

Background Materials January 22, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 1/19/24

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

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

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

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 are attached.

Action Needed: No action needed.

AGENDA ITEM #6 Discussion on Flexible Development Bylaw Amendment

The Board will begin review of the proposed bylaw amendments. A detailed report summarizing the comprehensive bylaw amendment package is attached to this report. All proposed bylaw amendments are online [here](#):

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

Action Needed: Begin discussion on amendments to Flexible Development Bylaw and associated bylaws.

AGENDA ITEM #6

Planning & Conservation Department Report on Planning Projects and Development Updates

A. Zoning Amendment Petition – Business A-1 Zoning District

A petition for a zoning amendment has been submitted to the Selectboard by the owner of 506 Granby Road, Himanshu Patel, and referred to the Planning Board for review at their 1/16/24 meeting. The amendment seeks to amend the Business A-1 zoning district to allow multifamily residential uses as part of a mixed-use development. This proposed amendment was the subject of an informational meeting with the Planning Board held on November 13, 2023.

The process for a Zoning Bylaw amendment is outlined in [MGL c.40A sec.5: General Law - Part I, Title VII, Chapter 40A, Section 5 \(malegislature.gov\)](#)

The public hearing must be held within 65 days of referral to the Planning Board by the Selectboard, and a report made to Town Meeting within 21 days of the close of the hearing. ***I am recommending the Board hold a Special Meeting on Monday, March 4th at 7pm for this public hearing. The Board will need to determine if this works for everyone’s schedule.***

At the Board’s meeting on 1/8/24, there was discussion on abutter notification. After further review of the petition, the petition is to amend the Zoning Bylaw, not a Zoning Map amendment. Therefore, there is no abutter notification but rather legal ad and public posting notification requirements per MGL c.40A sec. 5.

B. Next Planning Board Meetings and Other Important Dates

Planning Board typically meets the 2nd and 4th Mondays of the month.

2/12/24 – PB Mtg	<ul style="list-style-type: none"> • 40R Smart Growth Zoning Districts and Design Standards Amendment Discussion w/ June McCartin, Outwith Studios • Short Term Rental SPR – 22 Hollywood Street
2/26/24 – PB Mtg	• Citizen Petition Zoning Amendment – Business A-1 District – Public Hearing
3/4/24 - TBD	Special PB Meeting – Bus A-1 Zoning Amendment Public Hearing
3/11/24 – PB Mtg	
3/25/24 – PB Mtg	
4/8/24 – PB Mtg	
4/22/24 – PB Mtg	

	<u>May Meeting Schedule</u> 5/27 Memorial Day Meet 1 st and 3 rd Wednesday that month? 5/6 and 5/20
5/8/24	Annual Town Meeting
6/10/24 – PB Mtg	
6/24/24 – PB Mtg	

Regulation and Bylaw Amendment Schedule - January 5, 2024

Meeting Date	Topic	Discussion/ Hearing
January 8, 2024	Subdivision Regulations - Article VII 360-28 Plan Requirements 360-29 Additional subdivision requirements 360-30 Reviews by Other Municipal Boards and Departments 360-31 Public Hearing 360-32 Action on Definitive Plan	Discussion
	<ul style="list-style-type: none"> • EINK Special Permit Extension Request • CPC Representative 	
January 22, 2024	Flexible Development Bylaw <ul style="list-style-type: none"> • Board Review • Public Hearing - 3/25/24 	Discussion Public Hearing
February 12, 2024	Flexible Development Bylaw <ul style="list-style-type: none"> • Board Review 	
	<ul style="list-style-type: none"> • Short Term Rental SPR – 22 Hollywood Street • 40R Smart Growth Zoning Districts and Design Standards Amendment Discussion w/ June McCartin, Outwith Studios 	
February 26, 2024		Public Hearing
	<ul style="list-style-type: none"> • Bus A-1 Zoning Amendment – Landowner Petition 	
March 11, 2024	Multifamily Bylaw Amendment – Common Open Space Multifamily Bylaw Amendment – Common Driveway Common Driveways Bylaw – New (associate with Multifamily Developments)	Discussion
March 25, 2024	Multifamily Bylaw Amendments	Public Hearing
	Common Driveway Bylaw - New	
	Flexible Development Bylaw Amendment	
April 8	Sign Bylaw Amendment <ul style="list-style-type: none"> • Board Review • Public Hearing (August) 	Send to Fall Town Meeting for adoption
April 22	Agricultural Uses Amendments <ul style="list-style-type: none"> • Board Review • Public Hearing (August) 	Send to Fall Town Meeting for adoption
May 8th	Annual Town Meeting	

May 1 st mtg	Subdivision Regulations - Article VIII – Pre-Endorsement, Endorsement, Performance Guarantees, and Implementation of Definitive Plan 360-33 thru 360-43 Subdivision Regulations Appendices	Discussion
May 2 nd mtg		
June 10	Subdivision Regulations Amendment	Public Hearing
June 24	Subdivision Regulations Amendment - Adoption	
July 8 & 22	Common Driveway <i>Regulations</i> – New <ul style="list-style-type: none"> • Board Review • Planning Board Hearing Planning Board adoption only (after adoption of Common Driveway <i>Bylaw</i> by Town Meeting)	Discussion Public Hearing
August	Sign Bylaw Amendments Public Hearing Agricultural Uses Amendments Public Hearing	Public Hearing

Process Notes

Updated Subdivision Regulations should not be adopted by the Planning Board until Town Meeting has adopted zoning amendments for Flexible Development Bylaw and Multifamily Bylaw, and a new Common Driveway Bylaw.

After Common Driveway Bylaw adopted, the Planning Board needs to develop and adopt Common Driveway Regulations which will include the design standards for common driveways.

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.

Zoning Bylaw Amendments Package – Revised – January 11, 2024

Summary of Proposed Amendments

The Planning Board has been working on amendments to the 1995 Subdivision Regulations to bring them up to date with revisions to the state's Subdivision Control Law. The goals of these amendments are to improve functionality and safety for multimodal transportation, improve stormwater management requirements in relation to climate change impacts, integrate considerations for community character and quality of life in plan evaluation, and improve administrative processes for more effective permit compliance and enforcement. The amendments sought to achieve these goals have some implications on the Zoning Bylaw, specifically the Flexible Development Bylaw (255-31), which need to be addressed before any changes to the Subdivision Regulations can be adopted by the Planning Board.

Flexible Development is a zoning tool that essentially creates a subdivision with a portion of the site devoted to protected open space. In addition to ensuring consistency with the Subdivision Regulations, changes to the Flexible Development Bylaw are intended to incentivize use of it as an alternative to a traditional subdivision. Since its adoption in 2004, it has only been used three times. The bylaw is unfortunately complicated and confusing, and its relationship to the Subdivision Regulations even more so.

Therefore, additional amendments to the Zoning Bylaw are proposed as follows:

- Revise Flexible Development Bylaw to eliminate confusion with Subdivision Regulations and encourage use;
- Create uniformity throughout Zoning Bylaw on common open space requirements;
- Create Common Driveway Bylaw and Regulations

Proposed amendments and new bylaws include the following:

- 255-31 Flexible Development Bylaw Amendment
- 255-47 Multifamily and multiple dwellings Amendment
- 255-95 Common Drive NEW Bylaw
- 255-96 Common Open Space NEW Bylaw

Proposed amendments/new bylaws online here: <https://www.southhadley.org/1318/ProposedDraft-Bylaws>

Flexible Development Confusion

Flexible Development (§ 255-31) was developed as a replacement for “Cluster Development” in 2004. The Zoning Bylaw details the process for obtaining approval of a Flexible Development. The steps include the following.

§ 255-31D(1)(f):

Definitive plan. The final step in the design process is preparation of the definitive plan required by the South Hadley Subdivision Regulations. This plan is encouraged to be submitted as part of the special permit application but, as provided in Subsection E(2), must be submitted and approved in accordance with the South Hadley Subdivision Regulations.

§ 255-31E(2)(a) and (b):

Subdivision plan. All flexible development projects will involve submittal and approval of a subdivision plan pursuant to the Town of South Hadley Subdivision Regulations. Accordingly, the applicant must submit and obtain approval of the definitive plan either at the time of submittal of an application for the special permit or at a later date, but in accordance with the South Hadley Subdivision Regulations.

Applicants are encouraged to submit an application for definitive subdivision approval with the application for a special permit. If an applicant submits an application for definitive subdivision approval with his/her application for a special permit, the applicant must also provide written authorization to extend the deadline for definitive plan approval to a date at least 30 days after the special permit decision is filed with the Town Clerk.

However, since the provision was adopted three applications for Flexible Developments have been submitted to and approved by the Planning Board:

- Mountainbrook Subdivision
- Dry Brook Village
- Skinner Woods

Of these developments, only Mountainbrook involved development of a subdivision. The other two developments were proposed and approved as condominium developments with all of the land to be owned in common. Thus, a Definitive Plan should not be required. The appropriate requirement would have been for a plan for “more than one building for dwelling purposes per lot” with the corresponding required improvements and guarantee of access pursuant to Articles VI, VII, and VIII of the Subdivision Regulations.

During processing of the two non-subdivision Flexible Developments, this issue became a point of confusion to the applicants and their consultants. While the Town and the applicants were able to work around this issue, resolution of this confusion should be a priority. Adoption of the new Subdivision Regulations make this resolution even more compelling.

[Implication of Subdivision Regulation Changes on Zoning bylaw](#)

The current Subdivision Regulations provide requirements for access to dwellings, infrastructure plans, and improvements for *non-subdivisions* which entail “more than one building for dwelling purposes per lot” (Chapter 360 Articles VI, VII and VIII). The reason for this is because that is where the standards for roads have existed. Through the proposed comprehensive amendments, provisions for more than one building for dwelling purposes per lot will be removed from the Subdivision Regulations. This change will have implications for multifamily developments, developments with more than one building for dwelling purposes on a single parcel of land (e.g. condominium developments), and Flexible Developments. Elimination of this provision will mean that there will not be standards for access to dwellings, infrastructure plans, and improvements for such developments so those standards will need to be added within the Zoning Bylaw. Some South Hadley developments where the provisions have been applied include:

- Alvord Place
- Strong Farm
- Pine Grove
- Rivercrest

- Skinner Woods

Over the years, the provisions in the Subdivision Regulations raised confusion – particularly with consultants and developers new to South Hadley. The frequently asked question has been “If I am not developing a subdivision why do I need to conform to the Subdivision Regulations?”

Creation of standards for access and roadways for these types of developments is proposed to be through the creation of a new Common Drives Zoning Bylaw. This new bylaw will be referenced within the applicable other sections of the bylaw: 255-47 Multifamily and multiple dwellings and 255-31 Flexible Development.

[255-95 Common Drive NEW Bylaw](#)

Create uniformity as to common open space requirements

When Flexible Development was developed and included in the Zoning Bylaw, that was the only form of development that required common open space. However, adoption of Section 255-47 (Multifamily and Multiple dwellings) imposed common open space requirements on multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land. This provision makes reference to the Flexible Development provision. A simpler approach would be to establish a “General Provision” for required common open space which would apply to all developments in which such space is required – much like the parking standards are applied across all developments.

[255-96 Common Open Space NEW Bylaw](#)

[255-31 Flexible Development Amendments](#)

[255-47 Multifamily Amendments](#)

Encourage use of Flexible Development

As noted earlier, in over 15 years, only three applications for Flexible Development have been submitted. One was developed as a subdivision and another is being developed as a condominium development. The third project was approved as a condominium development but was never developed. There has been a desire to encourage use of Flexible Development. The motivation for encouraging Flexible Development has arisen from a desire to have more common open space retained.

There are several approaches for encouraging use of Flexible Development as opposed to a standard subdivision or multifamily development approach:

- Only all residential subdivisions including a set aside for required common open space to be approved by right;
- Allow Flexible Development to be approved by Site Plan Review instead of Special Permit).

However, there has been concern that Flexible Development has been used to seek approval of multifamily or similar developments in locations where the underlying zoning does not allow such developments. To address such concerns, a two-tier approach to Flexible Development would appear appropriate:

- Allow Flexible Developments where the use is allowed by right in the underlying zoning districts to be approved by Site Plan Review;

- Where the proposed use is not permitted by right in the underlying zoning district, then Flexible Development approval would require a Special Permit.

These proposed amendments are reflected in the [proposed Use Schedule Amendments](#).

In addition, there are several other sections proposed for amendment to address consistency across all areas noted above.

[255-31 Flexible Development Bylaw Proposed Amendments](#)

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
JANUARY 22, 2024 REGULAR MEETING**

Letters & Memos

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Legal Notices

Amherst

- Notice from the Amherst Zoning Board of Appeals for a hearing on January 25, 2024 to consider a request for a Special Permit field by the Town of Amherst to construct a portion of a school building and outdoor pavilion within the Flood Prone Conservancy District at 70 South East St.

Chicopee

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Granby

- Notice from the Granby Selectboard for a public hearing on February 5, 2024 to consider a gravel pit application to remove earth at 44 Mercier Drive.
- Notice from the Granby Planning Board for a public hearing on January 22, 2024 to consider Site Plan Approval for a Restaurant-Driving Range at 172 State Street.

Hadley

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Holyoke

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