Dear Town Meeting Members:

The Massachusetts General Laws, pursuant to Chapter 40-A, Section 5 requires that the Planning Board prepare and submit to Town Meeting a report with recommendations regarding any proposed Zoning By-Law or amendment thereto before any vote to adopt shall be taken by that body. The following report of the Planning Board pertains to two articles on the Warrant for the Annual Town Meeting to be held on Saturday, May 10, 2014. Both of the proposed articles involve to amendments to the Zoning By-Law one of which involve topics either considered or originally planned for consideration at the June 2013 Special Town Meeting. The following amendments reflect the Board’s revisions in the prior proposals and the Board’s recommendations regarding changes in the Zoning Bylaw to implement many recommendations in the Master Plan.

- Article #17 – Multifamily and Multiple Buildings for Dwelling Purposes Development
- Article #18 – Bed and Breakfast Facilities

**Article #17**, amends the Zoning Bylaw to establish density, open space, and development related design standards applicable to Multifamily and Multiple Buildings for Dwelling Purposes Development and to update the Use Regulations Schedule in Section 5(E) to be consistent the revisions to definitions adopted in June 2013. The density and open space standards are tied to the corresponding standards for Flexible Developments in Section 7(J) of the Zoning Bylaw. **Recommendation:** Approve the article as submitted in the attached report.

**Article #18**, amends the Zoning Bylaw to modify the restrictions on Bed and Breakfast Homes and to provide for a larger Bed and Breakfast facility termed “Bed and Breakfast Inn”. It also specifies the portions of the community in which a Bed and Breakfast Inn may be approved and provides additional standards for the Bed and Breakfast Inn. **Recommendation:** Approve the article as submitted in the attached report.
Remember, Zoning By-Law amendments require a two-thirds (2/3’s) vote. If you have any questions about these articles, please contact the Planning Board.

Sincerely,

S/ [Signature]
Jeff Squire, Planning Board Chair

rlh
Article #17. To see if the Town will vote to amend in the Zoning By-Law Section 5 USE REGULATIONS, Subpart (E) Use Regulations Schedule to incorporate several new residential use classifications and provide whether they are permitted by Right, Site Plan Review, and/or Special Permit in various zoning districts, provide for Flexible Development to be permitted subject to Site Plan Review instead of Special Permit, and reclassification of some of the existing residential use classifications as permitted by Site Plan Review and/or Special permit in various zoning districts; and Section 7 SUPPLEMENTAL DISTRICT REGULATIONS, by adding a new Subpart (Z) entitled (Z) Multi-Family and Multiple Dwellings, or take any other action relative thereto. (Proposed by the Planning Board).

The proposed changes are as follows:

1. In Section 5 USE REGULATIONS, Subpart (E) Use Regulations Schedule in the “Residential Uses” classification delete the uses of “Three-family dwellings” and “Multi-family dwellings for more than three families” and footnote “g” identified in Section 5(E) Use Regulations Schedule.

2. In Section 5 USE REGULATIONS, Subpart (E) Use Regulations Schedule in the “Residential Uses” classification inserting the following uses “Multi-family dwellings” and “More than one building for dwelling purposes” and indicate that they are permitted, permitted by Site Plan Review, permitted by Special Permit, or prohibited as follows:

   a. Multi-family dwellings and More Than One Building for Dwelling Purposes shall be noted as permitted only by Special Permit in the following zoning districts: Residence A-1, Residence A-2, Business A-1, Business A, Business B, and Business C. In regards to the Business C district, the following notation shall be inserted:

      “Only as part of a mixed-use proposal”

   b. Multi-family dwellings and More Than One Building for Dwelling Purposes shall be noted as permitted only by either Site Plan Review or Special Permit in the Residence B zoning district with the following notation to be inserted:

      “Buildings with three family dwellings located therein shall be permitted by Site Plan Review but four or more on the property whether in one building or multiple buildings shall by permitted only by Special Permit.”
c. Multi-family dwellings and More Than One Building for Dwelling Purposes shall be noted as permitted as either a “Permitted Use” or only by Site Plan Review in the Residence C zoning district with the following notation to be inserted:

“Buildings with three family dwellings located therein shall be a Permitted Use but four or more dwellings on the property whether in one building or multiple buildings shall be permitted subject to Site Plan Review.”

d. Multi-family dwellings and More Than One Building for Dwelling Purposes shall be noted as prohibited in the Agricultural, Industrial A, Industrial B, and Industrial Garden District zoning districts.

e. Multi-family dwellings and More Than One Building for Dwelling Purposes shall be noted as permitted by Special Permit in the Water Supply Protection Overlay District but only if the use is allowed in the underlying district.

3. In Section 7 SUPPLEMENTAL DISTRICT REGULATIONS insert a new Subpart (Z) entitled (Z) Multi-Family and Multiple Dwellings to read as follows:

(Z) Multi-Family and Multiple Dwellings

All multi-family developments and developments with more than one dwelling on a single parcel of land shall conform to the provisions provided below.

1. Allowable Unit Count. The permitted number of dwelling units in a multi-family building or development and developments with more than one dwelling on a parcel shall not exceed the number permitted utilizing the methodologies established in Section 7J 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 process, procedures, and standards.

2. Front Entrances. Front entrances to multi-family buildings shall open onto sidewalks and streets or common public spaces and not onto parking lots. Multi-family 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.

3. Conformity to Other Requirements. 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.
4. **Required Open Space.** On parcels of at least two acres, multi-family 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 Section 7(J) of the Zoning Bylaw.

5. **Exceptions.**
   a. Such uses located within the South Hadley Falls Overlay District shall not be subject to the Density or Open Space restrictions within this subpart 7(Z).
   b. 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 subpart 7(Z).

6. **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:
   a. Such use is identified as being as allowed within the subject zoning district in by Section 5(E) **Use Regulations Schedule**; and,
   b. The parcel has sufficient acreage to comply with applicable density limitations; and,
   c. The applicable density limitations are the same as what is allowed under the Flexible Development provisions in Section 7J(7) except they may not exceed the cap set forth in Section 7(Z)5d below; and,
   d. In the Residence A-1, Residence A-2, and Agricultural districts, no parcel of any size may contain more than 4 dwelling units on it except pursuant to the Flexible Development provisions of Section 7J; and,
   e. 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.

**OBJECTIVES:** The objectives of article are:

1. Provide some maximum level of density for multifamily dwellings and similar developments located within the Residence A-1, Residence A-2, and Agricultural zoning districts.
2. Allow multifamily dwellings in the Business A-1 zoning district to encourage mixed use development and use of underutilized properties.
3. Make the Zoning Bylaw’s Use Schedule consistent with the new definition of multifamily dwellings.
4. Establish a standard for open space for multifamily dwellings and similar developments.
5. Make clear that developments with more than one building for dwelling purposes (such as Alvord Place) cannot be subdivided without complying with the Zoning Bylaw and Subdivision Regulations.
6. Provide some basic design standards for such dwellings to ensure public safety and compatibility with the neighborhood.
7. Ensure that the adoption of the amendments will not adversely impact the status of developments already permitted or constructed.

SUMMARY: This article fulfills the objectives stated above as follows:

1. Density and Open Space standards: Developments subject to the standards (Multifamily Dwellings and More than one building for dwelling purposes) will be required to conform to the Flexible Development standards.
2. Zoning Districts: Business A-1 is added to the districts in which multifamily dwellings may be approved.
3. Use Classifications: Three-family dwellings is removed from the Use Regulations Schedule since the definition of multifamily dwellings encompasses “three-family dwellings” and More than one building for dwelling purposes is inserted into the Use Regulations Schedule.
4. Subdivision: More than one building for dwelling purposes developments will have to conform to the Subdivision Regulations if they seek to subdivide.
5. Design Standards: Provides some basic standards for safety regarding access to the dwellings relative to parking and other vehicular movement areas.
6. Already Permitted or Constructed Developments: Essentially grandfathers any development (already permitted or constructed) which would be subject to these new requirements.
7. Special Permit: The requirement for a Special Permit for these types of developments in the Residence A-1 and Residence A-2 zoning districts remains in place with these amendments.

BACKGROUND: The amendments proposed in this warrant article were driven by concerns voiced during the development of the Master Plan and reflect a number of the Recommended Actions listed in the Master Plan.

Relationship to Master Plan. The character and compatibility of development, particularly multi-family developments) were of particular concern to many persons who participated in the public meetings which aided development of the Master Plan. This is pointed out by the Land Use and Community Design Issues highlighted in the first element of the Master Plan:

- Development (particularly multi-family and commercial) appears haphazard and located in inappropriate places;
- Development (particularly multi-family and commercial) is out of character with the surrounding neighborhood;
- Lack of landscaping, trees, greenery in existing and new developments;
- Unappealing architecture, signage and landscaping of development throughout town especially with respect to the main thoroughfares (Routes 116, 47, 33, 202)
- Lack of common areas;
- Lack of pedestrian connectivity between developments;
- Loss of agricultural lands and scenic vistas to large subdivisions and multi-family development;
- Overabundance of non-conforming land uses throughout town;
Spot zoning of parcels throughout town;
- Potential for large residential development (“McMansion” style development) that use significant pristine forest/agricultural land;
- Lack of comprehensive ideas for development;
- High noise levels from businesses disturb neighboring residences;
- Insufficient access to riverfront;
- Insufficient recreational / alternative transportation opportunities (i.e., bike and hiking paths) throughout town;
- Overabundance of auto-related services throughout town;
- Eateries and shops should be consistent with the character of the town;
- Concern for the environmental impacts of development;
- Loss of mature, native vegetation due to development. [Land Use and Community Design, pages 1-1 and 1-2]

Thus, it is not surprising that the first Goal of the Land Use and Community Design Chapter relates to improved aesthetic quality:

**LUCD-1** Improved aesthetic quality throughout the Town by aligning the Town’s regulatory framework, development review process, and Town investments and programs towards this goal. [Land Use and Community Design, page 1-2]

Character and Compatibility of Multi-family developments was identified and discussed as one of the “Community-Wide Development Considerations” as discussed in this excerpt from the Master Plan:

A viable housing market and economic development strategy depends partly on having a diverse housing supply. This diverse housing supply requires a balancing of the different forms and densities of housing; but also requires that the newer housing still conform to the character of the neighborhood and be done in a manner which is compatible with the community’s goals and objectives. Character of a neighborhood is not defined merely as the type of housing (i.e., single-family, duplex, etc.) as many of South Hadley’s neighborhoods, particularly older neighborhoods, have several types of housing. Rather, neighborhood character is also defined by the scale of the buildings, extent of greenery, proportion devoted to impervious surfaces, etc.

In recent years, an increasing share of the new developments has been in the form of multi-family housing. While the density of the multi-family developments approved during recent years have generally been lower than was approved previously, they are often viewed as being out of character by abutters. Developers have often sought to market these dwellings to persons in the 55 years old and over age group by providing one-level condominiums, limited recreational features, and 1 or 2-vehicle garages. Accordingly, these newer developments appear to have greater degrees of impervious surfaces and less landscaping than characterized many of the earlier developments.
As has characterized much of the single-family residential development over the past 10 years, these multi-family developments have generally been located or proposed in areas which are dominated by single-family dwellings. This “in-fill” development trend raises concerns about the compatibility of the differing housing types. While they are not inherently incompatible, the burden is on the newer developments to integrate into the fabric of the neighborhood. Such integration can be achieved through a conscious effort on the part of the development’s designer by such means as the architectural style and scale of the buildings, buffering, screening, and landscaping.

Buffers between multi-family developments and surrounding single-family neighborhoods can significantly mitigate the perceived impacts of the differing housing types. Current regulations do not provide standards or guidance for the maintenance or development of such buffers. The Planning Board has frequently imposed buffering requirements with differing degrees of success, but more guidance would benefit the development design process.

Diversification of multi-family housing could also benefit the extent to which such housing is compatible with the existing neighborhoods and surrounding buildings. Instead of demolition of existing older structures, large Victorian housing could be converted into multiple dwellings. Another example could be smaller-scale apartment buildings that have architectural appeal and historic charm. In cases of larger, more dense development, the general guiding criteria should be directed at promoting open and usable space, creating common areas, preserving architectural integrity, keeping existing trees and greenery, providing adequate buffers to adjacent residential uses, creating development concentration in areas that are consistent with respect to housing types and densities in the surrounding area, and supporting public transportation nodes. [Land Use and Community Design, pages 1-22 and 1-23]

The Master Plan contains 51 specific recommended actions regarding Land Use and Community Design. Approximately one-fourth of these recommended actions relate to multifamily development. Objective 2-5 and the 8 recommendations associated with that objective are generally the most directly related to this warrant article although the article does not attempt to address all of the recommended actions:

**Objective 2-5: Residential development appropriately balanced between traditional single-family housing and multi-family housing without infringement upon, nor disruption of, established neighborhoods.**

*Recommended Action 2-5-1: Develop clear standards to manage multi-family development more effectively through the special permit process.*

*Recommended Action 2-5-2: Carefully assess and identify where multi-family housing should be located and the variety of forms it can take.*
Recommended Action 2-5-3: Carefully study the Residence A-1, Residence A-2 and Agricultural zoning district provisions and the zoning map, to ensure that the bylaws and zoning map work together to foster desirable land use patterns that are consistent with the goals of this Plan.

Recommended Action 2-5-4: Review and recommend changes to the zoning map to identify and provide property zoned for multi-family development in such a manner that would not adversely alter or impact the character of single-family neighborhoods.

Recommended Action 2-5-5: As South Hadley’s current zoning bylaw allows, by special permit, the construction of multi-family dwellings in Residence A-1 and Residence A-2 zoning districts without limitation on the density or number of dwellings, the bylaw must be reviewed and revised to denote specific areas in Residence A-1 and Residence A-2 districts for multi-family dwellings, to better manage the intensity of these developments.

Recommended Action 2-5-6: Review and revise the Zoning Bylaw to better manage the intensity and impacts of multi-family developments, particularly in the Residence A-1 and Residence A-2 districts, through buffer, lot coverage, density, and impervious surface provisions.

Recommended Action 2-5-7: Incorporate both inclusionary zoning and affordable housing density bonus provisions as ways to increase the supply of affordable housing.

Recommended Action 2-5-8: Adopt incentives to encourage retention of existing residential buildings through conversion to multi-family use in lieu of demolition of such structures for development of new multi-family buildings. [Land Use and Community Design, pages 1-30 and 1-31]

Additionally, several recommendations under other goals also directly relate to this warrant article. For instance,

Recommended Action 1-1-3: Adopt bylaws and provisions that provide for the mandatory allocation of open space, with preferential protection of agricultural lands and trees. [Land Use and Community Design, page 1-27]

Recommended Action 2-1-2: Develop Special Permit standards that will provide greater clarity in defining whether applications meet the standards for approval. [Land Use and Community Design, page 1-28]

The proposed amendments propose to establish standards by which to manage multifamily and similar developments [Recommended Action 2-5-1 and Recommended Action 2-1-2] in regards to density and open space. In so doing, they “manage the intensity and impacts of multi-family
developments, particularly in the Residence A-1 and Residence A-2 districts” [Recommended Action 2-5-6] and make “provisions that provide for the mandatory allocation of open space” [Recommended Action 1-1-3]. As proposed, the amendments provide a more predictable regulatory framework while addressing a community-wide consideration that “a viable housing market and economic development strategy depends partly on having a diverse housing supply”. [Land Use and Community Design, page 1-22]

**Status of Existing Bylaw and the Relationship of the Proposed Amendments to Existing Developments.** South Hadley’s existing Zoning Bylaws do not establish any density or open space requirements for multifamily and developments with more than one building for dwelling purposes in the Residence A-1 and Residence A-2 zoning districts. Such uses are permitted by Special Permit and the Planning Board decides on the allowed number of dwellings on a case by case basis. Yet, there is not a basis in the Zoning Bylaw for determining an appropriate or compatible level of development. The primary aspect of the proposed amendments is establishing density limits and open space requirements. The provisions of this article were largely included as parts of a much larger article regarding Flexible Development which was in the June 2013 Special Town Meeting warrant. However, the Planning Board felt it made more sense to separate these issues from the more complex issue of Flexible Development.

**Density.** Existing developments in the Residence A-1 and Residence A-2 zoning districts have been approved/developed at a variety of densities ranging from 1.85 units per acre to 12.08 units per acre – see table below. (The 1.85 units per acre had significant limitation on use of the property.) By comparison, the proposed amendments would limit the maximum density to that which is allowed under the Flexible Development provisions – without any opportunity for density bonuses – as follows:

<p>| | |</p>
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<tr>
<td>Residence A-1</td>
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<td>Residence A-2</td>
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Comparison of this proposed density standard to the 14 condominium developments listed in the table below shows that only one of the existing or permitted developments would meet the proposed density standard. Thus, to protect the rights of the existing owners, the proposed amendments provide a “grandfathering” provision. At the same time, the proposed amendments ensure that new developments, if they are permitted, would generally be of a density comparable to those expected for single-family subdivisions in these two zoning districts. There may be situations where a parcel is uniquely shaped or has environmental constraints or front on existing roadways in which the number of potential single-family lots which could result would vary from the above density allowances. Recognizing the more urbanized nature of the South Hadley Falls area, the proposed amendments exempt properties in the South Hadley Falls Overlay District from the proposed standards.
### Name of Development

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<th>Name of Development</th>
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### SUMMARY

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**Open Space.** While some of these developments have open space associated with them, there is presently no requirement for such space and the Town does not have documentation on what open space is associated with most of the developments. With dwellings in closer proximity to each other, the opportunity for more common open space is increased. Development of higher density developments warrant more open space for residents to enjoy and to enable the development to “fit in” with the larger, surrounding community.

As with the density standards, the open space standards (in terms of proportion and character), are proposed to be tied to the Flexible Development standards in Section 7(J) of the Zoning Bylaw. These provisions require a minimum of 30% of the parcel shown on the development plan to be in usable open space for the enjoyment of the residents of the development.

What does character of open space refer to? Section 7(J)11 – primarily paragraphs b, c, and d - provides standards for what constitutes “usable open space”. Under these provisions, the open space is to be available for “agriculture, natural education, recreation, conservation, historic, park purposes, or a combination of such uses”. The open space will need to be connected to the buildings in which the residents reside so they can have access to the space. Not more than half
of the open space should be composed of wetlands. Whether surface drainage systems qualify as part of the required open space would be determined by the Planning Board on a case-by-case basis depending on the ability of the drainage components to be used as part of the open space (generally, a fenced in detention basin would not be part of the open space, but a shallow depression which briefly detains stormwater or a rain garden may be appropriate).

Zoning Districts Purposes. Since these amendments relate to the Residence A-1 and Residence A-2 zoning districts, the adopted purpose statements for each of these districts is relevant for consideration (South Hadley Zoning Bylaw, Section 4):

**Residence A-1 (Low-Density Residential)**  
The purpose of this district is to allow residential and compatible uses, including new development that is in character with existing predominantly single-family housing, while preserving natural open spaces for their scenic quality and for ecosystem services, protection of water resources, recreation, agriculture, and forestry.

**Residence A-2 (Medium-Density Residential)**  
The purpose of this district is to allow medium-density residential and compatible uses within developed areas of the town and to provide for new development within proximity of these developed areas that is in character with existing housing, which is predominantly single-family in nature.

**PUBLIC HEARING:** The Planning Board held a public hearing on this proposed amendment on Monday, April 28, 2014. Approximately a half-dozen persons were in attendance at this hearing. Suggestions were made that the Master Plan recommends prohibiting these types of uses in the Residence A-1 and Residence A-2 zoning districts and that the amendments would encourage such developments. There were suggestions that the density limits were too high for the zoning districts and the existing development. An additional suggestion was made that the Master Plan called for prohibiting multifamily developments in the Residence A-1 and Residence A-2 zoning districts.

The Planning Board considered and discussed the comments during the public hearing and decided not to make changes in the proposed amendments. Board members noted that the Master Plan also calls for a variety of housing and the existing regulations provide no density limits on multifamily or similar developments in the Residence A-1 and Residence A-2 zoning districts. While there is some concern that the amendments would prohibit well-designed, higher density developments, it is noted that applicants could apply under the Flexible Development provisions and seek density bonuses and the Planning Board intends to submit amendments in the “near” future which would create specific “overlay districts” which would allow higher density residential developments in appropriate areas.

**RECOMMENDATION:** The Planning Board, at their April 28, 2014 meeting, (with three members present) unanimously voted to recommend approval of the amendment as presented in this report.
APPENDIX 17-1

EXISTING PROVISIONS

The following provide a description of the provisions of the existing Zoning Bylaw in regards to Multifamily and related developments covered by the proposed amendments.

Section 3, DEFINITIONS

(B) Definitions

26. Dwelling. A building occupied exclusively as a residence for one or more families.


28. Dwelling, Single-Family attached. A single-family residence on its own lot that shares one or more walls with an adjoining single-family residence.

29. Dwelling, Two-Family. A dwelling containing two dwelling units.

30. Dwelling, Multi-Family. A dwelling containing three or more dwelling units. A single parcel containing detached or attached single-family and/or two-family, dwellings is not a Multi-family Dwelling.

31. Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include house trailers or recreational vehicles.

Section 5, USE REGULATIONS

(E) Use Regulations Schedule

The existing Use Regulations Schedule lists the following residential uses which are related to the subject amendments:

- Single-Family dwellings
- Two-family dwellings (new)
- Three-family dwellings
- Multi-family dwellings for more than three families/g

The definition of “Multi-family dwellings” as adopted in June 2013 incorporated “Three-family dwellings” into that term but the Use Regulations Schedule, as shown on the following page, was not amended to reflect the changes which would include deletion of footnote “g”.
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<td>Single-Family dwellings</td>
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<td>Conversion of single-family to two-family dwellings, as</td>
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<td>provided in Section 7</td>
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<td>Two-family dwellings (new)</td>
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<td>SPR</td>
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<td>Bed and Breakfast</td>
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<td>Flexible Residential Developments, as provided in</td>
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NOTES:

a. Limited to renting of rooms and the furnishing of table and board to not more than four resident persons in a dwelling occupied as a private residence.
b. Subject to septic disposal limitations specified in the Water Supply Protection by-law.
c. Allowed in underlying Agricultural district and Residence A-2 district where public sewer is provided.
d. Allowed in underlying Residence A-1 and Residence A-2 districts where public sewer is provided.
e. Only if the use is allowed in the underlying district.
f. Only as part of a mixed-use proposal.
g. Includes detached dwellings where the underlying and/or adjacent land is owned in common by an association of the dwellings’ owners.
May 10, 2014 Annual Town Meeting
April 30, 2014 Report of the Planning Board Regarding
Article #18 – BED AND BREAKFAST FACILITIES

Article #18: To see if Town Meeting will vote to amend Section 3, DEFINITIONS, Subpart (B) Definitions; Section 5 USE REGULATIONS, Subpart (E) Use Regulations Schedule; and Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (R) Bed and Breakfast of the Zoning Bylaw to delete the existing definition of Bed and Breakfast and to establish and define two categories of Bed and Breakfast facilities, identify in which zoning districts each of the categories may be permitted, and to revise the regulations on Bed and Breakfast facilities and to provide for different standards and regulations for the two categories of Bed and Breakfast facilities or take any other action thereto.

The proposed changes are as follows:

1. In Section 3, DEFINITIONS, Subpart (B) Definitions, delete the existing definition of Bed and Breakfast and insert the following definitions for Bed and Breakfast Home and Bed and Breakfast Inn:

   10. Bed and Breakfast Home. An owner-occupied single-family dwelling (including accessory structure located on the same parcel as the owner-occupied dwelling) which may rent rooming units for transient occupancy, (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin, separate from those required for the single-family dwelling), which share a common entrance for the single-family dwelling and transient occupants are provided at least one daily meal as part of their occupancy. The use of that portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the character thereof.

   11. Bed and Breakfast Inn. An owner-occupied building or grouping of buildings which may rent rooming units for transient occupancy, (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin, separate from those required for the single-family dwelling), which share a common entrance for the building and transient occupants are provided at least one daily meal as part of their occupancy. The use of that portion of the building devoted to transient occupancy shall not change the character thereof.

2. In Section 5 USE REGULATIONS, Subpart (E) Use Regulations Schedule, within the “Residential Uses” classification, delete the existing use of Bed and Breakfast and insert Bed and Breakfast Home and Bed and Breakfast Inn and indicate whether they are permitted by right, subject to Site Plan Review, subject to Special Permit, or prohibited in the various zoning districts as follows:
**Bed and Breakfast Home:** Permitted only by Special Permit only in the Residence A-1, Residence A-2, Residence B, and Agricultural zoning districts and permitted within the Water Supply Protection Overlay District but only if permitted within the underlying zoning district and subject to the requirements of Section 7(R) of the Zoning Bylaw. Permitted only by Special Permit in the Business A-1, Business A, and Business B zoning districts if located within the South Hadley Falls Overlay District. Prohibited in all other zoning districts.

**Bed and Breakfast Inn:** Permitted only by Special Permit only in the Residence A-1, Residence A-2, Residence B, and Agricultural zoning districts and permitted within the Water Supply Protection Overlay District but only if permitted within the underlying zoning district and subject to the requirements of Section 7(R) of the Zoning Bylaw. Permitted only by Special Permit in the Business A-1, Business A, Business B, Industrial A, and Industrial B zoning districts if located within the South Hadley Falls Overlay District. Prohibited in all other zoning districts.

3. In **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS, Subpart (R) Bed and Breakfast:**

   1. Insert the following sentences following the heading “(R) Bed and Breakfast” but preceding the first paragraph:

   There are two categories of Bed and Breakfast facilities which may be permitted in South Hadley: Bed and Breakfast Home and Bed and Breakfast Inn. Both categories of facilities require a Special Permit as noted in Section 5(E) of the Zoning Bylaw.

   2. Insert the following heading subsequent to the above two sentences but prior to the first paragraph:

   Bed and Breakfast Home

3. In the first sentence of the first paragraph, after the phrase “existing owner occupied single-family dwelling”, insert the following:

   (including existing accessory structures located on the property)

4. In the second sentence of the first paragraph, delete the following phrase:

   “Breakfast shall be the only meal served and”

5. In the second paragraph, insert the following:

   f. Breakfast shall be the only meal prepared for and served rooming guests in the Bed and Breakfast Home. But, the Bed and Breakfast Home may also
provide a “box lunch” for the rooming guests. Rooming guest occupants are provided at least one daily meal as part of their occupancy. No meals are to be provided for a fee to persons not residing in the Bed and Breakfast Home.
g. Bed and Breakfast Homes or Bed and Breakfast Inns may only be permitted for those structures existing as of May 10, 2014

6. Immediately following Section 7, Subpart (R), Paragraph 4 as to be amended above, the following section entitled “Bed and Breakfast Inn” shall be inserted:

Bed and Breakfast Inn

5. The Planning Board may issue a Special Permit for a Bed and Breakfast Inn that is an existing structure in which the resident or residents of the dwelling provide overnight lodging to paying guests in a maximum of ten (10) guest bedrooms located within the building. No person may occupy said room or rooms more than fourteen (14) days in any thirty (30) day period. The Inn shall function as a private home with house guests.

6. Except as provided in the paragraphs below, the provisions of Section 7, Subpart (R), Paragraphs 2, 3, and 4 shall also apply to a Bed and Breakfast Inn:
   a. References to Bed and Breakfast Home are to be read as “Bed and Breakfast Inn”.
   b. Bed and Breakfast Inns may be permitted for up to ten (10) guest rooms.
   c. Bed and Breakfast Inns shall be connected to the Town’s sanitary sewer system.
   d. Parking requirements may be waived if the Bed and Breakfast Inn is located within the Falls Overlay District and alternative parking arrangements are satisfactorily provided including available on-street parking.
   e. If the Planning Board waives any of the off-street parking requirements, the Planning Board must determine that the number of guest rooms and the parking arrangements will not be detrimental to the neighborhood in which it is located.

7. Bed and Breakfast Inns may only be permitted for properties abutting Route 116 or Route 202 and properties within the South Hadley Falls Overlay District.

OBJECTIVES: The objectives of article are:
   1. Meal limitation: Modify the limitation that breakfast be the only meal provided while ensuring that the facilities will not become a restaurant in a residential neighborhood
   2. Bed and Breakfast Inn: Create a class for a larger facility restrict its location.
3. Single-Family Dwelling: Remove the restriction for a single-family dwelling where it applies to more than three (3) guest rooms.
4. Remove the restriction that the facility be within the principal residential structure on the property.
5. Parking requirement: Recognize the business and urban nature of the Falls and provide that parking may be waived in the Falls Overlay District Zone if alternative parking arrangements are satisfactorily provided including available on-street parking.
6. Reasonable balance. Ensure that alternative parking arrangements will not be detrimental to the neighborhood.
7. Provide some opportunity for short-term transient lodging in some business zoning districts – encourage such uses in the Falls area for redevelopment purposes.

SUMMARY: This article fulfills the objectives stated above as follows:
1. Meal limitation: Bed and Breakfast facilities would be allowed to provide a “boxed lunch”.
2. Bed and Breakfast Inn: The amendment creates the opportunity for a Bed and Breakfast Inn with up to 10 guest rooms but restricts their locations to the South Hadley Falls Overlay District and Route 202 and Route 116.
3. Principal Residential Structure: Provides that the Board could approve conversion of an existing accessory structure for use as the lodging facility.
4. Parking: Provides the ability for the Planning Board to waive parking requirements in the Falls, if the Planning Board determines that the number of guest rooms and the parking arrangements will not be detrimental to the neighborhood in which it is located.
5. Business Districts: Allows some Bed and Breakfast facilities to locate in the Business A-1, Business A, Business B, Industrial A, and Industrial B zoning districts but only if located within the South Hadley Falls Overlay District (the Industrial A and Industrial B districts would only accommodate the Bed and Breakfast Inn facilities.

BACKGROUND: The existing Zoning Bylaw tightly regulates development of the “hospitality” industry as it relates to lodging:
- Hotels or motels are only allowed in the Business C and Industrial B zoning districts – and then only by Special Permit.
- The Bed & Breakfast restrictions limit the scope of such facilities to 3 rooms, use of the existing residence for the lodging, and suggest that breakfast is the only meal which can be provided by the facility (not even a “box lunch” for an afternoon outing).

For comparison purposes, Appendix 18-A provides details on the existing Zoning Bylaw provisions regarding Bed and Breakfast facilities.

South Hadley’s Master Plan noted among significant economic development issues was that “Regional educational, cultural, and environmental resources and institutions have not been fully utilized in local economic development efforts” [Economic Development Chapter, page 2-8]. In this regard, the Master Plan states

“South Hadley’s natural beauty, Connecticut River waterfront, Mount Holyoke and Mount Tom ranges, and proximity to the Berkshires’ all can be part of its
overall economic development strategy. . . . to the extent a recreation-based strategy can be initiated for the Falls, this can contribute to the overall marketing of the town as a recreation and cultural destination.” [Economic Development Chapter, page 2-8]

Providing short-term lodging for area guests is part of the infrastructure needed to support the Falls and the community as a “recreation and cultural destination”. Otherwise, those visitors will be spending time in other communities (as they are today) and spending less of their monies in South Hadley’s establishments.

On a related aspect, the Master Plan also noted that “Retention of existing businesses, especially small businesses, home-based businesses, and telecommuting, has not been given adequate attention but offers significant opportunities.” [Economic Development Chapter, page 2-9]. The Master Plan goes on to note that “Most jobs are created and retained by small businesses” [Economic Development Chapter, page 2-9] and, in this regard, states

“Reformation of . . . policies and regulations can and should encourage growth of small businesses, home-based businesses, . . . while enhancing the stability and quality of our residential neighborhoods and town character.” [Economic Development Chapter, page 2-9]

By their nature, Bed and Breakfast facilities are “home-based” businesses and are also small businesses. Reforming the regulations which unduly limit the ability of these businesses to developer and sustain themselves should do so while maintaining their residential component and appearance. These proposed amendments seek to achieve this balance.

A principal economic development goal in the Master Plan is

“A revitalized, thriving commercial and residential center in South Hadley Falls with expanded employment and economic opportunities” [Economic Development Chapter, page 2-11].

Another related goal is

“An active economic development strategy that capitalizes on South Hadley’s and the region’s education, cultural and natural resources, and includes an active recreation component” [Economic Development Chapter, page 2-11].

The proposed amendments seek to further progress towards both of these goals by reforming the Bed and Breakfast regulations to make the use more attractive while maintaining its compatibility with the residential character of the structures and neighborhoods. The amendments also further these by expanding the potential for a Bed and Breakfast facility in the Falls and along the two primary regional roadways traversing the community.

Creation of the use “Bed and Breakfast Inn” as defined and detailed in the amendments is brought about by the recognition that there are vacant or soon to be vacant structures which lend themselves to residential use and could be used for Bed and Breakfast facilities but are too small limit to three guest rooms. The 2012 SDAT Report on South Hadley Falls noted that a bed and
breakfast facility would be a good reuse of the existing library. However, 7,400 square feet, it is
too large to be limited to a single residence and 3 guest rooms.

At present, South Hadley has a limited capacity for business guests to stay in the community
when visiting their facilities or Mount Holyoke College. Several current and soon to locate
processing/manufacturing concerns in South Hadley Falls have frequent out of town consultants
or management personnel who visit but they typically have to stay in Chicopee, Hadley,
Holyoke, etc due to the lack of available space. Expanding the lodging capacity would enable
these visitors to stay near their place of business and improve the efficiency of their business
trips.

PUBLIC HEARING: The Planning Board held a public hearing on this proposed amendment
on Monday, April 28, 2014. Approximately a half-dozen persons were in attendance at this
hearing. There was extensive discussion regarding the proposal for a “Bed and Breakfast Inn”
classification and whether that should be allowed in all residential areas. In this regard, however,
there was general agreement that the South Hadley Falls area as well as the Route 202 and Route
116 corridors seemed appropriate – under a Special Permit process.

Concern was also voiced that the existing Zoning Bylaw provisions allow for someone to add on
to their residence and then obtain a permit to create a Bed and Breakfast facility. This
amendment, by allowing for a Bed and Breakfast Inn facility, was considered to be of particular
concern since it could encourage such activity. One additional concern regarding this amendment
involves the potential for a “parking” waiver in the South Hadley Falls area.

Another question raised at the public hearing was in regards to who inspects these facilities. The
Board of Health and the Building Commissioner have related responsibilities for inspection of
these facilities on a regular basis.

The question was raised as to the benefits of the bed and breakfast facilities. In addition to the
general economic benefits, the Town could also receive additional taxes from Bed and Breakfast
facilities in the form of the meal and room taxes.

The Planning Board considered and discussed the comments during the public hearing and
decided to make changes from their original proposal and restrict the Bed and Breakfast facilities
to structures which are in existence at the time of the Town Meeting approval of the amendment
– May 10, 2014 if the Town Meeting votes approval. Additionally, the Board decided to restrict
the Bed and Breakfast Inn facilities to the South Hadley Falls Overlay District and to properties
abutting Route 116 and Route 202. As to the issue of a parking waiver, the Board members and
Town Planner noted that the amendment does not guarantee any waiver but they also noted that
without waivers, few if any businesses could occupy the buildings along Main and Bridge Street
could operate since the older buildings were not constructed with offstreet parking or at least not
at levels which the Town’s “suburban” parking standards would require. The Planning Board’s
revisions, voted on at their April 28, 2014 meeting, are reflected in the proposal contained in this
report.
RECOMMENDATION: The Planning Board, at their April 28, 2014 meeting, (with three members present) unanimously voted to recommend approval of the amendment as presented in this report.

APPENDIX 18-1

EXISTING PROVISIONS

The following provide the provisions of the existing Zoning Bylaw in regards to Bed and Breakfast facilities.

Section 3, DEFINITIONS
(B) Definitions

10. **Bed and Breakfast.** An owner-occupied single-family dwelling which may rent up to a maximum of three (3) rooming units for transient occupancy, not to exceed a total of eight (8) renters (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin, separate from those required for the single-family dwelling), which share a common entrance for the single-family dwelling. The use of that portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the character thereof.

Section 5, USE REGULATIONS
(E) Use Regulations Schedule

Bed and Breakfast is presently permitted by Special Permit only in the Residence A-1, Residence A-2, and Agricultural zoning districts and permitted within the Water Supply Protection Overlay District but only if permitted within the underlying zoning district and subject to the requirements of Section 7(R) of the Zoning Bylaw.

Bed and Breakfast is presently prohibited in all other districts.

Additionally, Hotel-Motel uses are permitted by Special Permit only in the Business C and Industrial B zoning districts and prohibited in all other zoning districts.

Section 7, SUPPLEMENTAL DISTRICT REGULATIONS
(R) Bed and Breakfast

1. The Planning Board may issue a Special Permit for a bed and breakfast home that is an existing owner occupied single-family dwelling in which the resident or residents of the dwelling provide overnight lodging to paying guests in a maximum of three guest bedrooms located within the dwelling. Breakfast shall be the only meal served and no person may occupy said room or rooms more than fourteen (14) days in any thirty (30) day period. The home shall function as a private home with house guests.

2. In addition to the Special Permit requirements in Section 9 of this By-Law, the following bed and breakfast requirements must be met as a condition of approval:
   a. no cooking facilities are permitted in any guest room; and
   b. there shall be no substantial change to the exterior of the building; and
   c. one parking space shall be provided for each room to be occupied by bed and breakfast lodgers in addition to the parking required under Section 8, Subsection (G); and
   d. if such facility is to be served by an existing on-site septic system, the owner shall obtain a letter from the Board of Health that the sewage disposal system is adequate for the proposed use; and
   e. signage shall be limited to an announcement sign as permitted under Section 7, Subpart (A).
3. Plan Requirements: Plans for a bed and breakfast home shall be prepared by a registered architect, registered landscape architect or engineer and shall show the following together with appropriate dimensions:
   a. proposed name of the bed and breakfast home;
   b. location by legal description;
   c. name and address of applicant and designer of the plan;
   d. scale of the plan, 1” = 40’ or larger;
   e. date, north arrow, contours at two (2) foot intervals;
   f. boundary line of property indicated by a solid line, and the total acreage encompassed thereby;
   g. bed and breakfast homes using private water wells shall provide a certificate of good water quality from the Board of Health.

4. Owner-Occupancy Requirement
   a. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having ownership interest in the property must reside in the residence to satisfy the requirement that the property be owner-occupied.
   b. In the event the property is owned by a business entity, the Planning Board must require the entity to designate a person to reside in the residence on a permanent or ongoing basis to carry out the functions as if they were the owner of the property relative to this Section of the Zoning By-Law.