

**Planning Board Report to Town Meeting
Zoning Bylaw Amendments
Special Town Meeting November 13, 2024
Articles 9, 10, 11 & 12**

The Massachusetts General Laws, pursuant to Chapter 40A, Section 5 requires that the Planning Board prepare and submit to Town Meeting a report with recommendations regarding any proposed Zoning Bylaw or amendment thereto before any vote to adopt shall be taken by that body. The following report of the Planning Board pertains to four articles on the Warrant for the Special Town Meeting to be held on Wednesday, November 13, 2024. The two are proposed amendments to the existing Zoning Bylaw, and the other two are proposed new Zoning Bylaws that seek to establish consistent standards throughout applicable sections of the Zoning Bylaw as it pertains to common open space and common drives.

- Article 9 Amendment to Zoning Bylaw 255-31 Flexible Development and Amendment to 255 Attachment 1 Use Regulations Schedule
- Article 10 New Zoning Bylaw 255-XX Common Drive
- Article 11 New Zoning Bylaw 255-YY Common Open Space
- Article 12 Amendment to Zoning Bylaw 255-47 Multifamily and multiple dwellings

PUBLIC HEARING: A Public Hearing was held on September 9, 2024, and continued to September 23, 2024, on the four Articles as listed above. The minutes for both hearing dates are included as an Attachment to this report. Notice of the hearing was posted to the Town calendar on 7/22/24, and in the Town Reminder newspaper on 7/26/24 and 8/2/24. Additional notice was sent directly to Town Meeting members via email, and through local civic organizations.

SUMMARY BACKGROUND: The Planning Board has been working on amendments to the 1995 Subdivision Regulations since July 2023. The amendments 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 (new road with adjoining lots for residential development), or other residential development with multiple dwellings (e.g. condominium complex), with a portion of the site devoted to protected open space. The proposed amendments to the Flexible Development Bylaw are needed to ensure consistency with the updated Subdivision Regulations, and to incentivize use of it as an alternative to a *traditional subdivision which does not require any protection of open space*. Since adoption of the Flexible Development Bylaw in 2004, it has only been used three times and is therefore not an effective zoning tool for stimulating new residential development that has the added benefit of protecting open space. Therefore, amendments to the Zoning Bylaw are proposed to:

- Revise the Flexible Development Bylaw to eliminate confusion with Subdivision Regulations and encourage use;
- Create uniformity throughout Zoning Bylaw on common open space requirements, as required in 255-31 Flexible Development; and,
- Create Common Drive Bylaw and Regulations for roadways in non-subdivision residential developments (e.g. condominium complexes or other types of multifamily developments).

Additional background materials, including presentations from the public hearings, are online here: <https://www.southhadley.org/1318/ProposedDraft-Bylaws>

The Planning Board held 14 meetings between January and October 2024 in which these bylaw amendments were discussed.

Article 9 Amendment to Zoning Bylaw 255-31 Flexible Development and 255 Attachment 1 Use Regulations Schedule

To see if the Town will vote to replace the Zoning Bylaw Chapter 255-31 Flexible Development with the proposed revised bylaw, and amend the Use Classifications Schedule, as further articulated in the Planning Board's Report to Town Meeting (Appendix ___); or take any other action relative thereto.

See Attachment A for the full bylaw with proposed amendments. The proposed amendments include:

- The term Flexible Development is capitalized through the bylaw.
- A. Purposes - This section has been reorganized, adding the following:
- Protection of open space for wildlife habitat, biodiversity, and air and water quality;
 - Protection of agricultural land to support local food production;
 - Protection of significant trees and forested landscapes for carbon sequestration and climate resilience; and,
 - Integration of preserved open space with residential neighborhoods to support human physical and mental health, through active and passive recreation.
- B. Applicability
- The permitting process has been changed from a Special Permit to Site Plan Review. Note- Per the Use Regulations Schedule, Flexible Developments within the Water Supply Protection District still require a Special Permit. Reference to Site Plan Review is added in applicable sections throughout the bylaw.
 - Common Drive approval has been added for non-subdivision projects.
- C. Definitions
- “Usable Open Space” has been changed to “Common Open Space”, and the definition expanded to include also “land for conservation purposes”.
- D. Design Process
- Subsection (f) “Definitive plan” has been deleted and replaced with (f) “Final steps in design process”:
- Subsection (i) applies to the Flexible Development projects that require approval under the Subdivision Control Law and states that a Definitive Plan shall be submitted after Flexible Development approval is granted, and the appeal period has lapsed.
 - Subsection (ii) applies for non-subdivision developments and requires Common Drive approval, pursuant to the new proposed Common Drive Bylaw per Warrant Article 10.
- E. Procedures
- Reference to Site Plan Review has been added.

- Subsections (1) “Concept review” and (2) “Subdivision plan” have been deleted and replaced with (1) “Definitive Plan or Common Drive Plan Submission”. For subdivision projects, a site plan only is required. For non-subdivision projects, a draft Common Drive plan is required. For both types of projects, either Definitive Plan Approval or Common Drive plan approval will be applied for after Flexible Development approval is granted.
- “Supplemental contents” has been changed to add: “Significant trees for the optimization of carbon sequestration, storage, natural shade/climate friendly cooling for buildings, and forest regeneration, based on existing site conditions.”

F. New Section – “Establishment of Flexible Development Tiers”

Previously, Flexible Development required a minimum of 30% of the project site conserved as open space. The proposed amendment establishes two tiers of open space protection, which have certain housing types permitted, as described in Subsection G:

- (1) Tier 1 Flexible Development: 30-50% open space
- (2) Tier 2 Flexible Development: >50% open space

G. Housing types permitted

This section has been deleted and replaced with the following allowable housing types:

- (a) Tier 1 Flexible Development
 - (i.) Detached Single-family (new)
 - (ii.) Attached Single-family
 - (iii.) Two Family (Duplex)
- (b) Tier 2 Flexible Development
 - (i.) Detached Single Family (new)
 - (ii.) Attached Single Family
 - (iii.) Two Family (Duplex)
 - (iv.) Three Family (Triplex)

H. Dimensional standards

The minimum tract size has been changed from five (5) acres to (3) acres.

I. Density standards

The per acre housing unit density is proposed to be increased in this amendment. The current bylaw only allows the base zoning district housing density, allowing those housing units to be clustered into a certain portion of the site, with the remaining 30% of the site protected as open space.

Under the proposed amendment, the allowable housing unit density per acre is increased from the original preset method by a factor of 1.5 in Tier 1, and by a factor of 2 in Tier 2. See Table 1 below.

TABLE 1: Tier 1 & 2 Housing Types Permitted and Density per Acre

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>	
			Zoning District	# units/acre
			Agricultural	0.75 x 1.5 = 1.125
			Residence A-1	0.90(WSPD) x 1.5 = 1.35*
			Residence A-2	1.20 x 1.5 = 1.8
Residence B	2.00 x 1.5 = 3.0			
			3.25 x 1.5 = 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	
			Zoning District	# units/acre
			Agricultural	0.75 x2 = 1.50
			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

- Density bonuses to increase the number of dwelling units have been removed for “additional open space” and fifty-five and over community”.
- A new density bonus for “small dwelling units”, defined as less than or equal to 800 square feet of conditioned floor space, has been added. These units will be counted as 0.5 units in the dwelling unit count, or ½ a regular unit.
- The density bonus for “affordable housing units” has been changed from an allowance of a 25% increase in the total dwelling unit count to counting these units as 0.25 units in the total dwelling unit count, or ¼ a regular unit.
- Limits on density bonuses – Density bonuses are cumulative and shall not cumulatively exceed 50% of the base number of dwelling units.
- The total dwelling unit count with density bonuses may round up to the nearest whole number, however, the base unit count must round down to the nearest whole number.

Example Unit Count and Development Scenario

Example Site: 3-acre site in Residence A-1, Tier 1 Open Space (30%)

Unit Count Formula: 1.8 units/acre x 3 acres = 5.4 dwelling units = rounds down to 5 base unit count

Density bonus (up to 50% base unit count) = 2.5

Total unit count = 5 + 2.5 = 7.5 which rounds up to 8 total units

Based on this example, this development could be 4 duplexes, each with 800 sq.ft. units OR 8 detached 800 sq.ft. single-family cottages with some deed restricted affordable units. In both examples, these could be arranged around a common courtyard with approximately 1-acre of open space set aside for a community garden and playground.

L. Common Open Space

This entire section has been stricken and replaced with reference to the provisions in the proposed new Common Open Space Bylaw (Article 11).

M. Ownership of Common Open Space

This entire section has been stricken and replaced with reference to the provisions in the proposed new Common Open Space Bylaw (Article 11).

255 Attachment 1 Use Regulations Schedule

As indicated above, the proposed bylaw amendment changes the permitting required from a Special Permit to Site Plan Review. However, all Flexible Developments within the Water Supply Protection District will still require a Special Permit. Site Plan Review requires a public hearing and abutter notification, as does a Special Permit.

Use Classification – Residential Uses	Zoning Districts												Water Supply Protection Overlay
	Residence				AGR	Business				Industrial			
	A-1	A-2	B	C		A1	A	B	C	A	B	Garden	
Flexible residential developments, as provided in Article VII	SP SPR	SP SPR	SP SPR	SP SPR	SP SPR	N	N	N	N	N	N	N	SP

Article 10 New Zoning Bylaw Chapter 255-XX Common Drive

To see if the Town will vote to adopt a new Zoning Bylaw Common Drive to regulate such in multifamily developments and in developments with more than one building for dwelling purposes on a sing parcel of land, as further articulated in the Planning Board's Report to Town Meeting (Appendix ___); or take any other action relative thereto.

See Attachment B for the full proposed new bylaw. The intent of this bylaw is to remove regulation of non-subdivision roads from the Subdivision Regulations, and establish standards for their design, construction and maintenance separately within the Zoning Bylaw. An example of a non-subdivision roadway, called a “common drive”, would be a roadway within a multifamily development such as a condominium complex. Currently, these are regulated under the Subdivision Regulations which is confusing for developers and project proponents, and can result in unnecessarily wide roads, or unnecessary amenities such as sidewalks on both sides of the roadway being mandated. The Common Drive Bylaw authorizes the Planning Board to adopt Rules and Regulations governing the design, construction, and maintenance of a Common Drive.

Article 11 New Zoning Bylaw Chapter 255-YY Common Open Space

To see if the Town will vote to adopt a new Zoning Bylaw Common Open Space to provide consistent standards for the provision and maintenance of such wherever common open space is required as a component of a residential development within the Zoning Bylaw.

See Attachment C for the full proposed new bylaw. The intent of this bylaw is to create consistent standards for common open space for all sections of the Zoning Bylaw where such is required. Currently that is within 255-31 Flexible Development and 255-47 Multifamily and multiple dwellings. The proposed bylaw is essentially composed of all of the common open space standards that are being pulled out of the Flexible Development Bylaw. Additions include the following:

- Impervious coverage within common open space is regulated and capped at 10% inclusive of accessory structures. Tennis courts, for example, would be a type of allowable impervious coverage within common open space.
- The use of turf is to be minimized, and landscaping with native species to support local biodiversity and the establishment and regeneration of native plant communities is required.
- Legal standards for protection of open space in perpetuity have been added.

Article 12 Amendment to Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings

To see if the Town will vote to amend the Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings by deleting subsection D. Required Open Space; and, as further articulated in the Planning Board's Report to Town Meeting (Appendix ___); or take any other action relative thereto.

See Attachment D for the full bylaw with proposed amendments. The proposed amendments include the following:

- (B) Front entrances has been changed to “Entrances” and the requirement that “rear entrances and entrances for services and delivery may be from parking areas” removed; and, added entrances are not to open “directly” onto parking lots.
 - (D) Required Open Space has been stricken.
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RELATIONSHIP TO MASTER PLAN: The proposed Zoning Bylaw package addresses numerous goals, objectives, and actions in the 2020 Master Plan as follows:

Goal 1 - Thriving Community

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

Amendments to 255-31 Flexible Development include housing density bonus provisions for small dwelling units (less than or equal to 800 sq.ft. of conditioned floor area), and for permanently deed restricted housing units for households with an income of no more than 80% of the median family income for the area.

Objective 1-3 Improve connections for all, including those with varied abilities, especially to open space and recreational activities to support community health and engagement.

Flexible Developments require a minimum of 30% of the residential development to be permanently protected as open space. The protected open space is called “common open space” and is defined as “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”. The proposed new Zoning Bylaw Common Open Space provides standards for the provision and maintenance of such land, for all residential developments requiring open space including Flexible Developments and Multifamily Developments. The proposed amendment to 255-47 Multifamily and multiple dwellings includes reference to this new bylaw as well.

Goal 2 - Caring for our Resources

Objective 2-1 Protect the community’s drinking water supply and groundwater to ensure the water supply is adequate to meet the needs of the community in perpetuity.

Objective 2-3 Protect agricultural land.

Objective 2-4 Develop regulations and programs that...creation of new and protection of existing viewsheds (views of landscapes and/or natural and historic resources), especially those of the Connecticut River and the Mount Holyoke Range.

Flexible Developments require a minimum of 30% of the residential development to be permanently conserved as common open space, as defined above. This is in contrast to a traditional residential subdivision which is not required to protect any of the trees, wildlife habitat, farmland, scenic viewsheds, or other unique landscape features on the project site and may in fact clearcut the entire area and replace it with houses surrounded by turf lawns.

Flexible Developments are required to comply with all local, State and Federal laws and regulations such as sanitary codes (e.g. Title V, as administered by the Board of Health), wetlands and waterways (e.g. Wetlands Protection Act and South Hadley Wetlands Bylaw, as administered by the Conservation Commission), public safety (as required by the Fire Districts and Police Department), and the Massachusetts Building Code (as administered by the Building Commissioner).

G2-19: Review/update Flexible Development Bylaw and whether it should be allowed by right.

The proposed amendment to the Zoning Bylaw Chapter 255 Attachment 1 Use Regulations Schedule changes permitting of Flexible Developments from a Special Permit to Site Plan Review (SPR). SPR requires holding a duly advertised public hearing and abutter notification. The intent of this change is to incentivize the use of Flexible Development for the creation of new housing. Special Permits are perceived as a barrier to development due to the unpredictability of the permitting outcome given their discretionary nature. The proposed amendments to the Flexible Development Bylaw provide clear standards and guidelines for developers to create residential developments consistent with the character of South Hadley neighborhoods.

Goal 3 - A Resilient Community

Objective 3-1 Address climate change and resiliency measures in all actions.

G3-7: Develop a set of best practices for addressing climate change through project permitting.

G3-14: Incorporate addressing climate change/resiliency into routine permitting and operations.

Proposed amendments to the Flexible Development Bylaw include adding the stated purpose, “protection of significant trees and forested landscapes for carbon sequestration and climate resilience”. Further, the proposed amendments include reducing the minimum project size eligible for Flexible Development from 5 acres to 3 acres to expand the land area that could benefit from the protective open space provisions of a Flexible Development.

PUBLIC COMMENTS:

A public hearing was held virtually via the Zoom Webinar platform on September 9, 2024 and continued to September 23, 2024. Minutes of the hearing are included as Attachment E. Public comments were received in the hearing verbally and via email to Planning and Conservation Department staff. Additional comments were received outside of the hearing via email to Planning and Conservation Department staff and shared with the Planning Board as correspondence prior to the hearing.

Public comments included questions about the reasoning for changing the acreage limit and density bonuses, how the required open space will be calculated if the project site is comprised of multiple parcels, how is affordable housing defined, how will an abutter’s due process rights be protected, and for what sort of construction practices and/or negative impacts could a performance guarantee be retained from the developer for.

Other comments pertained to concerns about the increase in the allowable density of units per acre, expressing concern that too much density would significantly impact the character of surrounding residential developments, whilst some expressed support for the density increases

stating it could allow new developments to be built that are consistent with the goals expressed in the Town's Housing Production Plan and Master Plan.

Some comments expressed concern about the impacts of climate change and the need to protect forested open space. Recommendations to include requirements for sustainable development practices including sustainable architecture and ecological landscaping were requested. And concerns about replacing natural open spaces with turf and impervious coverage created from recreational courts and ballfields were expressed.

RECOMMENDATION: At the Planning Board meeting on September 23, 2024, the Board voted three members in favor (D. Mulvaney, N. Therien, B. Hutchison) to one member opposed (J. Brown) to submit the proposed amendments to the Selectboard for inclusion on the Town Meeting Warrant for adoption.

ATTACHMENTS:

- A. Article 9 Amendment to Zoning Bylaw Chapter 255-31 Flexible Development and 255 Attachment 1 Use Regulations Schedule
- B. Article 10 New Zoning Bylaw Chapter 255-XX Common Drive
- C. Article 11 New Zoning Bylaw Chapter 255-YY Common Open Space
- D. Article 12 Amendment to Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings
- E. Public Hearing Minutes

ATTACHMENT A

Article 9 – Amendments to Zoning Bylaw Chapter 255-31 Flexible Development and 255 Attachment 1 Use Regulations Schedule

NOTE - Proposed Amendments: Deleted text marked with a ~~strike-through~~; new text is **underlined and bold**.

§ 255-31. Flexible ~~D~~development.

A. Purposes. Flexible development provisions are designed to encourage:

- (1) Development of diverse and affordable housing types while preserving natural open space.
- ~~(2) Preservation of natural open space for its scenic qualities and for its agricultural, environmental, forestry, and recreational uses.~~

Permanent protection of open space to preserve and enhance scenic landscapes, wildlife habitat, biodiversity, air and water quality, and ecosystem health.

- ~~(3)~~ **Protection of agricultural land to support local food production.**
- ~~(4)~~ **Protection of significant trees and forested landscapes for carbon sequestration and climate resilience.**
- ~~(5)~~ Protection and enhancement of property values.
- ~~(6)~~ Housing located sensitive to a site's environmental assets and constraints.
- ~~(7)~~ Housing developments which minimize the construction of public infrastructure.
- ~~(8)~~ Maintenance of existing visual corridors and views of natural community assets (such as views of Mount Holyoke, Mount Tom, the Connecticut River, and agricultural activities).
- ~~(9)~~ **Interaction ~~Integration~~ of preserved open space with residents ~~residential neighborhoods~~ to support human physical and mental health, through active and passive recreation.**

B. Applicability. The Planning Board may permit creation of a ~~F~~flexible ~~D~~development from any parcel or set of contiguous parcels held in common ownership and located entirely with the Town of South Hadley in accordance with the provisions of this section of the Zoning Bylaw. Creation of a ~~F~~flexible ~~D~~development requires approval of a special permit **Site Plan Review** and ~~D~~efinitive ~~S~~ubdivision ~~P~~lan **or Common Drive approval** as specified herein.

C. Definitions. As used in this section, the following words and phrases shall have the meanings and intent respectively ascribed to them by this subsection. If any word or phrase conflicts with definitions specified elsewhere in the South Hadley Zoning Bylaw, the meaning and intent ascribed below shall govern:

SINGLE-FAMILY ATTACHED HOUSING — A form of development in which each single-family residence is on a separate lot but shares one or more exterior walls common with an adjoining single-family residence.

COMMON USABLE OPEN SPACE — Areas suitable for use as facilities and sites for play, tot lots, gardens, hiking/jogging trails, or similar facilities.

D. Design process.

- (+) Flexible **D**evelopment is a unique approach in that it permits wide flexibility in defining the dimensional standards and density allowed for the residential development with a focus on open space and cultural space preservation. The design process outlined below is essential to achieving the purposes of the **F**lexible **D**evelopment provisions of the Zoning Bylaw. Accordingly, each development plan shall be based on following the multistep design process outlined below.
- (a) Inventory and assessment of the site. As an initial step, the applicant is to inventory the existing site features giving special attention to the site's natural, scenic, and cultural resources and the interrelationships of the important features to each other.
 - (b) Evaluation of site context. The next step involves an evaluation of the site in its larger context by identifying environmental, transportation, utility, drainage, and cultural elements and relationships to surrounding land uses and activities. This evaluation must include an assessment of the types and densities of adjoining developments.
 - (c) Designation of preservation areas. The third step is to identify the **C**ommon **O**pen **S**pace and cultural areas of the site to be preserved or enhanced. These areas should include the most important and unique resources and scenic view elements. To the extent appropriate, areas that serve to extend neighborhood and community open space networks should be included in these areas.
 - (d) Delineation of development features. The fourth step is to delineate the locations/ areas to be used for the development features, including, but not limited to, building sites, streets, parking areas, paths, utility infrastructure corridors, and drainage basins. This process should reflect an integrated community which is compatible with surrounding and historical development patterns.
 - (e) Lot lines. If the development involves division of the property into building lots, the next step is delineation of the lot lines.
 - ~~(f) Definitive plan. The final step in the design process is preparation of the definitive plan required by the South Hadley Subdivision Regulations.¹ 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.~~

(f) Final steps in design process.

(i) When a Flexible Development is to involve the subdivision of land and/or require the Planning Board's approval under the Subdivision Control Law or is proposed to result in creation of a new roadway which is to be considered for acceptance by the Town as a public way, or established as a private way not to be considered by the Town for acceptance as a public way, the final step in the design process is preparation of the Definitive Plan required by the South Hadley Subdivision Regulations. Without approval of the Flexible Development, the

subdivision would not conform to the Zoning Bylaw. Therefore, a Definitive Plan shall not be submitted until after approval is granted for the Flexible Development and an appeal, if any, is resolved.

(ii) When a Flexible Development is to involve development of a Common Drive pursuant to § 255-95, the final step in the design process is preparation of the Common Drive Plan pursuant to § 255-95 and the Planning Board Rules and Regulations adopted pursuant to § 255-95. A draft of such plan should be submitted with the application for a Flexible Development.

(2) As part of the public hearing process on the ~~special permit~~ **Site Plan Review** application, applicants are to demonstrate to the Planning Board that the applicant, at a minimum, incorporated this design process in developing the proposed development plan.

E. Procedures. Flexible ~~D~~development is a unique use which requires a ~~special permit~~ **Site Plan Review** from the Planning Board. In addition to the provisions of Article ~~IX~~ **XII** of the Zoning Bylaw, the following provisions also apply to the ~~F~~flexible ~~D~~development application:

(1) Definitive Plan or Common Drive Plan Submission

(a) For those developments which will also involve the subdivision of land and/or require the Planning Board’s approval under the Subdivision Control Law or is proposed to result in creation of a new roadway which is to be considered for acceptance by the Town as a public way, or established as a private way not to be considered by the Town for acceptance as a public way:

(i) A site plan which lays out the applicant’s proposed development. As noted in 255-31D(f)(i) above, no Subdivision Plan (preliminary or definitive) shall be submitted until after the Flexible Development is approved and any appeals resolved.

(b) For those developments which will not involve the subdivision of land and/or require the Planning Board’s approval under the Subdivision Control Law nor involves creation of a new roadway which is to be considered for acceptance by the Town as a public way:

(i) A draft Common Drive development plan conforming to the Board’s Rules and Regulations adopted under § 255-95 Common Drive shall be filed with the application for Flexible Development.

(c) Submission of a draft Common Drive Plan as part of the applicant’s Flexible Development Plan submission shall not trigger any deadline for acting on such a plan which may be specified in Section 255-95. The Planning Board approval of a Flexible Development application shall not be construed as approval of a plan under either the Subdivision Regulations or Section 255-95.

(1) ~~Concept review. While not required, applicants are encouraged to submit a concept~~

~~plan for informal review by the Planning Board. Materials for this informal review shall be submitted at least 15 calendar days prior to the date of the Planning Board meeting at which the review is to be undertaken. The materials to be provided for this concept review should be sufficient to demonstrate the applicant has, on at least a preliminary basis, completed the design process detailed herein.~~

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- ~~(2) 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.~~
- ~~(a) Applicants are encouraged to submit an application for definitive subdivision approval with the application for a special permit.~~
- ~~(b) 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.~~
- ~~(3) (2) Supplemental contents. In addition to the requirements specified in Article IX XII and Appendix E of the Zoning Bylaw, applications for a Flexible Development must include the following information:~~
- ~~(a) Boundaries of areas subject to regulation by the South Hadley Conservation Commission.~~
 - ~~(b) Topographic contours (existing and proposed) at intervals of 10 feet or less.~~
 - ~~(c) Cultural and historic features on the property to include, but not limited to, stone walls, archeological and historic sites and structures, and significant trees.~~
 - ~~(d) Scenic views (as defined in § 255-10) as determined by on-site observations from public roads and vantage points within the development site.~~
 - ~~(e) Historic sites listed on the National Register of Historic Places or Sites.~~
 - ~~(f) Description of proposed dimensional standards.~~
 - ~~(g) Description of how the proposed development reflects compliance with the design process and design standards.~~
 - ~~(h) Significant trees for the optimization of carbon sequestration, natural shade/climate friendly cooling for buildings, and forest regeneration, based on existing site conditions.~~

~~F. Housing types permitted. To further the purposes of this section of the Zoning Bylaw, the Planning Board may permit the following types of residential uses:~~

- ~~(1) Single family detached.~~
- ~~(2) Single family attached.~~

- ~~(3) Multiple family (includes condominium developments).~~
- ~~(4) Two family.~~
- ~~(5) Three family.~~
- ~~(6) Four family.~~
- ~~(7) Fifty five and over communities.~~
- ~~(8) Zero lot line housing.~~

~~(9) Customary accessory structures and uses.~~

F. Establishment of Flexible Development Tiers.

- (1) Tier 1 Flexible Development: 30-50% open space**
- (2) Tier 2 Flexible Development: >50% open space**

G. Housing types permitted. To further the purposes of this section of the Zoning Bylaw, the Planning Board may permit the following types of residential uses only as noted in the following provisions:

(1) The following housing types may be approved by Site Plan Review as part of a Flexible Development. Any Housing type not listed shall be according to the use regulations schedule:

(a) Tier 1 Flexible Development

- (i.) Detached Single-family (new)**
- (ii.) Attached Single-family**
- (iii.) Two Family (Duplex)**

(b) Tier 2 Flexible Development

- (i.) Detached Single Family (new)**
- (ii.) Attached Single Family**
- (iii.) Two Family (Duplex)**
- (iv.) Three Family (Triplex)**

H. Dimensional standards.

- (1) Minimum tract size. The minimum size of tract that may be considered for a **F**lexible **D**evelopment is ~~five~~ **three** acres.
- (2) Internal dimensional standards. Lots and buildings without direct access to preexisting public roadways may be developed with dimensional requirements other than those of the underlying zoning district. Therefore, for lots and buildings within a **F**lexible **D**evelopment without direct access to preexisting public roadways, the applicant shall propose dimensional standards including the minimum lot area, minimum lot frontage, maximum lot coverage, and minimum yard setback requirements to create building sites which differ from those specified for the underlying zoning district. These internal dimensional standards are subject to Planning Board approval. The applicant shall have the burden of demonstrating, to

the Planning Board's satisfaction, that the proposed dimensional standards are appropriate for the site's natural and cultural attributes and in keeping with the purposes of this section of the Zoning Bylaw.

(3) Perimeter dimensional standards.

- (a) For lots and buildings within a ~~F~~flexible ~~D~~development, but which abut lots or roadways adjoining the proposed development, the dimensional standards of the underlying zoning district as specified in § 255-21 of the Zoning Bylaw shall be applicable.
- (b) Waiver. The Planning Board may permit a vegetated buffer and/or screening fence to be provided to sufficiently screen the proposed residences from the existing developments in lieu of compliance with the underlying zoning district's dimensional standards. Where such a buffer is permitted as provided in this waiver provision, the following conditions shall apply:
 - [1] The Planning Board may require the buffer area to extend around the perimeter of the subject tract.
 - [2] The Planning Board may require the buffer area to be equal to or greater than double the required rear yard setback of the underlying zoning district.
 - [3] Any required buffer area shall be left undisturbed and the applicant shall provide for its maintenance in perpetuity.
 - [4] If the existing vegetation is inadequate to provide a visual buffer, the Planning Board may require the applicant to add vegetation sufficient to provide a buffer.

I. Density standards. The base number of dwelling units which may be allowed or permitted in a ~~F~~flexible ~~D~~development shall ~~not exceed the number of lots which could reasonably be permitted in the underlying zoning district in accordance with the dimensional standards specified in § 255-21 of the Zoning Bylaw.~~ **be in accordance with this section.**

-
- (1) Multiple zoning districts. If the subject property is located within multiple zoning districts, the base number of dwelling units shall be based on the acreage situated in the respective zoning districts. However, the location of the approved number of dwelling units is not subject to the boundaries of the underlying zoning district.
 - (2) Planning Board restrictions. Where the natural conditions (significant wetlands, floodplain, and/or steep slopes) of the subject site suggest that the base number of dwelling units as determined by the method specified in Subsection ~~I H(1) and (3)~~ is excessive, the Planning Board may require the applicant to deduct all or a portion of the areas subject to those natural conditions from the gross acreage of the site.
 - (3) Determining base number of dwelling units. The base number of dwelling units shall generally be determined by either of the following methods:
 - (a) ~~Yield Preliminary~~ plan. The applicant may submit a ~~Yield preliminary~~ plan which demonstrates the number of dwellings which could reasonably be situated on the site subject to the underlying zoning district's dimensional requirements.

(b) Preset method.

- [1] Multiply the gross acreage of the subject site by the following maximum density standard for the subject zoning district, **and round down to the nearest whole number. The resulting number shall be the allowable base number of units for the developed portion of the site:**

Zoning District	# Units per Acre
(a) Tier 1 Flexible Development	
Agricultural	0.75 or 0.90* <u>1.125 or 1.35*</u>
Residence A-1	1.20 <u>1.8</u>
Residence A-2	2.00 <u>3.0</u>
Residence B	3.25 <u>4.8</u>
<u>(b) Tier 2 Flexible Development</u>	
<u>Agricultural</u>	<u>1.50 or 1.80*</u>
<u>Residence A-1</u>	<u>2.4</u>
<u>Residence A-2</u>	<u>4.0</u>
<u>Residence B</u>	<u>6.5</u>
*For Tier 1 and 2 Flexible Development, if the property is located within the Water Supply Protection District and lacks public water and sewer services, the lower density figure will apply. However, if the subject property is provided with public water service and either public sewer service or an alternative sewage disposal system pursuant to Subsection <u>KJ(4)(b)</u> below, the higher number of units per acre may be used.	

Zoning District	Number of Units per Acre
Agricultural	0.75 or 0.90*
Residence A-1	1.20
Residence A-2	2.00
Residence B	3.25

* If the property is located within the Water Supply Protection District and lacks public water and sewer services, the lower density figure will apply. However, if the subject property is provided with public water service and either public sewer service or an alternative sewage disposal system pursuant to Subsection J(4)(b) below, the higher number of 0.90 units per acre may be used.

- [2] Planning Board verification. However, the Planning Board may require submittal of a preliminary **Yield P**lan to substantiate the number of lots proposed to be used as the base number if a substantial portion of the subject property is occupied by natural features and/or easements and dimensions which restrict the number of lots which might be developed on the property.

- J. Density bonuses. The Planning Board may permit density bonuses to increase the number of dwelling units beyond the base number of dwelling units as provided in Subsection ~~I~~ H. The

Planning Board shall utilize the following conditions as the bases for granting density bonuses:

- ~~(1) Additional open space. For each additional 10% of the site (over and above the required 30%) set aside as common open space, a density bonus of one additional unit may be awarded; provided that this density bonus shall not exceed 50% of the base number of dwelling units. Vegetated areas required as buffer areas between the subject development and adjoining properties or roadways shall not qualify for this additional open space density bonus.~~

(1) Small dwelling units. Dwelling units (detached or attached) < or equal to 800 square feet of conditioned floor area shall count as 0.5 units.

- ~~(2) Affordable housing units. For developments that provide that at least 25% of the dwelling units are permanently affordable for persons with an income of no more than 80% of the median family income for the area, the Planning Board may permit a density bonus of 25% of the base number of dwelling units.~~

These shall be permanently deed restricted housing units for households with an income of no more than 80% of the median family income for the area, and qualify under the SHI requirements of EOHLC. Dwelling units qualifying for affordable shall count at 0.25 units.

- ~~(3) Fifty five and over community. Flexible developments restricted as fifty five and over communities may qualify for a bonus of 25% of the base number of dwelling units.~~

(3) Limits on bonuses. Density bonuses shall be cumulative and shall not cumulatively exceed 50% of the base number of dwelling units.

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

K. Site design standards.

(1) Building and lot orientations.

- (a) Structures shall be oriented toward the street serving the premises and not the required parking areas.
- (b) Lots shall be laid out and designed, to the greatest extent feasible, to preserve and protect historic and archeological sites, farmland, wooded stream corridors, forested areas and large trees, scenic views particularly as seen from public roads, ridgelines and hilltops.

(2) Roadways.

- (a) Conformity to standards. The principal roadway(s) serving the site shall be designed to conform with the standards set forth in the Town of South Hadley Subdivision Regulations.⁶
- (b) Waiver(s). The applicant may request waiver of roadway and related

standards as provided for in the Town of South Hadley Subdivision Regulations. However, the Planning Board may restrict such waivers to proposed private roadways.

(3) Parking.

- (a) Each dwelling unit shall be served by off-street parking spaces as provided in § 255-86 of the Zoning Bylaw.

- (b) Waiver. The Planning Board may grant waiver(s) of the requirements of § 255-86 of the Zoning Bylaw subject to conditions the Board determines to be appropriate.

- (4) Water Supply Protection District. The Planning Board may grant a special permit to allow a flexible development in the Water Supply Protection District where the following conditions are satisfied:

- (a) Protection of water supply. The Planning Board determines that the density and design of the development will provide adequate protection for the water supply. To this end, the number of dwelling units shall be determined by ~~the preliminary plan method stated in Subsection H(3)(a).~~ **the method stated in Subsection I.** The maximum density bonuses which may be permitted in the Water Supply Protection District pursuant to Subsection ~~I~~ **J** above shall not exceed 1/2 the amount permitted outside the Water Supply Protection District.
- (b) Sewage disposal. The Board of Health grants approval for a common septic disposal system where public sewer is not available. The Planning Board may, but is not required to, permit the area occupied by such system to be included in the ~~C~~**o**~~ommon~~ ~~O~~**o**~~pen~~ ~~S~~**s**~~pace~~ if the Planning Board determines that inclusion of such an area ~~in the common open space~~ is consistent with the purposes of this section and the purposes of the ~~C~~**o**~~ommon~~ ~~O~~**o**~~pen~~ ~~S~~**s**~~pace~~.

- (5) Modification of Zoning Bylaw restrictions. The Planning Board may grant waivers of the fence and parking restrictions/requirements where the Board deems it necessary to further the purposes of this section of the Zoning Bylaw.

- L. ~~C~~**o**~~ommon~~ ~~O~~**o**~~pen~~ ~~S~~**s**~~pace~~. Each ~~F~~**f**~~lexible~~ ~~D~~**d**~~evelopment~~, shall provide for ~~usable~~ common open space.

- (1) ~~Minimum required. A minimum of 30% of the parcel shown on the development plan shall be in usable open space.~~

- (2) ~~Multiple parcels. The required common open space may be in multiple parcels, provided that no individual parcel shall be less than 25% of the required common open space and all of the parcels are connected via walkways, pathways, roadways, or other means of access. The portion of the connecting accessway located outside of the limits of roadway or roadway right of way may be included in the calculation of the area of the common open space.~~

~~(3) Uses of common usable open space. The required common usable open space shall be used for agriculture, natural education, recreation, conservation, historic, park purposes, or a combination of such uses. Public easement purposes may also be permitted to traverse portions of the common usable open space. Only structures commonly associated with and incidental to the permitted uses shall be permitted in the common usable open space areas.~~

~~(4) Composition of common usable open space.~~

~~(a) While the Planning Board will make the final determination of the composition of the common usable open space, the common usable open space may include wetlands, floodplain land, and steep slopes. However, the required open space shall~~

~~not be comprised exclusively of lands with such restrictions. As a general guide, no more than 50% of the required open space shall be composed of wetlands. The applicant has the burden of demonstrating that the composition of the proposed open space and its location and access further the purposes of the flexible development provisions and are appropriate for the proposed development.~~

~~(b) The Planning Board may deny use of any surface drainage systems (such as retention and detention ponds, swales, etc.) as qualifying for the required open space.~~

~~(5) Access from dwelling units.~~

~~(a) A maximum number of the subject development's dwelling units compatible with good design shall abut the open space. All dwelling units shall have ready access to the common open space either physically or through internal pedestrian paths or sidewalks.~~

~~(b) Exception. The Planning Board may grant an exception to the access requirement upon a recommendation from the Conservation Commission that the resource area is vulnerable to trampling or other disturbance and physical access should not be provided.~~

~~(6) Accessory buildings. Structures or buildings accessory to recreation, conservation, or agriculture use may be erected but shall not exceed 5% of the area protected as common open space. Accordingly, the applicant may make provision for erection of such structures by subsequent owners of the residences; however, the aggregate size of all such structures shall not exceed the 5% rule. Further, the applicant shall make provisions for maintenance of any accessory structures or buildings (such provisions may include assignment of responsibility to a homeowners' association).~~

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

M. Ownership of Common Open Space.

~~(1) Conveyance. The required common open space shall, at the Planning Board's election, be conveyed to:~~

- ~~(a) The Town or its Conservation Commission and be accepted by the Town for park or open space use.~~
- ~~(b) A nonprofit organization, the principal purpose of which is the conservation of open space.~~
- ~~(c) A corporation or trust owned or to be owned by the owners of the lots or residential units within the development. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units.~~

~~(2) Restriction. Regardless of the ownership of the open space, any conveyance shall be subject to the conditions of the Planning Board approval of the flexible development and subject to a recorded restriction enforceable by the Town, provided that such land shall be:~~

- ~~(a) Perpetually kept in an open state; and~~
 - ~~(b) Preserved for exclusively agricultural, horticultural, educational, or recreational purposes [except for those lands permitted to also be used for a common septic disposal system pursuant to Subsection J(4)]; and~~
 - ~~(c) Maintained in a manner which will ensure its suitability for its intended purposes; and~~
- ~~(d) Prohibited from being further subdivided.~~

(1) The Common Open Space required under Section 255-31L 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.

N. Not subject to variance. No provision of this section, nor any project for which a ~~special permit~~ **Site Plan Approval** was granted under this section, shall be subject of a dimensional variance from the Zoning Board of Appeals. If deviations from the approved dimensional standards become necessary, the Planning Board may **waive those dimensional standards and** amend the ~~special permit~~ **Site Plan Approval** to accommodate such conditions.

SPR = Site Plan Review
 SP= Special Permit
 Y= Allowed by-right
 N= Prohibited

255 Attachment 1 Use Regulations Schedule

Use Classification – Residential Uses	Zoning Districts												Water Supply Protection Overlay
	Residence				AGR	Business				Industrial			
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden	
Flexible residential developments, as provided in Article VII	SP <u>SPR</u>	SP <u>SPR</u>	SP <u>SPR</u>	SP <u>SPR</u>	SP <u>SPR</u>	N	N	N	N	N	N	N	SP

ATTACHMENT B

Article 10 – NEW Zoning Bylaw Chapter 255-XX Common Drive

§ 255-95 Common Drive.

A. All dwelling units in multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land shall be served by a Common Drive designed and constructed in accordance with Rules and Regulations adopted by the Planning Board.

B. The Planning Board shall adopt Rules and Regulations governing the design, construction, and maintenance of a Common Drive.

C. Plans for Common Drives shall be submitted to and approved by the Planning Board in accordance with Rules and Regulations adopted by the Planning Board.

D. A Common Drive shall not be considered to be:

- (1) A public way or a way which the Clerk of the Town of South Hadley certifies is maintained and used as a public way;
- (2) A way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law; or,
- (3) A way in existence when the Subdivision Control Law became effective in the Town of South Hadley having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

E. Land fronting or abutting a Common Drive shall not be eligible for division except in accordance with a Definitive Plan prepared and approved in accordance with the South Hadley Subdivision Regulations.

F. A plan for a Common Drive shall not be approved unless the applicant has submitted a written statement guaranteeing that adequate ways furnishing access to all buildings will be provided and maintained in accordance with the Planning Board's adopted Rules and Regulations adopted by the Planning Board.

G. The Planning Board shall require applicants to provide a maintenance plan for the Common Drive which will be an obligation upon the owner(s) of the dwellings on the subject property, and which shall be recorded at the Hampshire County Registry of Deeds.

H. The Planning Board may require applicants to post financial Performance Guarantees, either in a bond, tripartite agreement of savings account, or cash, to ensure that the Common Drive and all other details associated with the Common Drive are constructed in accordance with the plans approved by the Planning Board.

I. The Planning Board may require applicants to post financial Performance Guarantees, either in a bond, tripartite agreement of savings account, or cash, to ensure that the Common Drive and all other details associated with the Common Drive are maintained in accordance with the approved maintenance plan for a period of 24 months following the Planning Board's vote determining that the Common Drive has been constructed in accordance with the plans approved by the Planning Board.

ATTACHMENT C

Article 11 - NEW Zoning Bylaw Chapter 255-YY Common Open Space

§ 255-96 Common Open Space.

Wherever Common Open Space is required as a component of a residential development, the required Common Open Space shall be provided and maintained in accordance with the provisions herein, except as specifically stated otherwise within the Zoning Bylaw or the Massachusetts General Laws.

- A. Common Open Space. The required Common Open Space must conform to the characteristics and dimensions specified below. Common Open Space is defined as 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.
 - (1) Minimum required. Unless specified otherwise in an applicable section of the Zoning Bylaw, a minimum of 30% of the parcel shown on the development plan shall be in Common Open Space.
 - (2) Contiguity of Open Space. Preserved Common Open Space shall be contiguous to the greatest extent practicable. Where noncontiguous pockets of open space are preferable, applicants shall attempt to connect these resource areas to the greatest extent practicable through the use of trails and/or vegetated corridors.
 - (3) Multiple parcels. The required Common Open Space may be in multiple parcels, provided that no individual parcel shall be less than 25% of the required Common Open Space and all of the parcels are connected via walkways, pathways, roadways, or other means of access. The portion of the connecting accessway located outside of the limits of roadway or roadway right-of-way may be included in the calculation of the area of the Common Open Space.
 - (4) Uses of Common Open Space. The required Common Open Space shall be used for agriculture, nature education, recreation, conservation, historic preservation, park purposes, or a combination of such uses. Public easement purposes may also be permitted to traverse portions of the Common Open Space. Only structures commonly associated with and incidental to the permitted uses shall be permitted in the Common Open Space areas.
 - (5) Composition of Common Open Space.
 - (a) While the Planning Board will make the final determination of the composition of the Common Open Space, it may include wetlands, floodplains, and steep slopes. However, the required open space shall not be comprised exclusively of lands with such constraints. The applicant has the burden of demonstrating that the composition of the proposed open space and its location and access further the purposes of the Zoning Bylaw provisions in which it is required and are appropriate for the proposed development.
 - (b) The percentage of the Common Open Space that is wetlands shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the Planning Board may allow the applicant to include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.

- (c) The Planning Board may deny use of any surface drainage systems (such as retention and detention ponds, swales, etc.) as qualifying for the required Common Open Space.
- (6) Access from dwelling units.
 - (a) A maximum number of the subject development's dwelling units compatible with good design shall abut the Common Open Space. All dwelling units shall have ready access to the Common Open Space either physically or through internal pedestrian paths or sidewalks.
 - (b) Exception. The Planning Board may grant an exception to the access requirement upon a recommendation from the Conservation Commission that the resource area is vulnerable to trampling or other disturbance and physical access should not be provided.
- (7) Accessory structures or buildings. Structures or buildings accessory to recreation, conservation, or agriculture use may be erected but shall not exceed 5% of the area protected as Common Open Space. Accordingly, the applicant may make provision for erection of such structures or buildings by subsequent owners of the residences; however, the aggregate size of all such structures shall not exceed the 5% standard. Further, the applicant shall make provisions for maintenance of any accessory structures or buildings (such provisions may include assignment of responsibility to a homeowners' association). All maintenance provisions shall be recorded at the Hampshire County Registry of Deeds as part of an Operation and Maintenance Plan.
- (8) Impervious coverage. The maximum amount of impervious coverage within Common Open Space shall not exceed 10%, inclusive of accessory structures.
- (9) Landscaping. For designated Common Open Spaces associated with recreational activities, native species shall be used for landscaping to support local biodiversity and the establishment and regeneration of native plant communities. The use of turf in and around these Common Open Spaces is to be minimized.

B. Ownership of Common Open Space.

- (1) Conveyance. The required Common Open Space shall, at the Planning Board's election, be conveyed to one of the following:
 - (a) The Town or its Conservation Commission and be accepted for park or open space use.
 - (b) A nonprofit organization, the principal purpose of which is the conservation of open space.
 - (c) A corporation or trust owned or to be owned by the owners of the lots or residential units within the development. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units.
 - (d) A private entity under a Conservation Restriction approved by the Commonwealth of Massachusetts.
- (2) Restriction. Regardless of the ownership of the open space, any conveyance shall be subject to the conditions of the Planning Board approval of the development and subject to a recorded restriction enforceable by the Town, provided that such land shall be:
 - (a) Perpetually kept in an open state unless the Planning Board has approved an alternative condition for the Common Open Space; and,

- (b) Preserved for exclusively agricultural, horticultural, educational, conservation, or recreational purposes, except for those lands expressly approved by the Planning Board to also be used for a common septic disposal system; and,
- (c) Maintained in a manner which will ensure its suitability for its intended purposes; and,
- (d) Prohibited from being further subdivided or otherwise developed or altered without prior approval by the Planning Board in the same manner as approval was granted for the original development.
- (e) All restrictions must conform to the requirements of G.L. c. 184 section 30-33 and be perpetual. In the event of a Restriction which is not approved by the Commonwealth, the Grantor must grant to the Town a springing right to file an extension of the Restriction without further authorization of the Grantor.

ATTACHMENT D

Article 12 – Amendments to Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings

NOTE – Proposed Amendments: Deleted text marked with a ~~strike through~~; new text is **underlined and bold**.

§ 255-47. Multifamily and multiple dwellings.

All multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land shall conform to the provisions provided below.

- A. Allowable unit count. The permitted number of dwelling units in a multifamily building or development and developments with more than one building for dwelling purposes on a parcel shall not exceed the number permitted utilizing the methodologies established in § 255-31 for land located within the Residence A-1, Residence A-2 and Agricultural Districts, and on the dimensional table footnotes relating to the amount of lot area per dwelling unit for special permits in all other districts. Density bonuses may not be granted unless the development conforms to the ~~flexible development~~ **Flexible Development** process, procedures and standards.
- ~~B. Front entrances~~ **Entrances**. ~~Front entrances~~ **Entrances** to multifamily buildings shall open onto sidewalks and streets or common public spaces and not **directly** onto parking lots. Multifamily buildings and developments shall create shared open spaces, which may be, but shall not be required to be, open to the general public, along a street or common green. ~~Rear entrances and entrances for services and delivery may be from parking areas.~~
- C. Conformity to other regulations. In all other respects, the layout and relationship of buildings to each other and to streets, public spaces, and parking areas shall be as provided in other applicable sections of this bylaw as well as any design standards or guidelines adopted by the Planning Board.
- ~~D. Required open space. On parcels of at least two acres, multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land shall include usable open space in the same proportion and character as required of developments under § 255-31 of the Zoning Bylaw.~~

D. Exceptions.

- (1) Such uses located within the South Hadley Falls Overlay District shall not be subject to the density or open space restrictions within this § 255-47.
 - (2) Developments for which a permit has been granted or which have been developed prior to May 10, 2014, shall not be subject to the provisions of this § 255-47.
- E. Parcels containing more than one building with a dwelling. A parcel may contain more than one building with a dwelling, provided the following conditions are satisfied:
- (1) Such use is identified as being allowed within the subject zoning district by the Use Regulations Schedule included as an attachment to this chapter; and
 - (2) The parcel has sufficient acreage to comply with applicable density limitations; and
 - (3) The applicable density limitations are the same as what is allowed under the flexible

development provisions in § 255-31J G, except they may not exceed the cap set forth in Subsection F(4) below; and

-
- (4) In the Residence A-1, Residence A-2, and Agricultural Districts, no parcel of any size may contain more than four dwelling units on it except pursuant to the flexible development provisions of § 255-31; and
 - (5) Such a parcel may not be later subdivided unless the subdivided lots conform to the dimensional regulations and the infrastructure, including but not limited to the right-of-way and roadway improvements conform to the subdivision regulations in effect when the subdivision is proposed.

G. Common Drive. All residential developments subject to §255-47 shall provide vehicular access to all buildings for dwelling purposes located on the subject parcel via a Common Drive consistent with the provisions of §255-95 Common Drive and Planning Board Rules and Regulations adopted pursuant to said §255-95.

ATTACHMENT E
Public Hearing Minutes

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:
Amendments to the Flexible Development Bylaw, Use Regulation Schedule, and the Multifamily & Multiple Dwelling Bylaw; as well as creation of a new Common Drive Bylaw and Common Open Space Bylaw

MEETING MINUTES OF SEPTEMBER 9, 2024

<https://vimeo.com/1008092449>

Present: Diane Mulvaney, Chair; Nate Therien; Vice-Chair; Joanna Brown, Clerk; Brad Hutchison, Member; Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

12 attendees were present as identified on the Zoom Webinar attendance report (attached).

Chair Mulvaney called the hearing to order at 7:02 PM and Clerk Brown read the hearing notice as follows:

The South Hadley Planning Board will hold a virtual public hearing on Monday, September 9, 2024 at 6:30PM via the Zoom virtual platform to discuss proposed amendments to the Zoning Bylaw Chapter 255 as indicated below, and on the adoption of two proposed new bylaws, as indicated below.

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:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86701619414?pwd=bLiajbe9WjLPxEWlm9Z3F6uWyxD6f.1>

Webinar ID: 867 0161 9414 Passcode: 609591

Or by Phone: +1 (646) 558 8656

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

255-31 Flexible Developments – Proposed Amendments

<https://southhadley.org/DocumentCenter/View/13057/255-31-Flexible-Development-Bylaw---Proposed-Amendments---752024>

Use Regulations Schedule – Proposed Amendments

<https://southhadley.org/DocumentCenter/View/13046/Use-Schedule-Amendments-7524-255-47-255-47-Multifamily-and-multiple-dwellings---Proposed-Amendments>

255-47-Multifamily-and-multiple-dwellings---Proposed Amendments

<https://southhadley.org/DocumentCenter/View/13058/255-47-Multifamily-and-multiple-dwellings---Proposed-Amendments---782024>

Bylaws – Common Drive and Common Open Space

<https://southhadley.org/DocumentCenter/View/13059/255-95-Common-Drive-and-255-96-Common-Open-Space---Proposed-NEW-Bylaws---782024>

Alternatively, hard copies of the documents may be viewed at the 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 July 26, 2024
Friday August 2, 2024*

Director Capra shared a presentation (attached) which detailed the proposed update to the Flexible Development Bylaw, and related Multifamily and Multiple Dwelling, Common Drive, and Open Space Bylaw.

Following Director Capra's presentation, Chair Mulvaney opened the hearing to questions from the Board.

Clerk Brown stated that roadways and similar details were difficult to read in the mapping provided in the presentation. Director Capra replied that the mapping was not intended to be a parcel by parcel analysis, rather it was intended to visualize the change from existing acreage minimums for Flexible Developments to the proposed. Vice-Chair Therien questioned why the Flexible Development option should be limited to parcels over 5 acres, as was in the current bylaw, rather than increase the range of its potential use.

Chair Mulvaney opened the hearing to public comment.

Sarah Harper, 71 Woodbridge Street, addressed the Board. She supported the bylaw amendments and discussed how Flexible Developments enabled smaller neighborhoods, with smaller building footprints, and supported resident's mental health.

Linda Sachs, 193 Woodbridge Street, addressed the Board. She addressed the bylaw amendments in relation to climate change and supporting biodiversity. She expressed concern that the draft did not adequately limit impervious surface within designated Open Space. She also advocated that reporting on mature trees be separated out from other significant features. She submitted a written statement (attached) that identified her comments and concerns. Later in the hearing, Member Hutchison recommended that the Open Space bylaw draft be revised to limit impervious surface to 10%.

Marc Desrosiers, 310 Amherst Road, addressed the Board and asked for clarity on density allowed through Flexible Development. Director Capra explained that density was calculated through Open Space protection, housing type, and underlying zoning with additional multipliers for affordable and small units. Marc Desrosier asked why the Common Drive bylaw allowed for waivers from roadway standards. Director Capra replied that similar waivers were offered under subdivision regulations as some circumstances were appropriate for a waiver. A waiver was not intended to reduce the quality of the road.

Douglas Collins, 8 Pine Street, addressed the Board. He felt certain housing types, such as two-family homes, were not appropriate in certain parts of Town and believed any bylaw amendment should benefit and support the Town's tax payers.

Martha Terry, 25 Brainard Street, addressed the Board. She asked what outreach had been done to publicize the public hearing, such as notification to Town Meeting members. Director Capra replied that the hearing was published in accordance with Massachusetts General Law. If the Board decided to continue the hearing, additional public outreach could be done.

Douglas Collins, 8 Pine Street, addressed the Board again. He responded to the Board’s discussion around public engagement and shared that he did not read the local newspaper, the Town Reminder. He became aware of the Planning Board’s hearing after he discovered that an Accessory Dwelling Unit bylaw had been adopted, which he did not support.

As public comments were heard and would be considered for inclusion into updated drafts, Clerk Brown moved to continue the public hearing and Vice-Chair Therien seconded the motion. Before roll call was taken to continue the hearing, members reviewed written correspondence.

Denise Presley, 19 The Knolls, submitted a google form (attached) which was reviewed by Director Capra and the Board. In response to concern for abutter impacts, Director Capra stated that abutter notification would be required through the permitting process for development. In response to a question asking for the definition of affordable housing, Director Capra replied that the Board could consider a definition, such as 80% median income. Director Capra clarified that Accessory Dwelling Units were not considered a multifamily home. In response to concerns for the vetting of proposals and application materials, Director Capra explained that the Board had the authority to hire a third-party consultant to perform a peer review.

Members discussed continuing the public hearing and steps for additional public notice of the hearing continuation.

Motion: Clerk Brown moved to continue the public hearing to September 23, 2024 at 6:30 PM. Vice-Chair Therien seconded the motion. Four (4) out of four (4) members present voted in favor of the motion through roll call vote.

The regular meeting reconvened at 8:52 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zoom Attendance Report	Attached
Slideshow	Attached
Letter- Linda Sachs	Attached
Google Form – Denise Presley	Attached
255-31 Flexible Developments – Proposed Amendments	Planning Files
Use Regulations Schedule – Proposed Amendments	Planning Files
255-47-Multifamily-and-multiple-dwellings-- -Proposed Amendments	Planning Files
Bylaws – Common Drive and Common Open Space	Planning Files

Attendee Report

Report Generated:

9/20/2024 19:27

Topic

Webinar ID

Actual Duration (minutes)

Unique Viewers

Total Users

Planning Board Regular Virtual Meeting

867 0161 9414

195

12

48

Host Details

Attended

User Name (Original Name)

Join Time

Leave Time

Time in Session (minutes)

Yes

Anne Capra (Town of South Hadley 3)

9/9/2024 18:05

9/9/2024 21:20

195

Panelist Details

Attended

User Name (Original Name)

Join Time

Leave Time

Time in Session (minutes)

Yes

John Gilbert

9/9/2024 18:51

9/9/2024 18:59

8

Yes

Marc Desrosiers

9/9/2024 19:55

9/9/2024 20:03

8

Yes

Member Brad Hutchison

9/9/2024 18:18

9/9/2024 21:20

182

Yes

Ann Stockton

9/9/2024 18:44

9/9/2024 18:47

4

Yes

drcollina8@yahoo.com

9/9/2024 18:37

9/9/2024 18:42

5

Yes

drcollina8@yahoo.com

9/9/2024 20:03

9/9/2024 20:06

3

Yes

drcollina8@yahoo.com

9/9/2024 20:12

9/9/2024 20:14

3

Yes

SHCTV-Patrick Spahr (Patrick Spahr)

9/9/2024 18:07

9/9/2024 21:20

194

Yes

SHCTV-LIVE STREAM (Patrick Spahr)

9/9/2024 18:11

9/9/2024 21:20

190

Yes

Martha Terry

9/9/2024 18:34

9/9/2024 18:35

2

Yes

Martha Terry

9/9/2024 20:06

9/9/2024 20:11

6

Yes

Vice-Chair Nate Therien

9/9/2024 18:24

9/9/2024 21:20

177

Yes

Sara Harper

9/9/2024 18:36

9/9/2024 18:43

8

Yes

Sara Harper

9/9/2024 19:47

9/9/2024 19:50

3

Yes

linda sachs

9/9/2024 19:48

9/9/2024 19:56

9

Yes

Colleen Canning, Staff

9/9/2024 18:26

9/9/2024 21:20

175

Yes

Joanna Brown

9/9/2024 18:24

9/9/2024 21:20

176

Yes

Bruce Ehrlich

9/9/2024 18:51

9/9/2024 18:58

8

Yes

Chair Diane Mulavney

9/9/2024 18:14

9/9/2024 21:20

186

Attendee Details

Attended

User Name (Original Name)

Join Time

Leave Time

Time in Session (minutes)

Yes

Linda Sachs

9/9/2024 18:21

9/9/2024 18:27

7

Yes

linda sachs

9/9/2024 18:29

9/9/2024 18:30

2

Yes

linda sachs

9/9/2024 18:30

9/9/2024 18:32

2

Yes

linda sachs

9/9/2024 18:32

9/9/2024 19:48

76

Yes

linda sachs

9/9/2024 19:56

9/9/2024 20:36

40

Yes

lindalyoung

9/9/2024 18:20

9/9/2024 21:19

179

Yes

Marc Desrosiers

9/9/2024 18:12

9/9/2024 19:55

103

Yes

Marc Desrosiers's iPhone

9/9/2024 18:19

9/9/2024 18:20

1

Yes

Marc Desrosiers

9/9/2024 20:03

9/9/2024 21:01

59

Yes

John Gilbert

9/9/2024 18:28

9/9/2024 18:51

24

Yes

John Gilbert

9/9/2024 18:59

9/9/2024 19:07

9

Yes

Bruce Ehrlich

9/9/2024 18:33

9/9/2024 18:51

19

Yes

Ann Stockton

9/9/2024 18:27

9/9/2024 18:44

17

Yes

Ann Stockton

9/9/2024 18:47

9/9/2024 21:01

134

Yes

drcollina8@yahoo.com

9/9/2024 18:25

9/9/2024 18:37

13

Yes	drcollina8@yahoo.com	9/9/2024 18:42	9/9/2024 20:03	82
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Yes	drcollina8@yahoo.com	9/9/2024 20:14	9/9/2024 21:07	54
Yes	Jim Russell	9/9/2024 18:28	9/9/2024 21:20	172
Yes	14135300706	9/9/2024 18:36	9/9/2024 21:20	165
Yes	Jodi Jarvis	9/9/2024 19:00	9/9/2024 19:38	39
Yes	Jodi Jarvis	9/9/2024 20:02	9/9/2024 20:36	34
Yes	Martha Terry	9/9/2024 18:05	9/9/2024 18:34	29
Yes	Martha Terry	9/9/2024 18:35	9/9/2024 20:06	91
Yes	Martha Terry	9/9/2024 20:11	9/9/2024 21:20	69
Yes	Sara Harper	9/9/2024 18:29	9/9/2024 18:36	7
Yes	Sara Harper	9/9/2024 18:43	9/9/2024 19:47	65
Yes	Sara Harper	9/9/2024 19:50	9/9/2024 21:20	90



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

1

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



2

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

3

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

4

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)

5

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.

6

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.

7

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

8

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

9

G. Housing Types Permitted – New density units/acre in RED

Tier	Specs	Types Permitted	Standards
Tier 1	30-50%	Detached Single Family (new)	Agricultural 0.75 x 1.0 = 1.125
		Attached Single Family	Residence A-1 0.00(WSPD) x 1.5 = 1.25*
		Two Family (Duplex)	Residence A-2 1.20 x 1.5 = 4.0
			Residence B 2.00 x 1.5 = 3.0
Tier 2	>50%	Detached Single Family (new)	Agricultural 0.75 x 2 = 1.50
		Attached Single Family	Residence A-1 0.00(WSPD) x 2 = 1.00
		Two Family (Duplex)	Residence A-2 1.20 x 2 = 2.4
		Three Family (Triplex)	Residence A-2 2.00 x 2 = 4.0
		Residence B 3.25 x 2 = 6.5	

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

10

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.

11

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.

12

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.

13

255 Attachment 1 Use Regulations Schedule Proposed Amendments

Use Classification - Residential Uses	Zoning Districts										Water Supply Protection Overlay		
	Residence					AGR	Business			Industrial			
	A-1	A-2	B	C	D		AI	A	B	B		Garden	
Flexible residential developments, as provided in Article VII	SP SFR	SP SFR	SP SFR	SR SFR	SP SFR		N	N	N	N	N	N	SP

14

MEMO

September 9, 2024

TO: South Hadley Planning Board, and Anne Capra

FROM: Linda Sachs

RE: **Proposed Amendments to the Zoning Bylaw Chapter 255 and Proposed New Common Space By Law**

Thank you for the opportunity to comment.

I appreciate the work you've done thus far to try to minimize some of the negative impacts of housing development.

But you need to go further, especially in recognition of the fact that we are now living with two significant crises, in addition to the housing shortage. These are the climate crisis and the biodiversity crisis.

Chapter 255-96, the proposed new by law on Common Open Space is a good beginning, but it doesn't go far enough. It calls for 30% of land in any new development to be set aside for play, tot lots, gardens, hiking, jogging trails as well as land for conservation.

However, there is nothing in this draft that prevents a developer from paving 30% of the space and calling it a playground or covering 30% with turf grass. Pavement is incredibly destructive and so is turf grass.

While the Conservation Commission is laudably trying to improve our ecosystem, promote biodiversity and reduce ecological dead zones. This By Law gives developers a green light to do the opposite.

Chapter 255-31 the Flexible Development By-Law, is designed to encourage development of diverse and affordable housing types while preserving natural and open space. It calls for the preservation of natural open space for its scenic qualities and its agricultural, environmental, forestry and recreational uses.

In actuality, the By Law does not go far enough. I saw nothing that would prevent a developer from paving open spaces and putting in tennis courts or putting a few jungle gyms on top of pavement and calling it a playground. Both are incompatible with natural, scenic or environmental uses.

The By-Law specifies final steps in the design process and the elements that must be included in the application.

This section has not been amended, yet in keeping with the stated goal of preserving natural space, it needs the following amendment.

Information on mature trees must be separated out from cultural and historic features like stone walls and historic structures, that developers must account for in their applications.

Trees are too important to lump in with stone walls.

Mature, native trees, especially keystone species are absolutely vital. Mature trees cool our neighborhoods, clean the air, nourish our mental health and provide habitat and food for birds, beneficial insects and myriad other wildlife.

Where ever there are mature trees, developers must preserve them. And the Planning Board must make sure that happens. No number of newly planted saplings will compensate for the loss of mature trees. Trees and nature are must-haves in every neighborhood including any new developments, no matter how small. If there happen to be no trees in a development, then the developer needs to plant them.

Please do more to make sustainable architecture, ecological landscaping, with native plants and shrubs mandated, and preservation of natural resources the linchpins of housing production. South Hadley deserves a real commitment to sustainable development. These proposed By Laws do not make that commitment. Developers will be allowed to perpetuate environmental destruction, environmental injustice and create a nature deficit in areas with low to moderate income housing. Instead of real nature, developers will use cheap turf grass which requires vast amounts of water and dangerous chemicals to maintain,

harming people, pollinators and other wildlife.

Please consider further work on these zoning by-laws, otherwise South Hadley will end up creating more environmental injustice and it will contribute to the climate and biodiversity crises, instead of taking steps to lessen them.

September 9, 2024 Planning Board Public Hearing

6:30 PM Public Hearing - Amendments to the Flexible Development Bylaw, Use Regulation Schedule, and the Multifamily and Multiple Dwelling Bylaw; as well as creation of a new Common Drive Bylaw and Common Open Space 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 *

Denise Presley

Please State Your Street Address including City/State *

19 The Knolls, South Hadley, MA

Please state your email address - if any

lindellpresley@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

.....

You can include written comments below

255-31 (Flexible Development revisions)

Flexible Development is complicated. Has the PB considered an independent evaluation of such plans to ensure that abutter's due process rights are protected?

Does it matter if the land is within a water protection district? What rights, if any, do abutters have to oppose potentially hazardous construction?

A.(1) How is the term "affordable housing types" defined?

F. and G. Is the Proposal to allow a single family construction on Tier 1 sites if public water AND sewer is available ... OR, if one or the other is available?

H.(1) Why was the minimum tract size for a flexible development reduced from 5 acres to 3 acres?

J.(2) The 'affordable housing' bonus was reduced from 25% to .25%. Why?

255-95 (Common Drive)

A. Should the rules for actual multi-family developments be distinguished from those for owners seeking to build detached ADUs?

D. How will the PB address private roadways shared by more than one property owner?? For example, would a fee owner of a private roadway have to sue the owner who wants to develop a 'common drive' to protect the fee owner's interest in the private roadway (or must a "takings" claim be brought against the Town)?

F. Does the PB have a plan to vet "written statements" concerning an owner's common drive plans?

255-96 (Open Space)

A. Again, should the rules for actual multi-family developments be distinguished from those applicable to owners seeking to build an additional single family dwelling on a single lot?

If an owner has two contiguous parcels (e.g., 4.8 ac and .52), what minimum open space requirement (30 or 25%) applies to each parcel?

If a detached ADU is erected in open space, does the PB contemplate a deed restriction?

B. (2) A septic system's leach field is not an appropriate area for 'gardens' and no heavy equipment/ machinery should sit atop one.

Why wouldn't the PB require a Special Permit to use a septic disposal system in any of the ways suggested?

Work has occurred on large projects without the permits or safeguards required by CMR. What, if any, performance

guarantees are contemplated to reduce noise and other risks, e.g., viral and bacterial biohazards that could be caused by unsafe construction practices?

This form was created inside of southhadley.ma.gov.

Google Forms

**SOUTH HADLEY PLANNING BOARD
VIRTUAL PUBLIC HEARING CONTINUANCE:**

Amendments to the Flexible Development Bylaw, Use Regulation Schedule, and the Multifamily & Multiple Dwelling Bylaw; as well as creation of a new Common Drive Bylaw and Common Open Space Bylaw

MEETING MINUTES OF SEPTEMBER 23, 2024

<https://vimeo.com/1012493367>

Present: Diane Mulvaney, Chair; Nate Therien; Vice-Chair; Joanna Brown, Clerk; Brad Hutchison, Member; Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

16 attendees were present as identified on the Zoom Webinar attendance report (attached).

Chair Mulvaney called the hearing to order at 6:35 PM

The public hearing had been continued from the previous meeting to allow additional revisions to be incorporated into updated bylaw drafts. Director Capra shared a presentation (attached) which overviewed the purpose and intention of the proposed amendments and followed by detailing the latest revisions incorporated from the previous hearing date. These recent revisions added a subcategory for significant tree identification and defined income thresholds for affordable housing under the Flexible Development Bylaw and including language within the Common Space Bylaw to limit impervious surface in Open Space to no more than 10% and created standards for use of native planting.

Chair Mulvaney asked for the definition of a ‘significant tree’. Director Capra recommended against defining standards for tree significance. This would allow the Board to use discretion when elevating significant trees as each site was different. Chair Mulvaney recommended adding language indicating that tree significance was landscape dependent.

Clerk Brown considered how relevant boards and committees could be sought for comment on potential future Flexible Developments. Director Capra responded that applications for Flexible Development, as well as many other Planning Board permitting applications, were sent to Town and Municipal department heads for comment. Many boards and committees in Town did not have professional staff and were run by volunteers. As such, she cautioned the Board against requiring review and response on applications from these entities. Chair Mulvaney and Vice-Chair Therien noted that outside board and commission members were welcome to attend hearings and provide comment on Planning Board applications and supported the current process for soliciting review and comment.

Member Hutchison identified a possible clerical error within the numbering format of the bylaw which could be easily corrected.

Member Hutchison questioned if the Board struck language in the Flexible Development bylaw relating to developments for residents over the age of 55. Members recalled the previous discussion and the language would be removed from the draft.

Chair Mulvaney opened the hearing to public comment.

Martha Terry, 25 Brainard Street and Precinct C Town Meeting Member, addressed the Board. She supported maintaining the current acreage threshold of five acres and the special permitting requirement, rather than lowering the acreage threshold to three and the proposed site plan review permitting requirement. She also expressed concern for the density as seen in the conceptual plans within the presentation at the beginning of the hearing and was concerned for the level of density created through the bonus system. She also questioned how Wetlands were considered when calculating Open Space. Director Capra responded that the amount of Wetlands in the Open Space corresponded with the amount of Wetland present site-wide. Relative to density, the bylaw capped total density that could be gained through density bonuses. The conceptual plans within the presentation were not reflective of the density allowable through the proposed amendments; they intended to show the different levels of density and the Open Space possible on a conceptual three acre parcel. Member Hutchison considered if a table showing allowable density under flexible development could be added to the bylaw. Vice-Chair Therien responded to the density bonus concern and shared that the bonuses helped encourage affordable housing and small homes.

Linda Sachs, 193 Woodbridge Street, addressed the Board. She appreciated the recent bylaw revisions which incorporated her comments concerning significant trees and impervious surfaces in Open Space. However, she did not support lessening the acreage threshold and permitting requirements for Flexible Developments. She provided a letter (attached) which reflected her concerns.

Clerk Brown acknowledged the public comments received thus far and expressed concern for allowing Flexible Development through site plan review as the current special permitting requirement only allowed for discretionary approval. She was also concerned for the increased amount of parcels that would be eligible for Flexible Development if the acreage threshold was lowered.

Director Capra responded to the concerns for lowering the acreage threshold for flexible developments. If one presumed a property could be permitted as a Flexible Development, one must also presume that the same property could be permitted as a traditional subdivision. A Flexible Development, unlike a traditional subdivision, had a requirement for Open Space protection. Member Hutchison added that lowering the acreage threshold would enable protection of more Open Space.

Mark Adams, Precinct D Town Meeting Member, addressed the Board. Given the concerns for lowering the acreage threshold, he recommended that the Board consider allowing different densities on parcels of 3 acres and parcels of 5+ acres which could be represented as a tiered system. He asked for information about issuance of waivers under the Common Drive Bylaw and asked if the Police and Fire departments were required to approve plans. Director Capra responded that the Board could adopt rules and regulations following adoption of the bylaw to establish such. Additionally, there were established rules and regulations for the special permit and site plan review application process.

Sara Harper, 71 Woodbridge Street, addressed the Board. She was an architect and supported the proposed amendments as it helped enable development that would benefit the Town.

Clerk Brown questioned if the income qualification for affordable housing should be lowered. Director Capra replied that the threshold used was the same standard used by the Department of Housing and Urban Development (HUD).

Motion: Vice-Chair Therien moved to close the public hearing. Member Hutchison seconded the motion. Three (3) out of four (4) members voted in favor of the motion through roll call vote. Clerk Brown voted against the motion.

Motion: Member Hutchison moved to recommend that the Selectboard place amendments to the Flexible Development Bylaw, Use Regulation Schedule, and the Multifamily & Multiple Dwelling Bylaw; as well as creation of a new Common Drive Bylaw and Common Open Space Bylaw on the warrant for Special Town Meeting on November 13, 2024. Vice-Chair Therien seconded the motion. Three (3) out of four (4) members present voted in favor of the motion through roll call vote. Clerk Brown voted against the motion.

The public hearing concluded at 8:02 PM and the regular meeting reconvened.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zoom Attendee List	Attached
Public Hearing Presentation 9/23/24	Attached
Linda Sachs, 193 Woodbridge Street, Letter	Attached

Attendee Report

Report Generated: 10/2/2024 17:19

Topic Webinar ID Actual Duration (minutes) Unique Viewers Total Users

Planning Board Virtual Meeting 823 0871 8165 131 18 41

Host Details

Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)
Yes	Colleen Canning# Staff (Town of South Hadley 2)	9/23/2024 18:01	9/23/2024 20:11	131

Panelist Details

Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)
Yes	Linda Sachs	9/23/2024 19:11	9/23/2024 19:16	5
Yes	Linda Sachs	9/23/2024 19:18	9/23/2024 19:29	12
Yes	Sara Harper	9/23/2024 19:54	9/23/2024 19:55	2
Yes	Martha Terry	9/23/2024 19:12	9/23/2024 19:29	17
Yes	Member Brad Hutchison	9/23/2024 18:18	9/23/2024 20:11	114
Yes	Chair Diane Mulvaney	9/23/2024 18:19	9/23/2024 20:11	113
Yes	Clerk Joanna Brown	9/23/2024 18:28	9/23/2024 20:11	104
Yes	Mike Maresca	9/23/2024 18:01	9/23/2024 20:11	131
Yes	Susan Sachs	9/23/2024 19:32	9/23/2024 19:39	7
Yes	Mark Adams	9/23/2024 19:48	9/23/2024 19:54	7
Yes	Anne Capra	9/23/2024 18:05	9/23/2024 20:11	126
Yes	Vice-Chair Nate Therien	9/23/2024 18:28	9/23/2024 20:11	103

Attendee Details

Attended	User Name (Original Name)	Join Time	Leave Time	Time in Session (minutes)
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Yes	Martha Terry	9/23/2024 18:02	9/23/2024 19:12	71
Yes	Martha Terry	9/23/2024 19:29	9/23/2024 20:11	43
Yes	lindalyoung	9/23/2024 18:44	9/23/2024 20:11	88
Yes	14135300706	9/23/2024 18:36	9/23/2024 20:12	97
Yes	Susan Sachs	9/23/2024 19:19	9/23/2024 19:32	14
Yes	Susan Sachs	9/23/2024 19:39	9/23/2024 19:56	17
Yes	Denise & Gary Hammon	9/23/2024 18:34	9/23/2024 20:03	90
Yes	Vice-Chair Nate Therien	9/23/2024 18:28	9/23/2024 18:28	1
Yes	Jim Canning	9/23/2024 18:43	9/23/2024 19:28	46
Yes	Linda Sachs	9/23/2024 18:31	9/23/2024 19:11	41
Yes	Linda Sachs	9/23/2024 19:16	9/23/2024 19:18	2
Yes	Linda Sachs	9/23/2024 19:29	9/23/2024 20:05	37
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Yes	Gena Lomelin	9/23/2024 19:05	9/23/2024 19:09	4
Yes	Margaret Jodoin	9/23/2024 18:48	9/23/2024 20:11	84
Yes	Marie Rohan	9/23/2024 18:43	9/23/2024 20:11	89
Yes	Deborah Boehner	9/23/2024 18:01	9/23/2024 20:03	123
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Yes	Mark Adams	9/23/2024 19:32	9/23/2024 19:48	16
Yes	Mark Adams	9/23/2024 19:54	9/23/2024 20:03	10
Yes	Marc Desrosiers's iPhone310	9/23/2024 18:25	9/23/2024 20:11	107
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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 Continuation
September 23, 2024

1



2

Proposed Amendments and New Bylaws

<https://www.southhadley.org/1318/ProposedDraft-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)

3

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



4


What is the Flexible Development Bylaw?

Chapter 255-31

- Zoning tool – regulates the use of the land
- Creates a residential development with 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, never built
- Bylaw is complicated and confusing

5

Residential Development and Open Space Protection

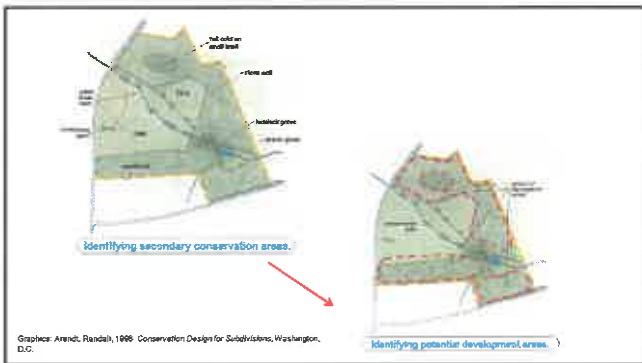


Site before development

Identifying primary conservation areas

Graphics: Anand, Randall, 1980. Conservation Design for Subdivisions, Washington, D.C.

6



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8

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

9

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

Planar 3 Decalages - Prepared Draft Bylaw

Proposed/Draft Bylaws

Flexible Development Bylaw and Associated Bylaw Updates

- Additional Public Notice - Public Hearing 3/23/24 - Zoom link
- 255-31 Flexible Development Bylaw - Final Draft Amendment - 8/13/2024
- 255-47 Multifamily and Multiple Dwellings - Final Draft Amendment - 8/29/24
- 255-95 Common Driveway/255-93 Common Open Space - Revised - 8/19/24
- Land Development Standards - Final Draft Amendment - 6/20/24
- Flexible Development Bylaw - Amended Draft - 8/19/24
- Flexible Development Bylaw - Amended Draft - 8/19/24
- Flexible Development Bylaw - Amended Draft - Presentation 8/22/2024
- 3. Flexible Development Bylaw - 3/1/24

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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)

11

Examples of Residential Developments with Open Space Protection

- Olympia Oaks, Amherst
- Village Hill, Northampton
- Treehouse at Easthampton Meadow, Easthampton
- Cherry Hill Cohousing, Amherst

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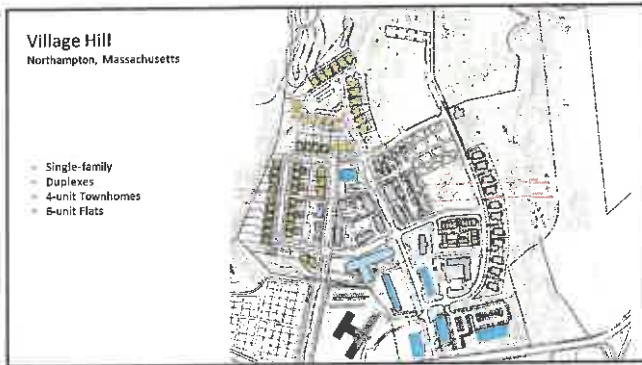
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Treehouse at Easthampton Meadow
 1 Treehouse Circle, Easthampton, Massachusetts
 6 acres
 60 units (in 23 residential buildings)
 Density: 10 units/acre; 2.6 buildings/acre

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.

- 50 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).



19




20

Cherry Hill Cohousing
 Amherst (formerly Pioneer Valley Cohousing)

22 acres total
 32 units clustered on 6 acres:
 8 detached single-family (8 units)
 8 duplexes (16 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: 22 units/22 acres = 1.45 units/acre
 16 acres open space = 72% of total site
 Unit sizes: \$16 to 3,600 square feet

Demographics (approximate):
 Number of adults: 70
 Number of children: 15
 Number of seniors: 20



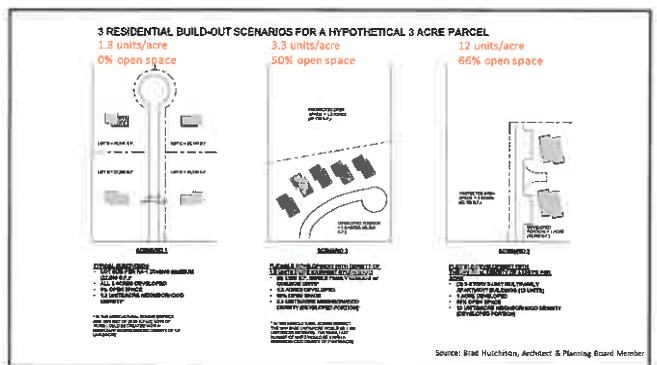
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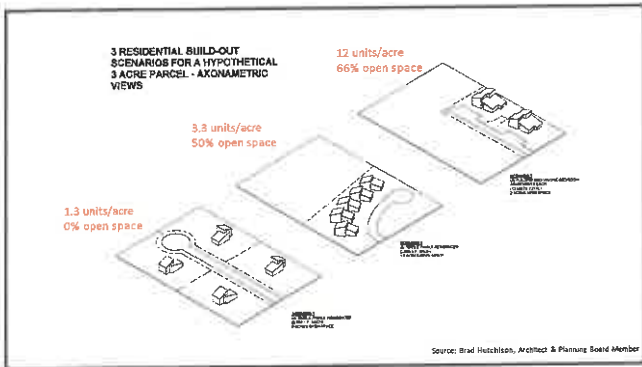
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Density Concept Scenarios

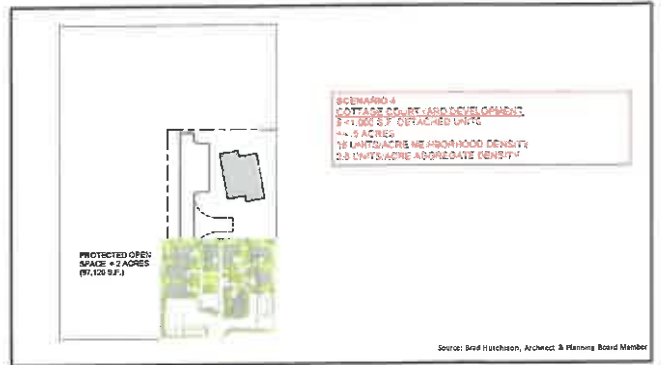
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Proposed Amendments and New Bylaws

- 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)

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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.

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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.

29

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

30

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

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G. Housing Types Permitted - **ADD**

Tier	Open Space (to total acre)	Housing Types/Permitted	Units/Standards
Tier 1	30-50%	Detached Single Family (new)	Residential Single-Family
		Attached Single Family	Agricultural
		Two Family (Duplex)	Residence A-1
		Residence A-2	
Tier 2	>50%	Detached Single Family (new)	Residential Single-Family
		Attached Single Family	Agricultural
		Two Family (Duplex)	Residence A-1
		Three Family (Triplex)	Residence A-2

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

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H. Dimensional Standards

- 1. Reduce minimum tract size from 5 acres to **3 acres.**

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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.

34

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.

35

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.

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255 Attachment 1 Use Regulations Schedule Proposed Amendments

Use Classification - Residential Use	Zoning Districts											
	Residence				ACR	Business			Industrial		Water Supply Protection Overlay	
	A-1	A-2	B	C		Al	A	C	A	B		Garden
Flexible residential developments, as provided in Article VII	GP SPR	GP SPR	GP SPR	GP SPR	GP SPR	N	N	N	N	N	N	SP

37

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)

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NEW 255-95 Common Drive

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

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NEW 255-95 Common Drive

- Land fronting Common Drives not eligible for ANR.
- Statement of adequate way.
- Maintenance Plan to be recorded at Hampshire County Registry of Deeds.
- Financial Performance Guarantee may be required.
- Form of performance guarantee.

40

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.

41

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

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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
- **10** Must include "springing rights" for perpetual restriction.

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Eligible Parcels

44

H. Dimensional Standards

1. Reduce minimum tract size from 5 acres to **3 acres**.

45

255 Attachment 1 Use Regulations Schedule
 Proposed Amendments

Use Classification - Residential Use	Zoning Districts											Water Supply Protection Overlay		
	Residence				AGR	Business			Industrial					
	A-1	A-2	B	C		A1	A	B	C	A	B		General	
Flexible residential developments, as provided in Article VII	AP SPR	AP SPR	BP SPR	BP SPR	BP SPR					N	N	N		SP

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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.

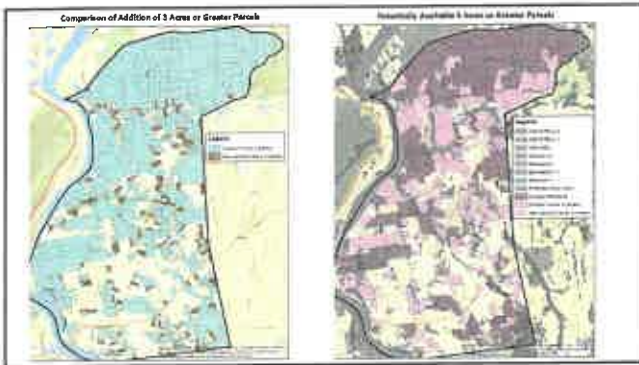
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Parcels 3 Acres or More Protected Open Space

Comparison of Addition of 3 Acres to 3-acre Parcels

3-acre parcels = 454
 (128 protected parcels)
 326 parcels available

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MEMO

September 23, 2024

TO: South Hadley Planning Board, and Anne Capra

FROM: Linda Sachs

RE: **Proposed Amendments to the Flexible Development Zoning Bylaw Chapter 255 and Proposed New Common Space By Law**

I appreciate some of your most recent revisions since the September 9, 2024 Public Hearing.

The Open Space By Law restriction on paving and harmful landscaping practices is awesome and even groundbreaking. Hopefully it will have a real impact on what the By-Law says that it seeks to accomplish, the very laudable goals of permanent protection of open space, preserving scenic landscapes, wildlife habitat, biodiversity, air and water quality and ecosystem health.

However reducing dimensional requirements from 5 acres to 3 acres makes achieving those goals less likely.

For example: the Flexible Development amendments regarding the importance of protecting trees are admirable, but lack specificity or a mechanism for enforcement.

The Skinner Woods development is a harbinger of the harm that comes from paying lip service to protection of trees. Skinner Woods killed 30 trees that were supposed to be left alive. These included over a dozen oak trees, which are an important keystone species. No governmental entity stopped those tree killings. The fine imposed on the developer was miniscule, a small business expense. It also sends a signal to developers that the By Law's requirement to catalog trees and the provision "encouraging" protection of trees, have no teeth.

Plus our town does not seem to have the will, nor does it have the wherewithal i.e. enough building inspectors to make sure that developers do what they promise.

This is one powerful reason why the dimensional requirements should not be dropped from 5 acres to 3 acres. It opens up South Hadley to a mind boggling degree of development. Instead of 196 potential sites for multi-family dwellings, which I believe is a euphemism for small apartment buildings, you have increased that to 326 potential sites for apartment buildings. Even with some of the land protected, there is no

protection from the increased traffic and its attendant noise and air pollution, no protection from nighttime light pollution and no protection for the children, walkers and bikers who want to safely use the streets that will be clogged with all those additional cars.

Real estate, especially rental real estate, has become an increasingly attractive investment for private equity. These proposed zoning amendments will make South Hadley ripe, easy prey for this kind of investment, while destroying residents' peaceful enjoyment of their homes.

Imagine dozens or even hundreds of three acre plots purchased by investors who want to make money from rental properties. What happens when an investor buys a bunch of contiguous plots or multiple plots in one tiny neighborhood. Suddenly your little nook, your peaceful streets, where you like to bike or walk your dog or wheel your baby carriage becomes a traffic riddled thoroughfare. Nothing in these amendments will prevent the construction of multiple apartment buildings in one little neighborhood.

Which brings me to another baffling amendment. I do not understand why the Planning Board would give up the considerable authority it has with regard to Special Permits and instead propose that developers only have to submit a Site Plan Review.

I would also mention that the maps in the Planning Board's PowerPoint presentation are extremely difficult to use. I zoomed in by 400% and could not read road names. It is virtually impossible for residents, but not real estate investors and developers who have access to mapping software, to figure out exactly where these three hundred and sixty potential flexible development locations are.

We elect the Planning Board, developers do not. Therefore, in the interests of South Hadley residents, please raise the Flexible Development lot size to five acres and please retain all your authority and require a Special Permit, rather than Site Plan Review for a Flexible Development.