

Background Materials March 25, 2024– Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 3/22/24

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 meetings are posted online:

<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.

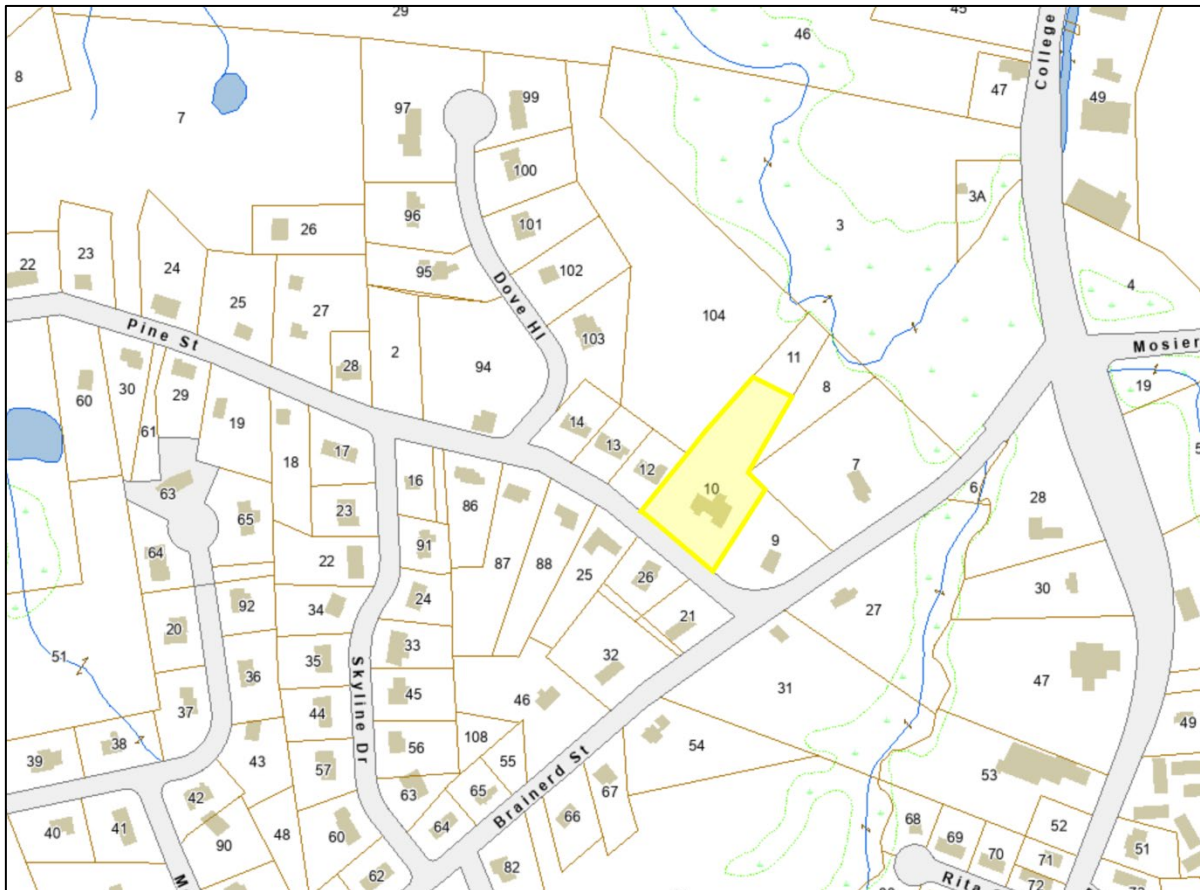
Action Needed: No action needed.

6:30PM AGENDA ITEM #4 Public Hearing – 5 Pine Street Non-owner Occupied Short Term Rental Special Permit

NOTE – applicant has indicated that they will be withdrawing their Special Permit application.

Application online: <https://www.southhadley.org/1406/15091/Pine-Street-5---Short-Term-Rental?activeLiveTab=widgets>

This is a
Special
Permit



application filed by property owner Mary Callahan to establish a non-owner-occupied Short Term Rental at 5 Pine Street (Assessor Map 40, Parcel 10), pursuant to 255-51 Residential Short Term Rentals, and Article IX Special Permits. Although this is a non-owner occupied STR, the property is the primary residence for the applicant. Per the application narrative, she is seeking to rent the home every 4-6 weeks when she travels, but will occupy and live in the home the rest of the time.

The property is in the Residential A-1 zoning district and is an existing single-family home. The Assessor's property card identifies the home as having 4 bedrooms; the applicant's application identified 5 bedrooms for rent, plus the living room for a total rental accommodation of 10 occupants.

As a non-owner occupied Short Term Rental, this application review is two parts: 1) Site Plan Review, and 2) Special Permit.

Site Plan Review

Please refer to the attached Short-Term Rental Zoning Permit Application Review checklist.

Special Permit

Please refer to the attached Special Permit Standards checklist. These are subjective standards, the Board must go through each one and make a finding on each standards, and then a final finding overall based the standards cumulatively.

Comment letters from the public are included in the attached correspondence to the Board.

Recommendations:

- 1) Clarify the number of rooms being rented. It appears that there is a discrepancy between the number of bedrooms assessed and the number of bedrooms documented by the homeowner. The additional bedroom is not a conflict under zoning per se but the additional bedroom will be reported to the Assessor so that the property can be accurately assessed for local property tax valuations. In addition, because the property is on Town sewer, there is no conflict with Title V septic system compliance which would be based on the number of bedrooms in the residence.
- 2) Conduct the Site Plan Review as provided through the checklist. Make a finding as to compliance for each requirement. Determine if the application meets Site Plan Review Approval or not by a simple majority vote of the members present.
- 3) Conduct the Special Permit standards review. Make a finding for each of the standards. Vote to issue the Special Permit or not. This vote is required to be a super majority of the total number of members on the Board. Thus, of the 5-member Board, 4 out of 5 members must vote in favor of approving a Special Permit. If only 4 members are present at the public hearing, all 4 members must vote in favor of approving the Special Permit. If the application meets Site Plan Review approval but fails Special Permit approval, the application is denied the required Special Permit approval and the STR approval is denied.

Note – an application may meet the Site Plan Review criteria but the Board may find it does not meet the Special Permit standards (or does not receive a super majority vote in favor). In such a case, the applicant would be denied a Short Term Rental Special Permit.

Action Needed: Conduct the public hearing, accept public comment, make a finding on the Site Plan Review criteria, make a *finding on each* of the Special Permit standards, and take a vote on the Special Permit approval.

AGENDA ITEM #5 73 Alvord Street ANR (Lauzier Farm)

Application online: [Alvord-Street-73 \(southhadley.org\)](https://southhadley.org/Alvord-Street-73)

The owners of 73 Alvord Street, Diane J. Lauzier & Muriel L. Krebs, have submitted an ANR plan to create three parcels at 73 Alvord Street for the purpose of an Agricultural Preservation Restriction out of the current five parcels known as Assessor Map 42, Parcels 10 & 12; and Assessor Map 43, Parcels 24, 25 & 26. The ANR seeks to convert the existing five parcels into two tax parcels: Tax Parcel A and Tax Parcel B/C. The purpose of this reconfiguration is to prepare the property for the Agriculture Preservation Restriction (APR) transaction. Parcel A will be the homestead with the existing house and barns, not subject to the APR. Parcel B/C will be one tax parcel however under the APR, they are identified separately. Parcel B will be subject to the APR and permanently protected as farmland. Parcel C will be subject to the APR but with different permitted and prohibited uses than Parcel B, mostly because it is the forested portion of the property and will be managed differently than the other agricultural lands.

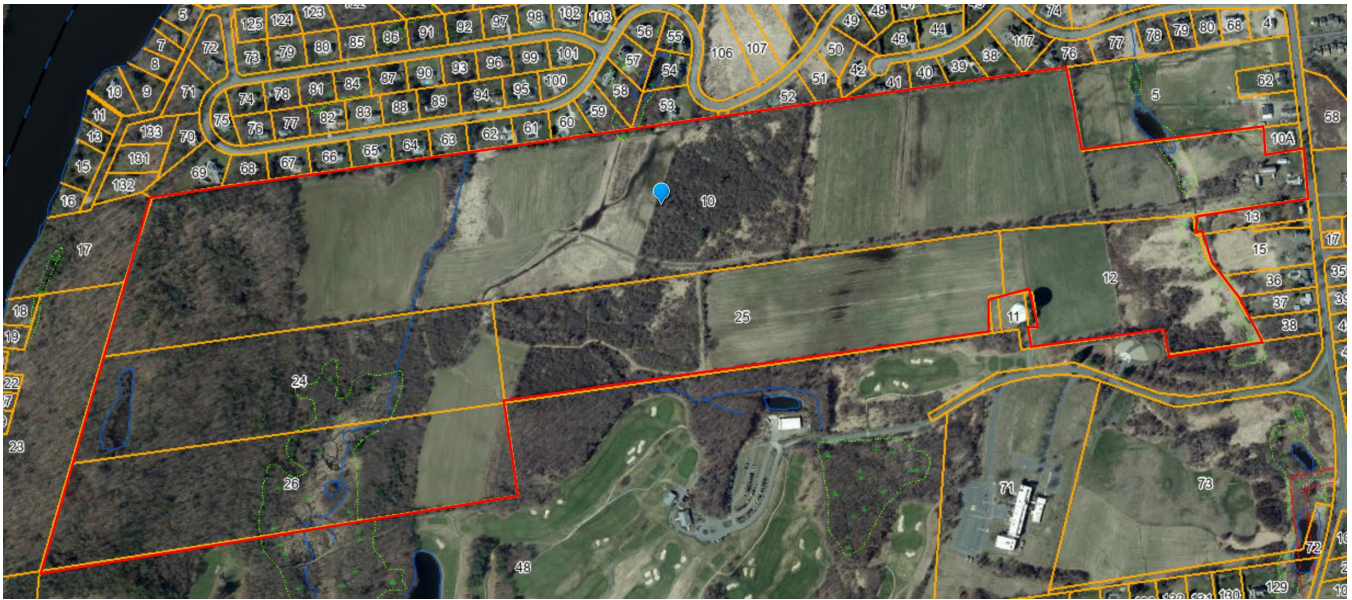
ANR Standards for Approval

1. Type of Way: Alvord Street is a Town-owned and maintained public way. Therefore, this standard is met.
2. Minimum frontage requirements for zoning district: The subject property is within the Agricultural Zoning District, with a minimum frontage requirement of 150'. Parcel A has 200' of

frontage and Parcel B/C has 58.15'. The frontage of Parcel B/C meets standards for the creation of a roadway (50' ROW). Therefore, this standard is met.

3. Vital access: Alvord Street is a Town-owned and maintained public way, with sufficient access to Parcels A and B/C. 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 #5 Discussion on Flexible Development Bylaw and Associated Bylaw Amendments

If time permits, we will continue discussion on these bylaw amendments. The Board began discussion of these bylaw amendments on 1/22/24. 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): <https://southhadley.org/1318/ProposedDraft-Bylaws>

Town Counsel has reviewed the proposed bylaws and provided guidance for some changes that we will discuss. Revised versions of 255-31 Flexible Development and the Use Regulations Schedule are now posted to the website based on her comments.

There was discussion on considering lowering the acreage threshold in the Flexible Development Bylaw from five acres to three acres. To help us envision what increased density might look like, I've uploaded some density studies from other communities provided through MassPlanners. Most are for multifamily developments but thought they were worth sharing for this exploratory discussion (scroll to bottom of page at link below).

[Proposed/Draft Bylaws | South Hadley, MA - Official Website](#)

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

AGENDA ITEM #6

Planning & Conservation Department Report on Planning Projects and Development Updates

A. Next Planning Board Meetings and Other Important Dates

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

TUESDAY 4/9/24 – PB Mtg	Mike Davis’ Last Meeting 6:30 Public Hearing home Occupation II – 20 Meadow Lane Draft Bus A-1 Zoning Amendment Report to Town Meeting
4/22/24 – PB Mtg	New PB Members Terms Starts
5/6 – PB Mtg	
5/8/24	Annual Town Meeting
5/20 – PB Mtg	
6/10/24 – PB Mtg	
6/24/24 – PB Mtg	

B. FY25 Budget and Municipal Reorganization

The proposed FY25 budget as well as additional information on the proposed reorganization of several municipal departments can be found online here: <https://www.southhadley.org/679/Budget-Town-Meeting-Documents> This reorganization includes the proposed renaming of the Planning and Conservation Department to Planning and Community Development. The intent is to elevate the inclusion of other aspects of community planning including housing and economic development. There are not any proposed reductions or changes in programming, budget or services for conservation related community planning, Wetlands Protection Act and South Hadley Wetlands Bylaw administration or conservation area stewardship.

C. Arbor Day Celebration - Friday April 26th from 9:30-10:30 at the Hahn Warner Arboretum

AGENDA ITEM #7 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.