



Proposed Bylaw Amendments:

255-31 Flexible Development

255-47 Multifamily and Multiple Dwellings

255 Attachment 1 Use Regulations Schedule

Proposed New Bylaws:

255-95 Common Drive

255-96 Common Open Space

Public Hearing

September 9, 2024

Draft Bylaws on Planning and Conservation Department Webpage:
<https://www.southhadley.org/1318/ProposedDraft-Bylaws>

[Planning Department](#) › [Proposed/Draft Bylaws](#)

Proposed/Draft Bylaws

Flexible Development Bylaw and Associated Bylaw Updates

- [255-31 Flexible Development – Final Draft Amendment – 8.28.24](#)
- [255-47 Multifamily and Multiple Dwellings – Final Draft Amendment – 8.28.24](#)
- [255-95 Common Drive and 255-96 Common Open Space – Proposed New Bylaws – 8.24.24](#)
- [Use Regulations Schedule – Final Draft Amendments – 8.28.24](#)
- [255-31 Flexible Development Bylaw – Proposed Amendments – 7.5.2024](#)
- [255-47 Multifamily and multiple dwellings – Proposed Amendments – 7.8.2024](#)
- [255-95 Common Drive and 255-96 Common Open Space – Proposed NEW Bylaws – 7.8.2024](#)
- [Use Schedule Amendments 7.5.24](#)

Subdivision Regulations Update In Progress

- Last updated in 1995
- Compliance with Massachusetts Subdivision Control Law
- Improve functionality and safety for multimodal transportation
- Improve stormwater management to address climate change
- Integrate community character & quality of life standards
- Improve administration processes for more effective compliance & enforcement
- Implications for Flexible Development Bylaw



What is the Flexible Development Bylaw?

Chapter 255-31

- Zoning tool
- Creates a subdivision with a portion of the parcel devoted to protected open space
- Adopted in 2004 to replace a Cluster Development Bylaw
- Has only been used 3 times in 19 years:
 - Skinner Woods (Amherst Road)
 - Mountainbrook Subdivision (Red Bridge Lane and Lyon Green)
 - Dry Brook Village (Hadley Street, withdrawn?)
- Bylaw is complicated and confusing

Comprehensive Amendments

- Revise Flexible Development Bylaw
Eliminate confusion with Subdivision Regulations and *encourage use*.
- Create uniformity throughout Zoning Bylaw on common open space requirements – NEW Common Open Space Bylaw
- Create NEW Common Driveway Bylaw and Regulations (design standards) – for non-subdivisions, i.e. multiple dwellings on a single parcel

Proposed Amendments and New Bylaws

255-31 Flexible Development Bylaw Amendment

255-47 Multifamily and Multiple Dwellings Amendment

NEW Common Driveway Bylaw (255-95)

NEW Common Open Space Bylaw (255-96)

255-31 Flexible Development

A. Purposes **No changes**

B. Applicability

- Change from Special Permit to Site Plan Review (Special Permit within the Water Supply Protection District)
- Definitive subdivision plan or common drive approval

C. Definitions

- “Usable Open Space” changed to “Common Open Space”; and, added “as well as land for conservation purposes” to definition.

D. Design Process

(f) Definitive plan – **DELETE and REPLACE:**

(f) Final steps in design process

(i) If subdivision of land resulting in separate lots with new roadway (anticipated to be accepted by as a Town road) – require Definitive Subdivision Plan approval.

(ii) If multiple dwellings on a single parcel (no subdivision of land) and drive is not intended to be accepted by the Town/remain private – require Common Drive approval.

E. Procedures

- Eliminate Special Permit, **Site Plan Review only**, unless within the Water Supply Protection District
- **DELETE (1) Concept Review**
- **DELETE (2) Subdivision plan**
- **ADD Definitive Plan or Common Drive Submission**
 - Definitive Plan – For subdivision of land that will result in creation of new roadway.
 - Common Drive – NO subdivision of land
 - Needs to comply with NEW Common Drive Regulations

F. Housing Types Permitted

F. (1) thru (9) - **DELETE and REPLACE**

ADD

F. Establishment of Flexible Development Tiers

(1) Tier 1: 30-50% open space

(2) Tier 2: >50% open space

G. Housing Types Permitted - **ADD**

Tier	Open Space (% total site)	Housing Types Permitted	Density Standards	
Tier 1	30-50%	Detached Single Family (new) Attached Single Family Two Family (Duplex)	<i>Existing Preset Method</i>	
			<u>Zoning District</u>	# units/acre
			Agricultural	0.75 or 0.90(WSPD) 1.125 or 1.35*
			Residence A-1	1.20 1.8
			Residence A-2	2.00 3.0
		Residence B	3.25 4.8	
Tier 2	>50%	Detached Single Family (new) Attached Single Family Two Family (Duplex) Three Family (Triplex)	Multiply # units/acre in existing Preset by 2	
			<u>Zoning District</u>	# units/acre
			Agricultural	0.75 x2 = 1.50
				0.90(WSPD) x2 = 1.80
			Residence A-1	1.20 x2 = 2.4
		Residence A-2	2.00 x2 = 4.0	
		Residence B	3.25 x2 = 6.5	

**If property within Water Supply Protection District and lacks public water and sewer, lower density figure applies.*

J. Density Bonuses

1. Additional open space. **DELETE and REPLACE**

Small Dwelling Units

“Dwelling units (detached , attached or part of a multifamily building) < or equal to 800 SF of conditioned floor area shall count as 0.5 units.”

2. Affordable housing units. **DELETE and REPLACE**

“Dwelling units qualifying as affordable shall count as 0.25 units.”

5. Total dwelling unit count. The total dwelling unit count with density bonuses may round up to the nearest whole number.

L. Common Open Space (previously K.)

DELETE and REPLACE

- (1) All Flexible Developments must include Common Open Space which conforms to the provisions of 255-96 of the Zoning Bylaw.

This is the proposed NEW Common Open Space Bylaw.

M. Ownership of Common Open Space (previously L.)

DELETE and REPLACE

- (1) The Common Open Space required under Section 255-31K shall be permanently restricted for use as open space and not permitted to be developed into additional residential buildings, commercial uses, or other improvements except as permitted in accordance with the provisions of Section 255-96.
- (2) Ownership of the required Common Open Space shall conform to the provisions of 255-96 of the Zoning Bylaw.

255-96 is the proposed NEW Common Open Space Bylaw.

255-47 Multifamily and Multiple Dwellings

B. Entrances

- Front entrances shall not open directly onto parking lots but rather sidewalks, streets or common open spaces.
- Eliminated “Rear entrances and entrances for services and delivery may be from parking areas.”

D. Required Open space.

- Changed requirement to reference 255-96 Common Open Space (new bylaw).

ADD G. Common Drive

- Required compliance with 255-95 Common Drive and associated Rules and Regulations (new bylaw)

NEW

255-95 Common Drive

- A. Applicable to multifamily developments and developments with more than 1 building for dwelling purposes on single parcel
- B. Planning Board to adopt Rules and Regulations for design, construction and maintenance of Common Drive.
- C. Common Drive plans to be approved by Planning Board.
- D. Common Drives are NOT:
 - 1. Existing public ways
 - 2. Subdivision roads
 - 3. Preexisting ways prior to adoption of Subdivision Control Law

NEW

255-95 Common Drive

E. Land fronting Common Drives not eligible for ANR.

F. Statement of adequate way.

G. Maintenance Plan to be recorded at Hampshire County Registry of Deeds.

H. Financial Performance Guarantee may be required.

I. Form of performance guarantee.

NEW

255-96 Common Open Space

Applies to all Zoning Bylaws that require open space set aside:

- Multifamily developments
 - Flexible Development
- A. Definition – “areas suitable for use as facilities and sites for play, tot lots, gardens, hiking/jogging trails or similar facilities, as well as land for conservation purposes.”
- A. (1-7) Characteristics and dimensions for common open space.

NEW

255-96 Common Open Space

A. (1-7) Characteristics and dimensions for common open space:

- 30% minimum required
- Contiguous open space preferred (within development)
- May be comprised of multiple parcels but no one parcel may be less than 25% of the common open space
- Uses – agriculture, nature education, recreation, conservation, historic preservation, parks or combination thereof
- Dwellings shall abut open space, and other access in the form of sidewalks or paths shall be provided
- Less than 5% of the open space may have accessory structures

NEW

255-96 Common Open Space

B. Ownership of Common Open Space

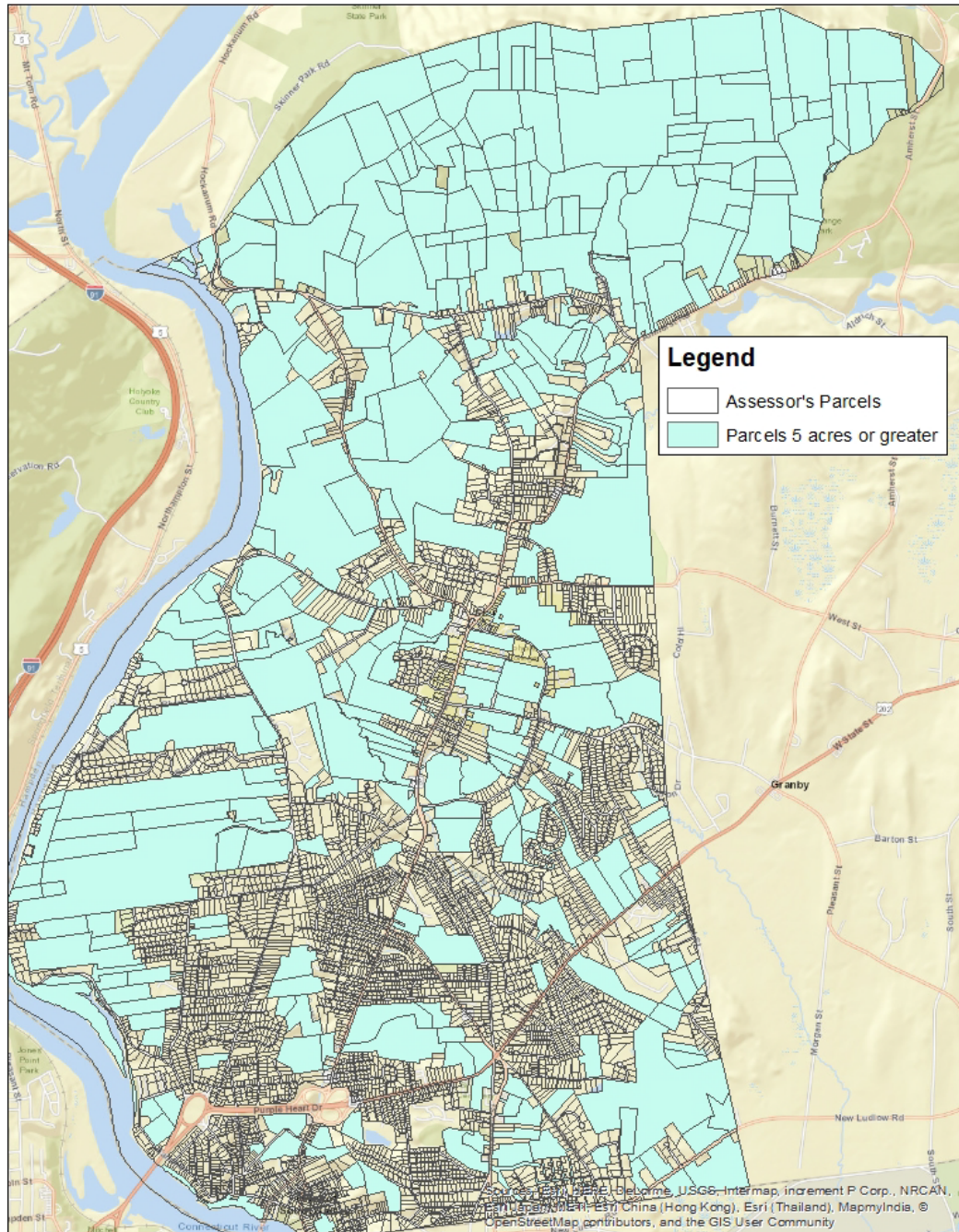
1. Conveyance:

- Town of Conservation Commission
- Conservation Non-Profit
- Homeowners Trust or Corporation
- Private entity under a Conservation Restriction

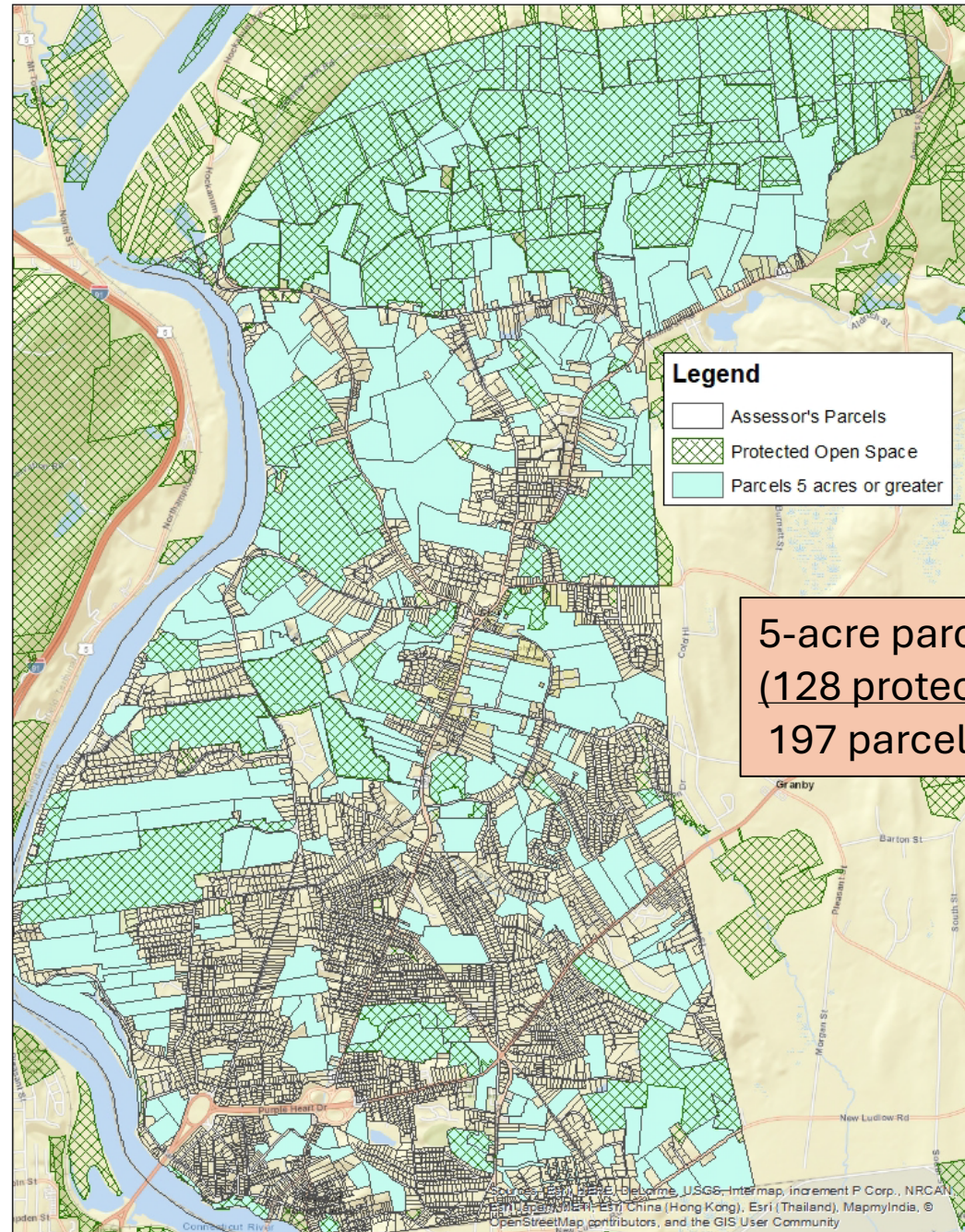
2. Restriction:

- Must be in perpetuity (forever)
- Preserved for uses stated above
- Maintained for stated uses
- Subdivision prohibited
- 10Must include “springing rights” for perpetual restriction.

Parcels 5 Acres or More

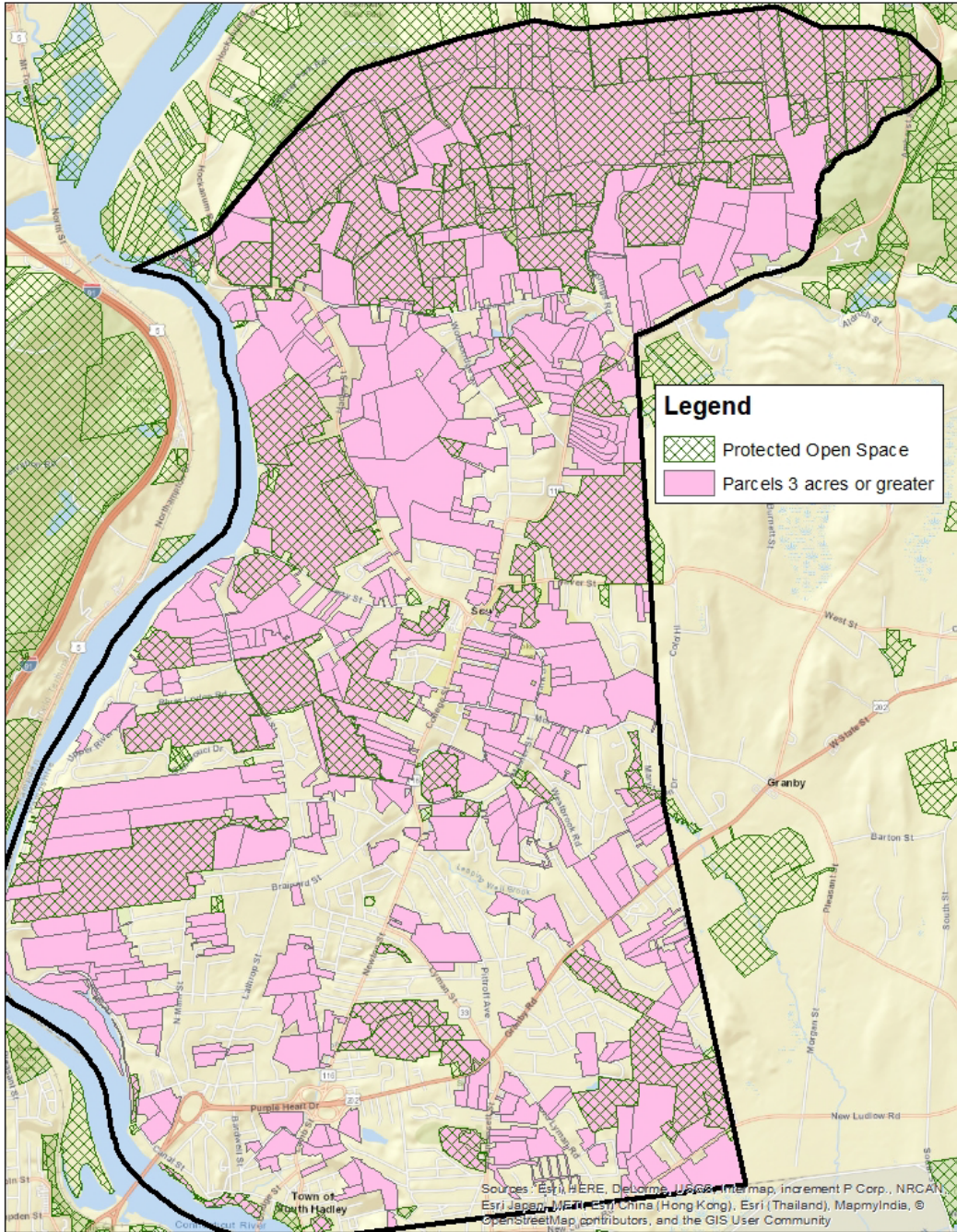


Parcels 5 Acres or More & Protected Open Space

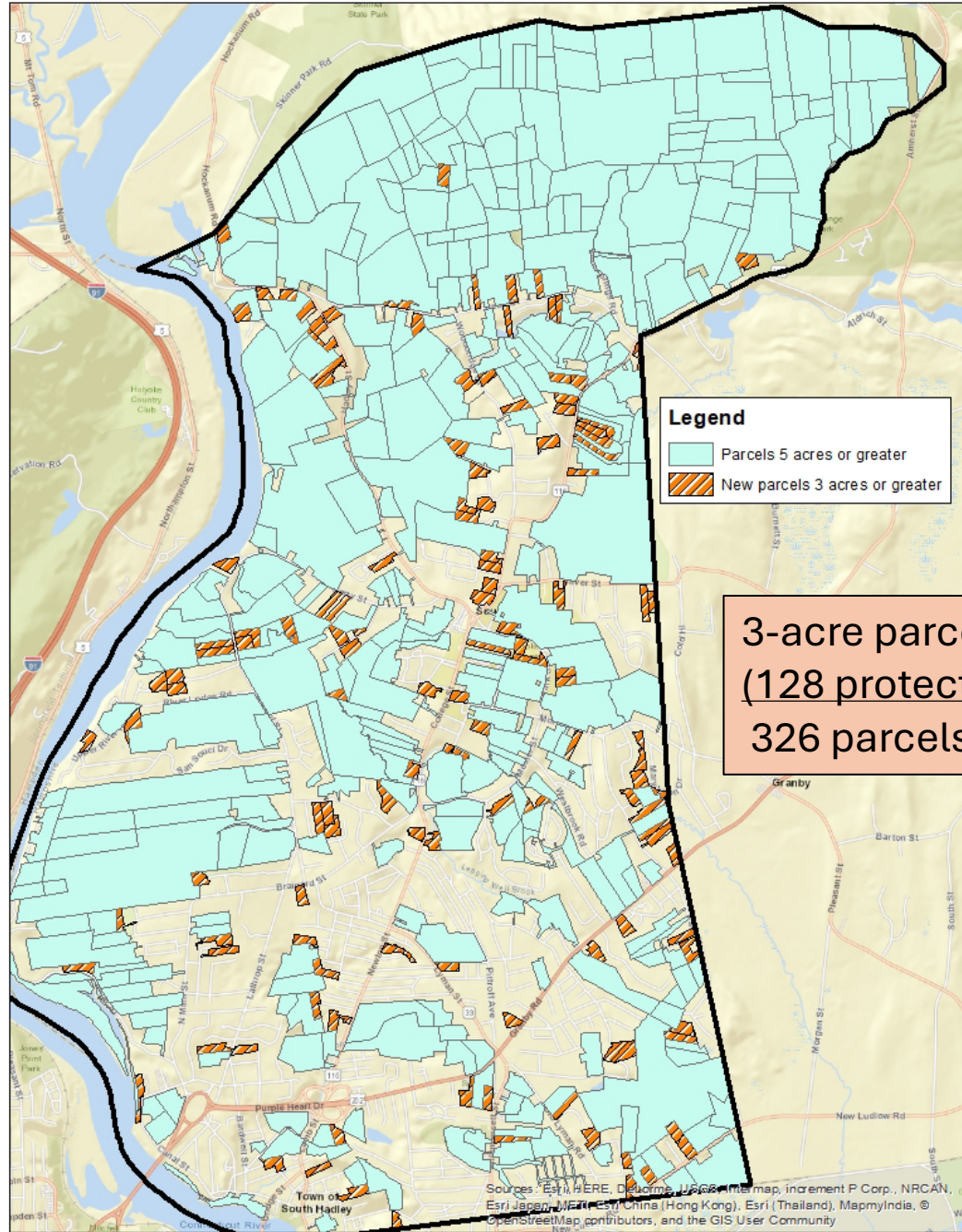


5-acre parcels = 325
(128 protected parcels)
197 parcels available

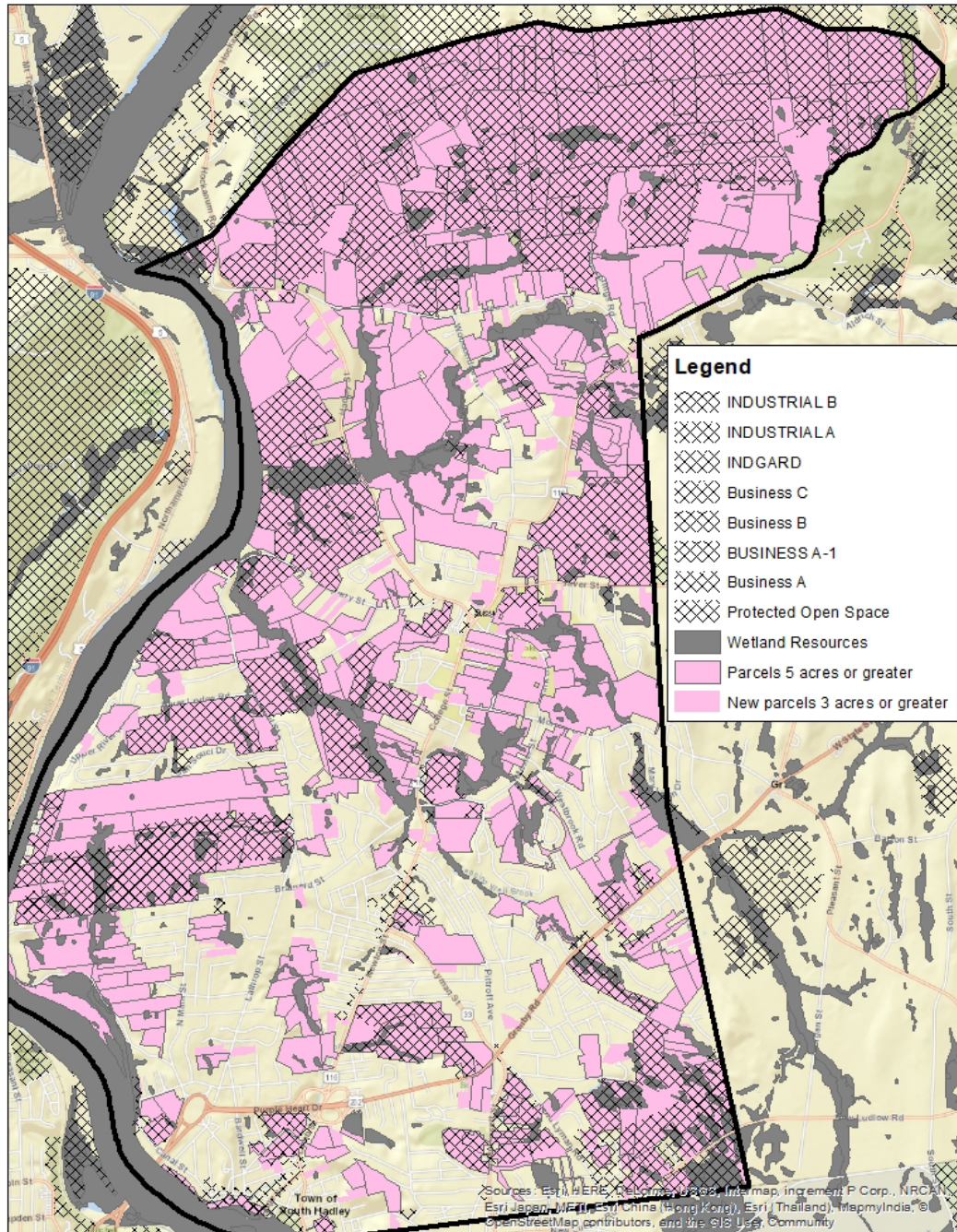
Parcels 3 Acres or More & Protected Open Space



Comparison of Addition of 3 Acres or Greater Parcels



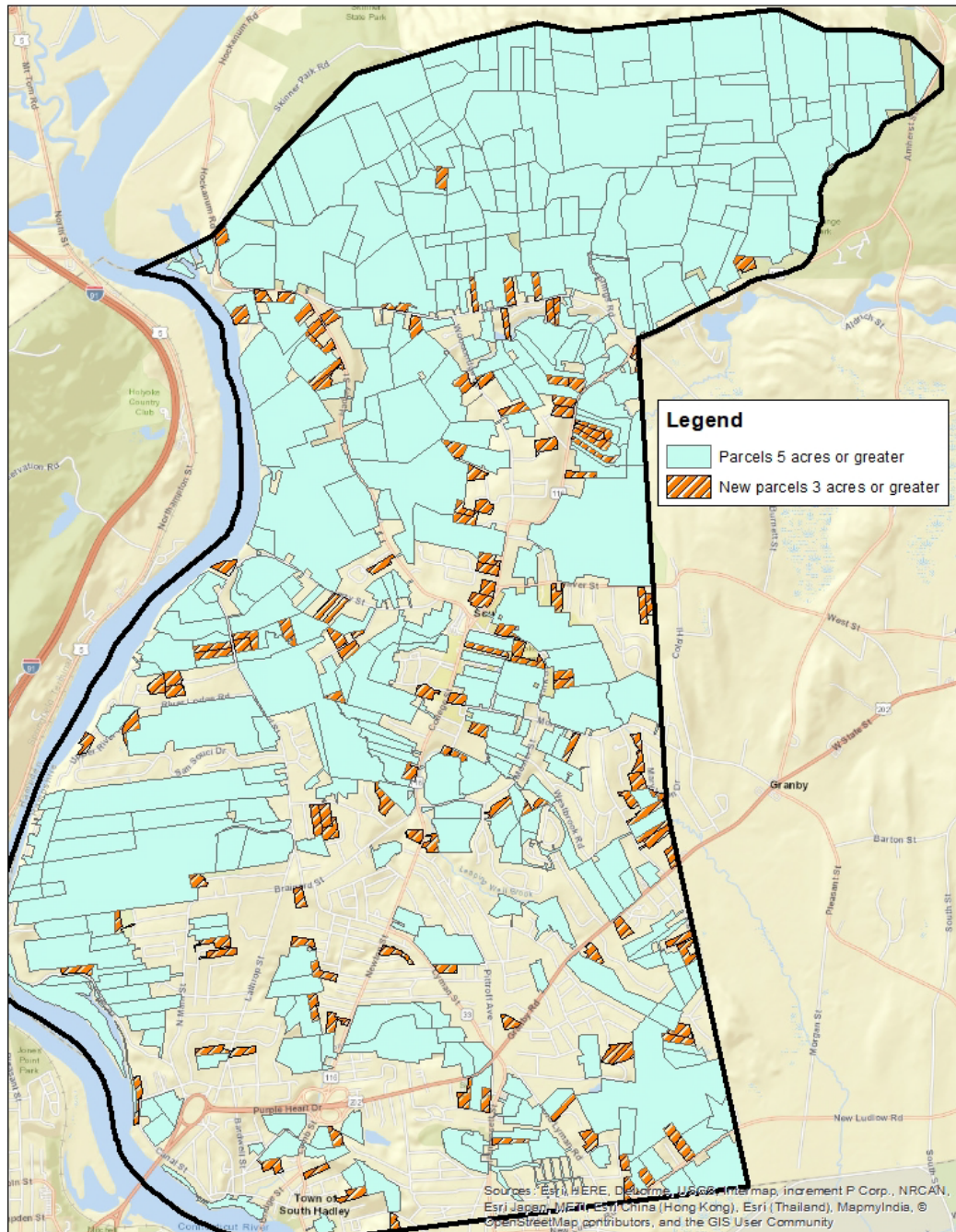
Potentially Available 3 Acres or Greater Parcels



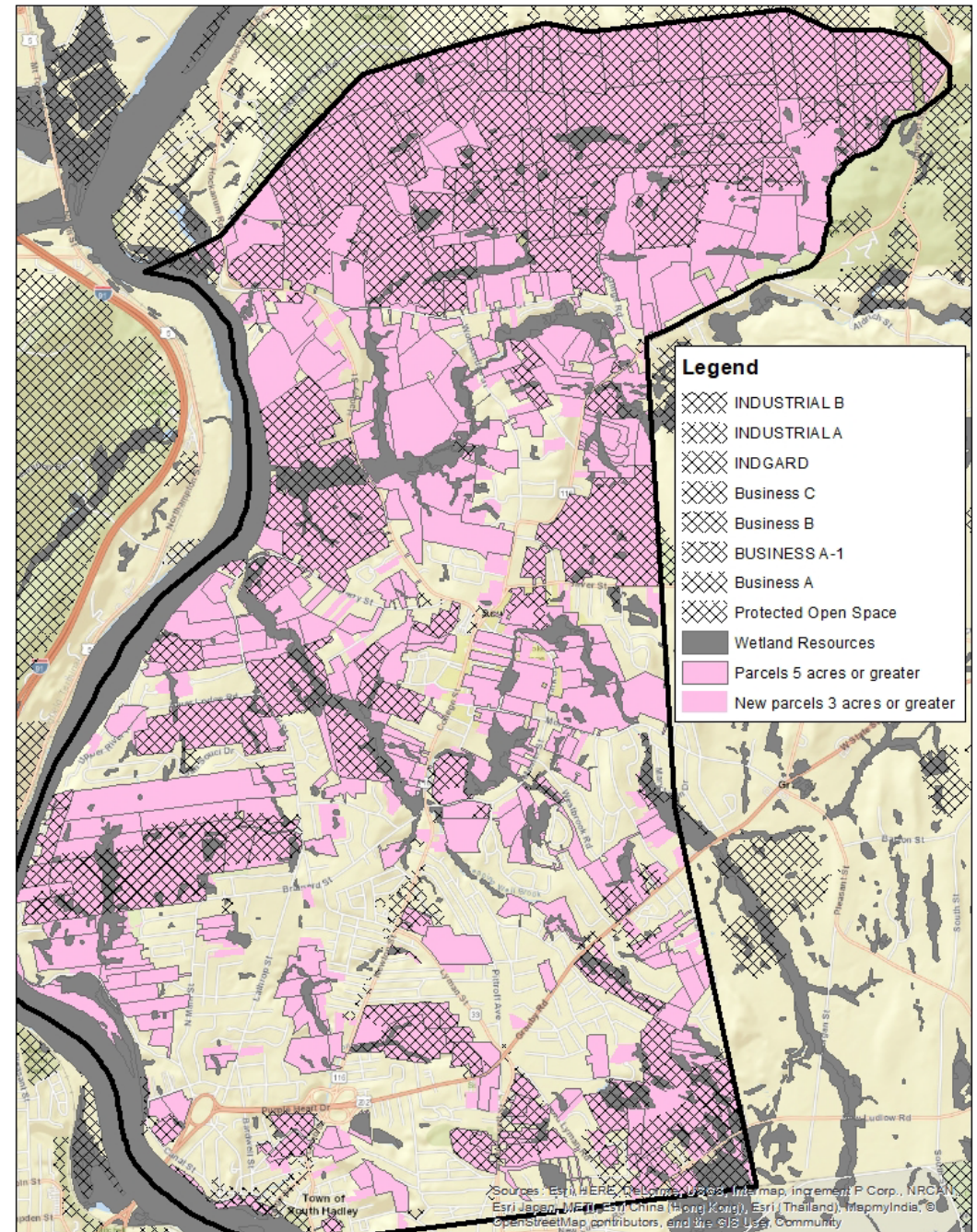
Analysis Methodology

- Pink parcels meet the acreage criteria for Flexible Development (5 acres existing minimum; 3 acres proposed amendment)
- Flexible Development is prohibited in Business and Industrial Zoning Districts
- Wetland Resources are restricted from all development.
- The remaining pink parcels outside of zoning districts that prohibit Flexible Development *may* be eligible for Flexible Development. *Frontage requirements and other standards for site access to these parcels has not been evaluated.*
- The remaining pink parcels may be eligible for standard subdivision development and/or ANR development to create new housing units.

Comparison of Addition of 3 Acres or Greater Parcels



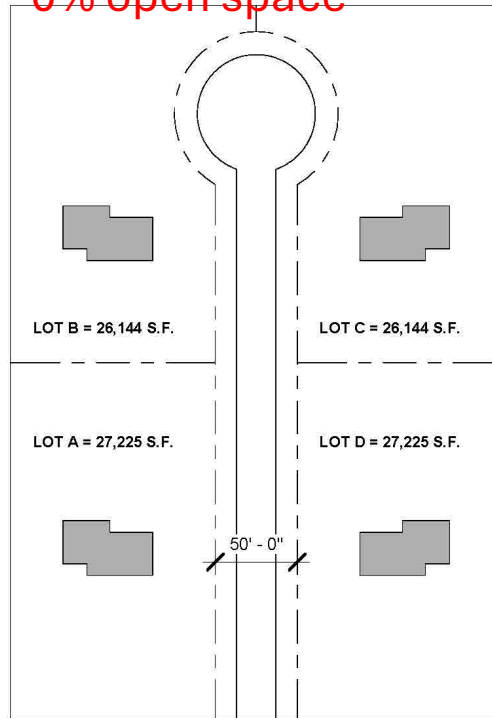
Potentially Available 3 Acres or Greater Parcels



Density Concept Scenarios

3 RESIDENTIAL BUILD-OUT SCENARIOS FOR A HYPOTHETICAL 3 ACRE PARCEL

1.3 units/acre
0% open space



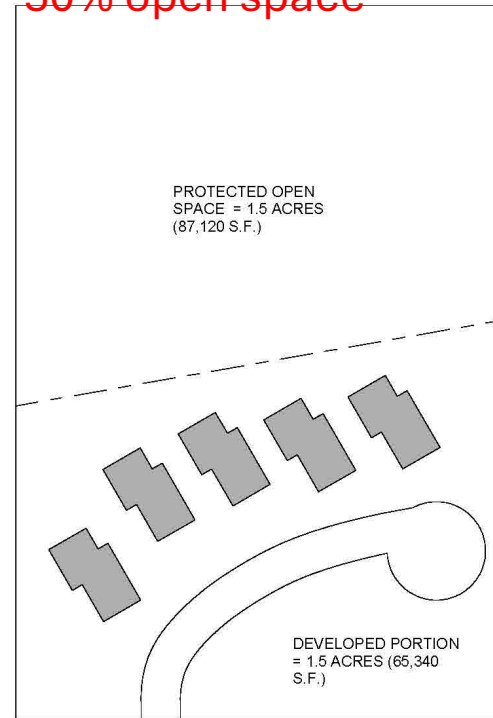
SCENARIO 1

TYPICAL SUBDIVISION

- LOT SIZE PER RA-1 ZONING MINIMUM (22,500 S.F.)*
- ALL 3 ACRES DEVELOPED
- 0% OPEN SPACE
- 1.3 UNITS/ACRE NEIGHBORHOOD DENSITY*

* IN THE AGRICULTURAL ZONING DISTRICT (MIN. LOT SIZE OF 30,00 S.F.) (3) LOTS OF 43,560 COULD BE CREATED WITH A RESULTANT NEIGHBORHOOD DENSITY OF 1.0 UNITS/ACRE

3.3 units/acre
50% open space



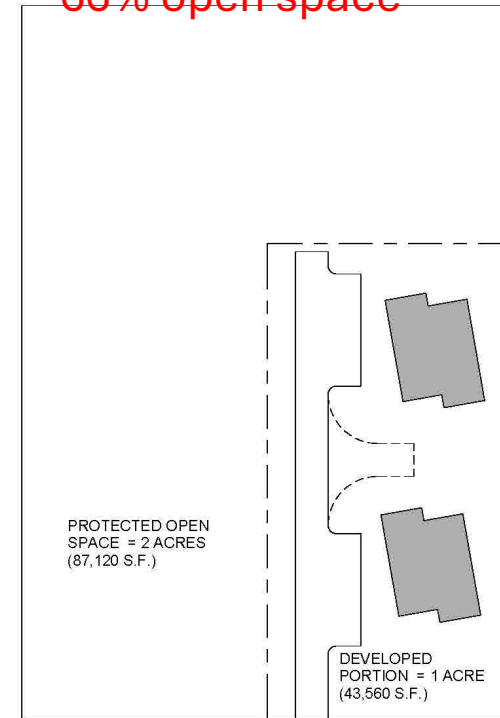
SCENARIO 2

FLEXIBLE DEVELOPMENT WITH DENSITY OF 1.8 UNITS /ACRE (CURRENT BYLAW MAX.)

- (5) 1,800 S.F. SINGLE FAMILY CONDOS w/ COMMON DRIVE*
- 1.5 ACRES DEVELOPED
- 50% OPEN SPACE
- 3.3 UNITS/ACRE NEIGHBORHOOD DENSITY (DEVELOPED PORTION)*

* IN THE AGRICULTURAL ZONING DISTRICT THE MAX BASE UNITS/ACRE WOULD BE 1.125 UNITS/ACRE (IN WSPD). THE RESULTANT NUMBER OF UNITS WOULD BE 3 WITH A NEIGHBORHOOD DENSITY OF 2 UNITS/ACRE.

12 units/acre
66% open space



SCENARIO 3

FLEXIBLE DEVELOPMENT WITH THEORETICAL DENSITY OF 4 UNITS PER ACRE

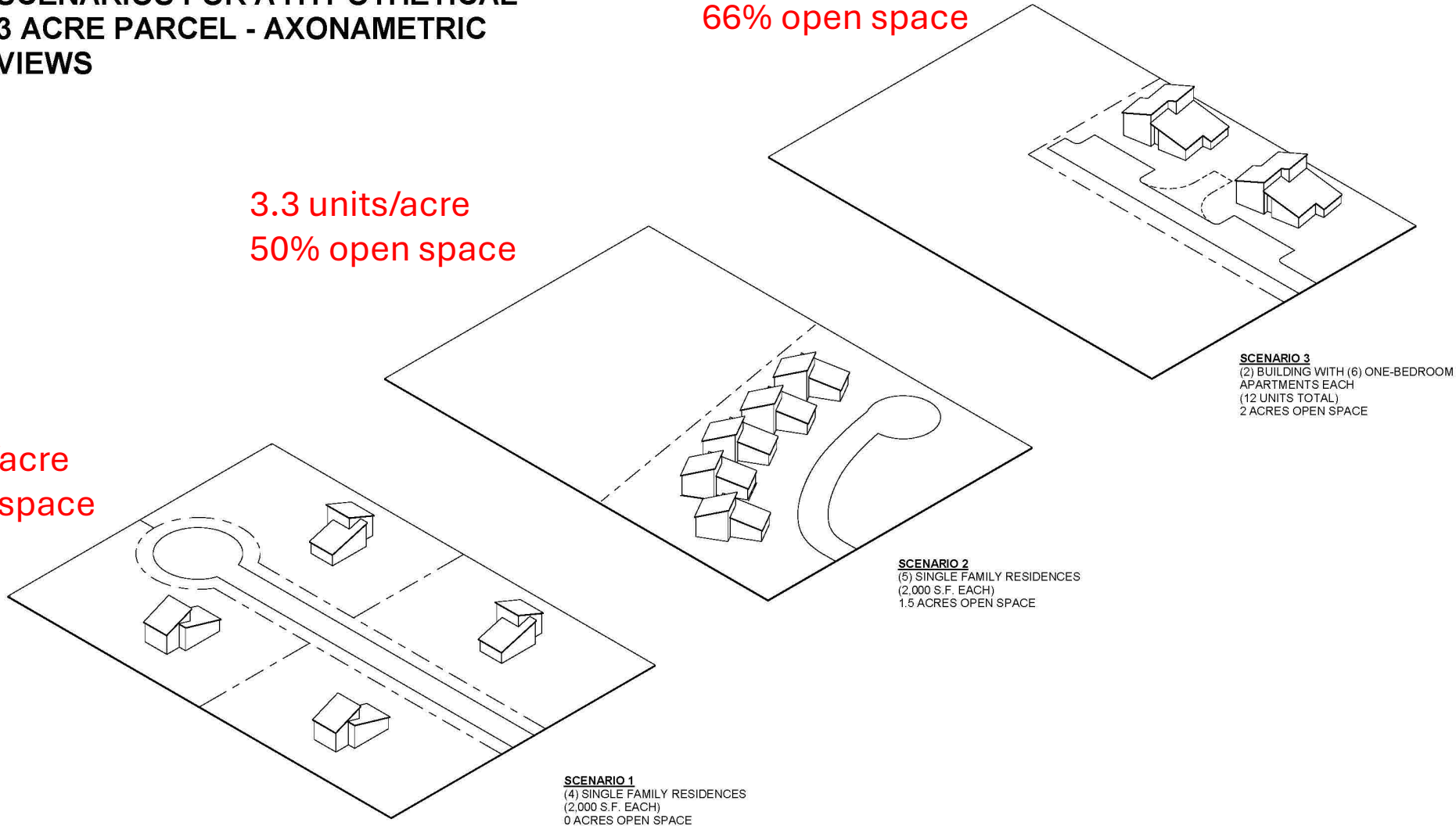
- (2) 2-STORY 6-UNIT MULTIFAMILY APARTMENT BUILDINGS (12 UNITS)
- 1 ACRE DEVELOPED
- 66% OPEN SPACE
- 12 UNITS/ACRE NEIGHBORHOOD DENSITY (DEVELOPED PORTION)

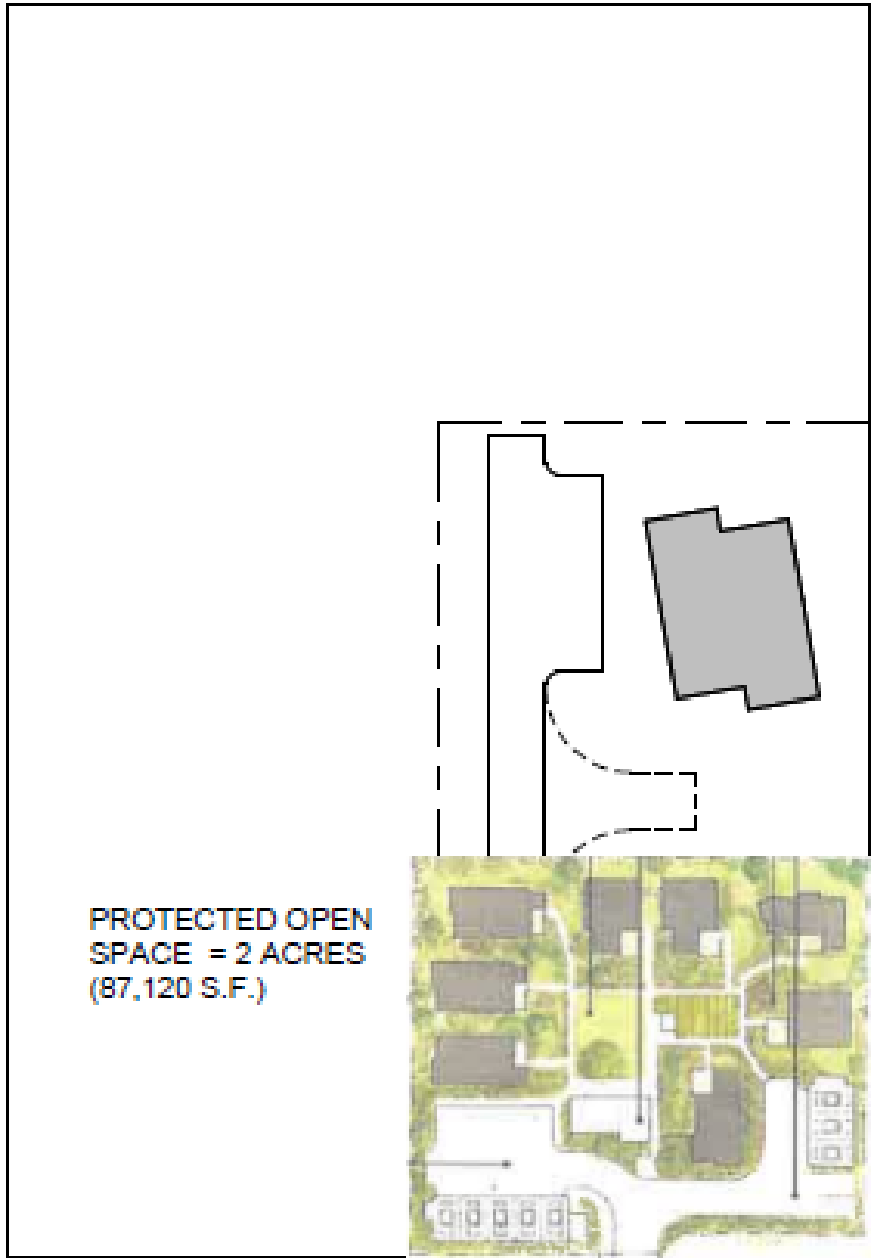
**3 RESIDENTIAL BUILD-OUT
SCENARIOS FOR A HYPOTHETICAL
3 ACRE PARCEL - AXONOMETRIC
VIEWS**

**12 units/acre
66% open space**

**3.3 units/acre
50% open space**

**1.3 units/acre
0% open space**





SCENARIO 4
COTTAGE COURTYARD DEVELOPMENT
8 <1,000 S.F. DETACHED UNITS
+/- .5 ACRES
18 UNITS/ACRE NEIGHBORHOOD DENSITY
2.8 UNITS/ACRE AGGREGATE DENSITY

Examples of Residential Developments with Open Space Protection

Olympia Oaks, Amherst

Village Hill, Northampton

Treehouse at Easthampton Meadow, Easthampton

Cherry Hill Cohousing, Amherst

Olympia Oaks

Amherst, Massachusetts



42 UNITS
71 PARKING SPACES

Key

- 1 - Conservation Trail
- 2 - Play Area
- 3 - Mail Boxes
- 4 - Community Gardens
- 5 - Water Management
- 6 - Townhouse Shed
- 7 - Community Common
- 8 - Pump House
- 9 - Stone Walkways

Olympia Drive, Amherst, MA
12-08-09







Village Hill

Northampton, Massachusetts

- Single-family
- Duplexes
- 4-unit Townhomes
- 6-unit Flats





Treehouse at Easthampton Meadow

1 Treehouse Circle, Easthampton, Massachusetts

6 acres

60 units (in 23 residential buildings)

Density: 10 units/acre; 2.6 buildings/acre

Treehouse is an intentional, intergenerational community that integrates family housing for households who have adopted children out of the foster system with households aged 55+ who agree to mentor the children.

- 60 apartment homes, comprised of 48 one-bedroom cottages for people ages 55 and older
- 12 multi-bedroom townhouses for families
 - 12 family townhomes, six are Affordable and six are rented at market rates.
- All 1-bedroom apartments are Affordable (deed restricted).





Cherry Hill Cohousing

Amherst (formerly Pioneer Valley Cohousing)

22 acres total

32 units clustered on 6 acres:

- 8 detached single-family (8 units)

- 9 duplexes (18 units)

- 2 triplexes (6 units)

Homes are clustered on the site and oriented around a pedestrian walkway.

Density:

- Housing density: 32 units/6 acres = 5.3 units/acre

- Site density: 32 units/22 acres = 1.45 units/acre

16 acres open space = 72% of total site

Unit sizes: 616 to 1,600 square feet

Demographics (varies):

- Number of adults: 70

- Number of children: 15

- Number of renters: 20

