Planning and Conservation Department webpage here:

<https://www.southhadley.org/DocumentCenter/View/11705/Policy-on-Open-Comment-Period---As-Adopted-2023-09-11>

**Action Needed:** Allow members of the public to offer comments to the Board.

## AGENDA ITEM #2 Minutes

Planning and Conservation Coordinator Colleen Canning will forward minutes separately.

**Action Needed:** Vote to approve the minutes.

## AGENDA ITEM #3 Correspondence

Correspondence is attached.

**Action Needed:** No action needed.

## AGENDA ITEM #3 Approval Not Required (ANR) Plan filed by Dean Sourdiffé to consolidate two parcels associated with 34 Upper River Road, Map 45 Parcels 14 and 15

Plans are online here:

[https://www.southhadley.org/DocumentCenter/View/12085/34UpperRiverRdANR\\_2023?bidId=](https://www.southhadley.org/DocumentCenter/View/12085/34UpperRiverRdANR_2023?bidId=)

These parcels (Assessor’s Map 43, Parcels 14 and 15) are within the Agricultural zoning district and under the same ownership as Parcel I and II within Deed Book 4320, Page 60, recorded 10/8/1993 at the Hampshire County Registry. The property owner is seeking to combine the two parcels into one through ANR approval. The proposed ANR will extinguish the preexisting nonconforming dimensions of the two parcels by creating one conforming lot.

### ANR Standards for Approval

1. **Type of Way:** Upper River Road is used as a public way and included within the Town’s calculation for Chapter 90 funding from the State for roadway maintenance. DPW maintains the

entire alignment of Upper River Road, from the end of Riverlodge Road to the end of Upper River Road (dirt road). Therefore, this standard is met.

2. Minimum frontage requirements for zoning district: The frontage requirement within the Agricultural zoning district is 150'. Combining the two lots will result in 229.03' of frontage. Therefore, this standard is met, and will extinguish the existing nonconformities on both parcels. Although not a requirement for ANR approval, the combined lot size will also become conforming at 46,603 SF (min. lot size 30,000 SF).
3. Vital access: Adequate physical access is provided to the property through the frontage shown on the ANR plan. Several year-round residential dwellings also exist on the road and are accessed through this same way. DPW maintains this road as well. Therefore, this standard is met.



**Action Needed:** The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, the Board should also authorize the Director of Planning & Conservation to sign the plan on the Board's behalf.

#### AGENDA ITEM #4 Discussion on Subdivision Regulations Update – Design Standards and Required Improvements

The Board initiated work on updating the Subdivision Regulations in July 2023. All materials prepared for this are posted online here: <https://southhadley.org/1318/ProposedDraft-Bylaws>

The draft materials are based on the subdivision regulation model prepared by PVPC, with the participation of South Hadley staff including former Planning Director Richard Harris, Anne Capra, then Conservation Administrator, former DPW Director Jim Reidy, and Public Health Director Sharon Hart.

### Abutter Notification

At the 11/13/23 meeting, Member Brown inquired about abutter definitions with the Subdivision Regulations, noting it is not consistent with MGL C40A, which is correct. The Subdivision Regulations are promulgated from a different State law, MGL Chapter 41, Sec. 81K thru 81GG, known as the Subdivision Control Law. Within Chapter 41, Sec 81T is the requirements for a public hearing and abutter notification for a Definitive Subdivision Plan (an ANR and Preliminary Subdivision Plan do not require a public hearing or abutter notification; only review at a regularly posted meeting of the Planning Board). As you will see within Sec. 81T, the following:

“and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list; provided, however, that when the planning board is also the special permit granting authority for a special permit applicable to the plan, the planning board may hold the definitive plan public hearing together with the public hearing required by section 9 of chapter 40A and allow for the publication of a single advertisement giving notice of the consolidated hearing.”

Thus, unless the Definitive Subdivision application is *also* subject to a Special Permit (e.g. Flexible Development), the definition of “abutter” from MGL c40A, Sec. 11 (included within “Parties in interest”, as there is no specific definition of “abutter” within 40A) is not applicable. The process would follow the Subdivision Control Law c41, sec 81T. *HOWEVER*, all certified abutter lists for all Planning Board permits are generated by the Assessor’s Department. The Assessor’s Department uses the MGL c40A, sec. 11 parties in interest definition for generating the list. Therefore, as a matter of practice, we do utilize the c40A parties in interest standard for all abutter notification required for Planning Board permits.

[General Law - Part I, Title VII, Chapter 41, Section 81T \(malegislature.gov\)](http://malegislature.gov)

[General Law - Part I, Title VII, Chapter 40A, Section 11 \(malegislature.gov\)](http://malegislature.gov)

“Parties in interest” as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town... When a planning board or department is also the special permit granting authority for a special permit applicable to a subdivision plan, the planning board or department may hold the special permit public hearing together with a public hearing required by sections 81K to 81GG inclusive of chapter 41 and allow for the publication of a single advertisement giving notice of the consolidated hearing.

**Action Needed:** Continue discussion on updates and revisions to the Subdivision Regulations beginning with Article X Required Improvements.

### AGENDA ITEM #5

#### Planning & Conservation Department Report on Planning Projects and Development Updates

##### **A. Housing Production Plan – Joint Meeting with Selectboard for Adoption 12/5/23 @ 7:15pm**

The Planning Board and Selectboard will be holding a joint public hearing to consider adoption of the Housing Production Plan. Please join us!

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89191584587?pwd=Uzg0YVNGaXBGcmFNUFJoQjcyS0w2dz09>

Or Telephone: +1 646 558 8656

Webinar ID: 891 9158 4587

Passcode: 388383

**B. Fall Housing Speaker Series - Housing as a Human Right - Wednesday, 11/29 at 7pm**

Event Flier: [Housing-Speaker-Series-Flier---112923 \(southhadley.org\)](#)

Please click the **LINK** below to join the webinar:

<https://us02web.zoom.us/j/86091171588?pwd=WHEzVUNQQk1oZVljbmtdJdDU3L1pOQT09>

Or By Phone: 1 (646) 558 8656

Webinar ID: 860 9117 1588

Passcode: 044290

*Join us for a three-part speaker series to explore affordable housing in western Massachusetts. The term "affordable housing" means different things to different people, and often is associated with stereotypes and misperceptions about what it will look like, who will live there, and how it will impact local neighborhoods and the community. Come hear from affordable housing developers and policy experts about projects they have built and operate in communities surrounding South Hadley.*

<https://southhadley.org/1373/What-is-Affordable-Housing>

Links to the two presentations held so far are here:

- [What is Affordable Housing, How is it Built, and Who is Involved](#)
- [Housing for All: Workforce, Middle Income and Affordable](#)

**C. MVP 2.0 – Seeking Community Liaisons**

South Hadley has been awarded a Municipal Vulnerability Preparedness (MVP) 2.0 Grant. The focus of the program is to improve resiliency to the impacts of climate change in the most vulnerable populations with a focus on social equity. We are seeking 5 residents to join the project steering committee as Community Liaisons. The steering committee (called the Core Team) will receive training on climate change and will work collaboratively to understand community needs around climate change and develop a seed project to improve climate resilience in the community. Community Liaisons will be paid \$50/hour for their time, anticipated to be approx. 5-8 hours per month.

Community liaison job description online here:

<https://www.southhadley.org/DocumentCenter/View/12096/Community-Liaison-Flier-and-Job-Description->

Please submit your interest by 12/8. Contact me to discuss details or ask questions at [acapra@southhadleyma.gov](mailto:acapra@southhadleyma.gov) | (413) 538-5030 x6128

**D. Next Planning Board Meetings and Other Important Dates**

*Planning Board typically meets the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month.*

11/29	Housing Speaker Series – Workshop #3 – 7pm via Zoom
12/4 – PB Mtg	
12/5	Joint Selectboard/Planning Board Meeting – Vote on Adoption Housing Production Plan
12/18 – PB Mtg	
1/8/24 – PB Mtg	
1/22/24 – PB Mtg	
2/12/24 – PB Mtg	
2/26/24 – PB Mtg	
3/11/24 – PB Mtg	
3/25/24 – PB Mtg	
4/8/24 – PB Mtg	
4/22/24 – PB Mtg	

**E. Sign up for Planning and Conservation Department, Planning Board and/or Conservation Commission Alerts**

Help us help you stay informed! Customize your notifications and whether you want to receive them by email or text here:

[Alerts & Notifications | South Hadley, MA - Official Website](#)

You can also sign up for CivicReady mass notification on the website too. This is for various weather alerts and emergency notifications.

Background Reports for all Planning Board meeting are posted online here:

<https://www.southhadley.org/1274/Agenda-Background-Materials>

**AGENDA ITEM #6** Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No additional business has been submitted to me as of the date of this notice.