

TOWN OF SOUTH HADLEY

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TOWN OF SOUTH HADLEY NOTICE OF PLANNING BOARD PUBLIC HEARING Relative to Proposed Zoning By-Law Amendments

Pursuant to the provisions of South Hadley Zoning By-Law, Section 2(E) and M.G.L. Chapter 40A, Section 5, the Planning Board of the Town of South Hadley will hold a public hearing to discuss proposed amendments to the South Hadley Zoning By-Law and General By-Law as noted herein. The public hearing will be held as follows:

Place: South Hadley Town Hall, Selectboard Meeting Room;
116 Main Street, South Hadley, MA
Date: Monday, October 20, 2014
Time: 7:15 p.m.

The subject matter of the proposed amendments to the Zoning By-Law is as follows:

PB Article A. To see if the Town will vote to amend the Zoning By-Law in regard to Setback by amending: **Section 3, DEFINITIONS**, Subpart (B) **Definitions** to insert an additional illustration in regards to building setbacks, as detailed in the Planning Board's Report to Town Meeting or take any other action thereto.

PB Article B. To see if the Town will vote to amend the Zoning By-Law in regard to Lodging Houses by amending: **Section 3, DEFINITIONS**, Subpart (B) **Definitions**, to alter the definitions of Bed and Breakfast Home and Bed and Breakfast Inn facilities; in **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule** to delete the use Lodging Houses and Dormitories, and in **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS**, by deleting Subpart (B) **Lodging Houses and Dormitories** as detailed in the Planning Board's Report to Town Meeting or take any other action thereto.

PB Article C. To see if the Town will vote to amend the Zoning By-Law in regard to Permitted and Prohibited Use by amending: **Section 5, USE REGULATIONS**, Subpart (B) **Classification of Use** to clarify that uses not expressly noted as being permitted are deemed prohibited and specifying the Town Official or Board authorized to determine whether a use is noted as being permitted or prohibited, as detailed in the Planning Board Report to Town Meeting or take any other action thereto.

PB Article D. To see if the Town will vote to amend the Zoning By-Law in regard to the definition of a Building by amending: **Section 3, DEFINITIONS**, Subpart **(B) Definitions** to clarify that a building includes a structure when a structure is attached to a building, as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

PB Article E. To see if the Town will vote to amend the Zoning By-Law in regard to Impervious Surface by amending: **Section 3, DEFINITIONS**, Subpart **(B) Definitions**, to define “Impervious Surface” and in **Section 6, DIMENSIONAL REGULATIONS**, Subpart **(B) Dimensional Regulations Schedule** by inserting limits as to the amount of “impervious surface” permitted for a parcel in each of the zoning districts as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

PB Article F. To see if Town Meeting will vote to amend **Section 5 USE REGULATIONS**, Subpart **(E) Use Regulations Schedule** to eliminate the use “Conversion of Single-Family to Two-Family Dwelling”; and delete the existing **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart **(F) Conversion of Single-Family to Two-Family Dwelling** and insert a new Subpart **(F) Two-Family Dwelling** as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The complete text and maps (if any are applicable) relative to the proposed amendments are available for inspection during regular business hours (8:30 a.m. to 4:30 p.m.) at the following place:

South Hadley Planning Board Office
Town Hall – Room 204
116 Main Street
South Hadley, MA 01075

Additionally, a copy of said proposed amendments is posted on the Planning Board page of the Town’s website in the folder entitled “November 2014 Special Town Meeting Proposed Zoning Bylaw Amendments”. Any person interested in, or wishing to be heard on, the proposed by-law amendment should appear at the time and place designated for the public hearing.

Helen Fantini, Clerk
South Hadley Planning Board

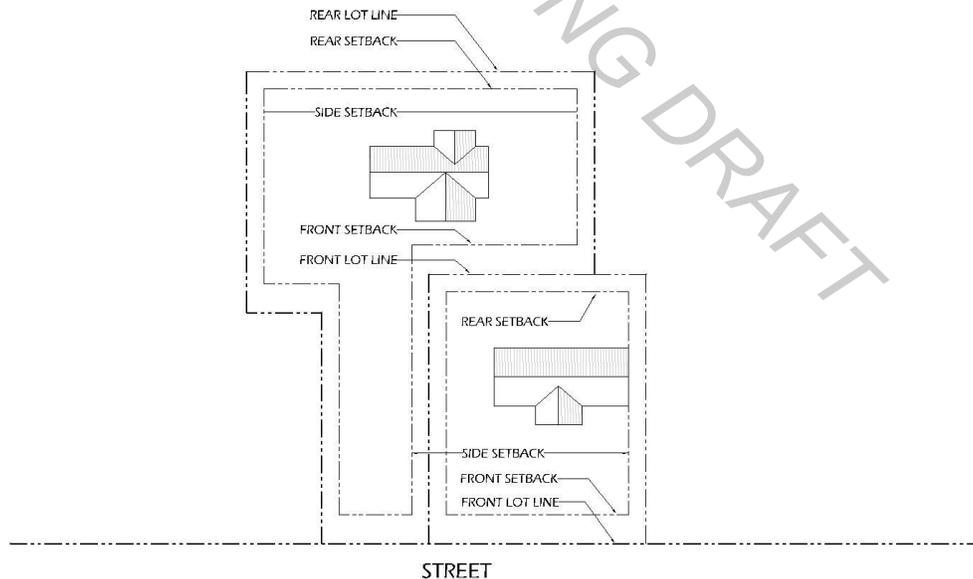
Publication: Friday, September 26, 2014
Friday, October 3, 2014

**FALL 2014 Special Town Meeting
Proposed Planning Board Article A
DEFINITION OF SETBACK**

PB Article A. To see if the Town will vote to amend the Zoning By-Law in regard to Setback by amending: Section 3, **DEFINITIONS**, Subpart (B) **Definitions** to insert an additional illustration in regards to building setbacks, (as detailed in the Planning Board Report to Town Meeting) or take any other action thereto.

The proposed changes are as follows:

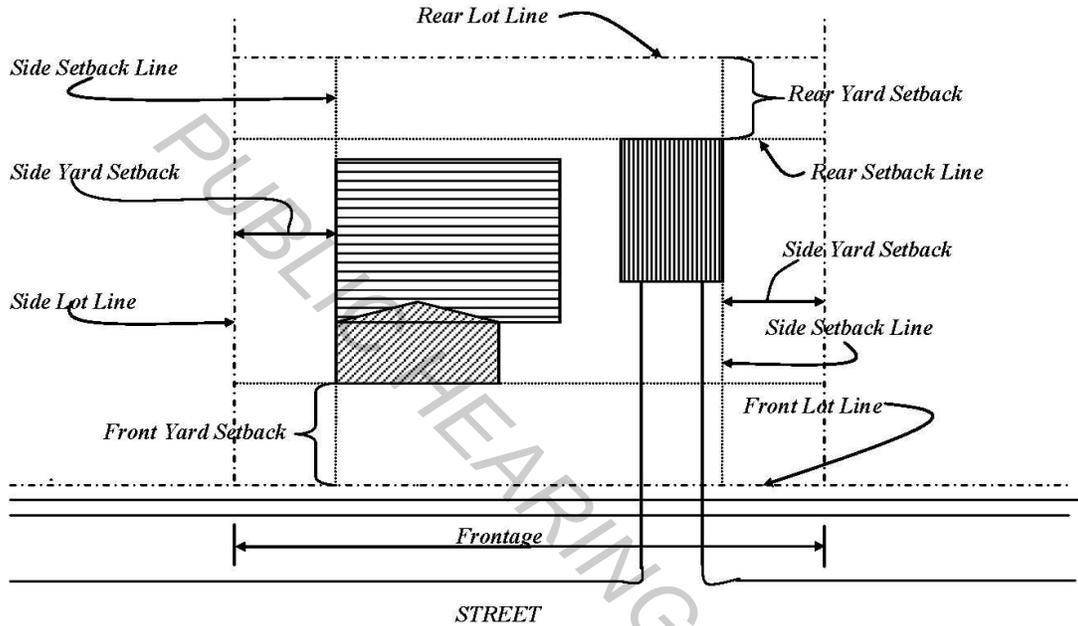
1. In Section 3 **DEFINITIONS**, Subpart (B), **Definitions** insert the following illustration of building setback lines:



EXISTING PROVISIONS

Section 3, Subpart (B) Definitions

93. Setback. The minimum required unoccupied space or distance between lot line, and any part of a principal or accessory building nearest such lot line, such unoccupied space or area extending the entire distance across the lot. Front, side and rear setback lines are identified in accordance with the diagram below:



PUBLIC HEARING DRAFT

**FALL 2014 Special Town Meeting
Proposed Planning Board Article B
LODGING HOUSES**

PB Article B. To see if the Town will vote to amend the Zoning By-Law in regard to Lodging Houses by amending: **Section 3, DEFINITIONS**, Subpart (B) **Definitions**, to alter the definitions of Bed and Breakfast Home and Bed and Breakfast Inn facilities; in **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, and in **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS**, by deleting Subpart (B) **Lodging Houses and Dormitories** as detailed in the Planning Board's Report to Town Meeting or take any other action thereto.

The proposed changes are as follows:

1. In **Section 3 DEFINITIONS**, Subpart (B), **Definitions** add the following sentence to the definitions of Bed and Breakfast Home and Bed and Breakfast Inn:

This term shall be interpreted as including "Lodging Houses" subject to the provisions of Sections 5(E) and Section 7(R).

2. In **Section 5 USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, within the "Residential Uses" classification, delete the existing use of "Lodging housing, dormitories as provided in Section 7".
3. In **Section 7, DIMENSIONAL REGULATIONS**, delete Subpart (B) **Lodging Houses and Dormitories** in its entirety and insert and replace said provisions with the notation "(B) RESERVED FOR FUTURE USE"

EXISTING PROVISIONS

Section 3, Subpart (B) Definitions

59. Lodging House. A residence where lodgings are let to five or more persons not within the second of kindred to the person conducting the house and which does not contain a public dining room or cooking facilities in any rented sleeping room.

Section 5, Subpart (E) Use Regulations Schedule

Lodging housing, dormitories as provided in Section 7: Allowed by right in the Residence A-2, Residence B, Business A, and Business B zoning districts.

Motel-Hotel: Allowed by Special Permit only in the Business C zoning district.

Bed and Breakfast Inn: Allowed by Special Permit only and subject to provisions of Section 7(R) in the Residence A-1, Residence A-2, Residence B, and Agricultural districts. Also allowed 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.

Section 7, Subpart (B) Use Regulations Schedule

Lodging houses and dormitories are permitted only as indicated in the Use Regulations Schedule (Section 5) and provided that there is no display, sign, or other advertising device visible from the street, whether illuminated or otherwise, other than a sign having an area of not more than one hundred forty-four (144) square inches. A public restaurant or dining room shall be permitted as an accessory use in any part of such a building, provided that the dining room and kitchen facilities do not occupy more than twenty-five (25%) percent of the first floor area of such building.

PUBLIC HEARING DRAFT

**FALL 2014 Special Town Meeting
Proposed Planning Board Article C
PERMITTED USES**

PB Article C. To see if the Town will vote to amend the Zoning By-Law in regard to Permitted and Prohibited Use by amending: Section 5, **USE REGULATIONS**, Subpart (B) **Classification of Use** to clarify that uses not expressly noted as being permitted are deemed prohibited and specifying the Town Official or Board authorized to determine whether a use is noted as being prohibited, (as detailed in the Planning Board Report to Town Meeting) or take any other action thereto.

The proposed changes are as follows:

1. In Section 5 **USE REGULATIONS**, Subpart (B), **Classification of Use** insert the following sentence at the end of the existing sentences in Subpart (B):

Any use not specifically listed as permitted herein (whether by right, Site Plan Review, or Special Permit) or otherwise permitted in a district shall be deemed as prohibited. Recognizing that uses may be given different names, the Town Planner in consultation with the Building Commissioner shall be the authority for determining whether proposed use falls within the meaning of the term listed in Section 5, Subpart (E) Use Regulations Schedule or other Sections of this Zoning Bylaw.

EXISTING PROVISIONS

Section 5, Subpart (B) Classification of Use

Where an activity might be classified under more than one of the uses indicated in the Use Regulations Schedule, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

**FALL 2014 Special Town Meeting
Proposed Planning Board Article D
Attached Structures**

PB Article D. To see if the Town will vote to amend the Zoning By-Law in regard to the definition of a Building by amending: Section 3, **DEFINITIONS**, Subpart (B) **Definitions** to clarify that a building includes a structure when a structure is attached to a building, (as detailed in the Planning Board Report to Town Meeting) or take any other action thereto.

The proposed changes are as follows:

1. In Section 3 **DEFINITIONS**, Subpart (B), **Definitions** insert the following additional sentence to the definition of Building:

Accordingly, a structure which does not meet the definition of a Building by virtue of not having a roof but is attached to a Building shall be considered to be part of the Building and treated as a building for compliance with dimensional standards.

EXISTING PROVISIONS

Section 3, Subpart (B) Definitions

12. Building. A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition “roof” shall include awning or any similar covering, whether or not permanent in nature. The word “building” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

**FALL 2014 Special Town Meeting
Proposed Planning Board Article E
DIMENSIONAL REGULATIONS – “Impervious Surface”**

PB Article E. To see if the Town will vote to amend the Zoning By-Law in regard to Impervious Surface by amending: **Section 3, DEFINITIONS**, Subpart (B) **Definitions**, to define “Impervious Surface” and in **Section 6, DIMENSIONAL REGULATIONS**, Subpart (B) **Dimensional Regulations Schedule** by inserting limits as to the amount of “impervious surface” permitted for a parcel in each of the zoning districts as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The proposed changes are as follows:

1. In **Section 3 DEFINITIONS**, Subpart (B), **Definitions** insert a definition for “Impervious Surface Coverage” as shown below (and renumber the subsequent definitions):
 - a) **Coverage, Impervious Surface.** The percentage of the area of a lot that is impervious to water, including, but not limited to, areas covered by structures and paving, including swimming pools and paved recreational surfaces.
2. In **Section 6, DIMENSIONAL REGULATIONS**, Subpart (B) **Dimensional Regulations Schedule** insert “Coverage, Impervious Surface” following “Accessory Uses” under “Basic Requirements” for each of the various zoning districts and insert the following percentage for said “Coverage, Impervious Surface” for the respective zoning districts as detailed below:

<u>Zoning District</u>	<u>Coverage, Impervious Surface</u>
a) <u>Residence A-1</u>	60%
b) <u>Residence A-2</u>	65%
c) <u>Residence B</u>	70%
d) <u>Residence C</u>	50%
e) <u>Agricultural</u>	50%
f) <u>Business A-1</u>	80%
g) <u>Business A</u>	85%
h) <u>Business B</u>	95%
i) <u>Business C</u>	80%
j) <u>Industrial A`</u>	85%
k) <u>Industrial B</u>	80%
l) <u>Industrial Garden</u>	80%
District	

3. In **Section 6, DIMENSIONAL REGULATIONS**, Subpart (B) **Dimensional Regulations Schedule** revise any and all footnotes that read “Total lot coverage of principal and accessory structures shall not exceed the maximum lot coverage for principal structures” by deleting “lot” and inserting “building” in its place such that the footnotes read as follows:

Total building coverage of principal and accessory structures shall not exceed the maximum lot coverage for principal structures.

EXISTING PROVISIONS

Section 3, Subpart (B) Definitions

22. Coverage, Building. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Section 6, Subpart (B) Dimensional Regulations Schedule

At the present time, the Dimensional Regulations provide for a Max. Lot Coverage which reflects the definition of “Coverage, Building” and not total Impervious Surface. These Principal and Accessory Uses Lot Coverage limits for the various districts are:

<u>Zoning District</u>	<u>Coverage, Building (Principal – Accessory)</u>
a) Residence A-1	30% - 10%
b) Residence A-2	40% - 10%
c) Residence B	40% - 15%
d) Residence C	20% - 10%
e) Agricultural	30% -10%
f) Business A-1	30% - 15%
g) Business A	75% - 25%
h) Business B	85% - 25%
i) Business C	50% - 25%
j) Industrial A`	40% - 15%
k) Industrial B	75% - 20%
l) Industrial Garden District	35% - 15%

**FALL 2014 Special Town Meeting
Proposed Planning Board Article F
CONVERSION OF SINGLE-FAMILY TO TWO-FAMILY DWELLING**

PB Article F: To see if Town Meeting will vote to amend **Section 5 USE REGULATIONS**, Subpart (E) **Use Regulations Schedule** to eliminate the use “Conversion of Single-Family to Two-Family Dwelling”; and delete the existing **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart (F) **Conversion of Single-Family to Two-Family Dwelling** and insert a new Subpart (F) **Two-Family Dwelling** as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The proposed changes are as follows:

1. In **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, in regard to the “Residential Uses” classification,
 - a. Delete the “Conversion of Single-Family to Two-Family Dwellings”
 - b. Delete the phrase “(new)” following “Two-Family Dwellings”
2. In **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, in regard to the “Residential Uses” classification, denote that “Two-Family Dwellings” are permitted in the Residence A-2 and Agricultural districts only by Special Permit and insert the following footnote in regards to such use in the Residence A-2 and Agricultural Districts:
 - a. Two-family dwellings are subject to the additional provisions in Section 7, Subpart (F) Two Family Dwellings.
3. In **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, in regard to the “Residential Uses” classification, denote that “Two-Family Dwellings” are permitted in the following districts by right:
 - a. Residence B
 - b. Business A
 - c. Business B
4. In **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, in regard to the “Residential Uses” classification, denote that “Two-Family Dwellings” are prohibited in the following districts:
 - a. Residence A-1 (with a footnote stating “Except when approved as part of a Flexible Development)
 - b. Residence C
 - c. Business A-1
 - d. Industrial A

- e. Industrial B
- f. Industrial Garden District

5. In **Section 7 SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart (F) **Conversion of Single-Family to Two-Family Dwelling**, delete the existing Subpart in its entirety and replace said provisions with a new Subpart (F) **Two-Family Dwelling** to read as follows:

(F) Two-Family Dwellings

Except where approved as part of a Flexible Development under Section 7, Subpart (J), in addition to conformance with the Special Permit Standards specified in Section 9 of this Zoning Bylaw and any special conditions attached to the Planning Board's approval of the two-family dwelling, two-family dwellings in the Agricultural and Residence A-2 Zoning Districts shall conform to the following standards:

1. **Owner-Occupancy**. Where no more than one two-family dwelling is located on a parcel, at least one of the dwelling units must be occupied by an owner of the dwelling unit.
2. **Design Standards – Minimum**. Two-family dwellings subject to this Subpart shall conform to standards #3, #5, #6, and #7 of the Site Plan Review Criteria specified in Section 12(E) of the Zoning Bylaw. In applying these specific standards, the Planning Board should pay specific attention to the appearance of the proposed structure in terms of number of primary entryways as viewed from the adjoining public ways and the number of driveway entrances from a single public way. As a generally rule, in applying these criteria, the following features are to be deemed “objectionable”:
 - a. Multiple entryways visible from a single public way
 - b. More than one driveway accessing the structure from a single public way
3. **Design Standards – Basis for comparison**. The Planning Board may, where it the members deem it to be appropriate, focus on the existing residential structures which would be deemed “abutters” under the Special Permit notice requirements for use in making assessments as to the compatibility of the proposed Two-Family Dwelling.

Relationship to Existing District Restrictions:

- Residence A-1: **(a new prohibited use)**
- Residence A-2: **(no change)**
- Residence B: **(no change)**
- Residence C: **(no change)**
- Agricultural: **(net effect is no change)**
- Business A-1: **(no change)**
- Business A: **(relaxed requirement)**
- Business B: **(relaxed requirement)**
- Business C: **(no change)**
- Industrial A: **(no change)**
- Industrial B: **(no change)**
- Industrial Garden District: **(no change)**

EXISTING PROVISIONS

Section 5, Subpart (E) Use Regulations Schedule

Conversion of Single-Family Dwelling to Two-Family Dwelling is:

- Prohibited in the Residence A-1, C, Business A-1, Business C, Industrial A, Industrial B, and Industrial Garden District zoning districts
- Permitted by Special Permit Only in the Residence A-2 and Agricultural zoning districts
- Permitted by Right in the Residence B, Business A, and Business B zoning districts

Two-Family Dwellings (new) are:

- Prohibited in the Agricultural, Business A-1, Business C, Industrial A, Industrial B, and Industrial Garden District zoning districts
- Permitted by Special Permit Only in the Residence A-1, Residence A-2, Business A, and Business B zoning districts
- Permitted by Right in the Residence B zoning district

Section 7, Subpart (F) Conversion of Single-Family to Two-Family Dwelling

In conformance with the provisions of Section 9, and subject to the additional requirements described herein, the special permit granting authority may approve a special permit allowing for a single-family dwelling or other suitable structure to be altered and improved and facilities added for a second housekeeping unit on a lot, in such Districts where permitted under the Use Regulations Schedule, Section 5, Part (E).

In all such cases, the petitioner, as part of the Application for such permit, shall present adequate plans setting forth the changes and improvements to be made, and shall have secured the written consent and approval of at least (3) of the following owners:

The owner of the lot on either side of the petitioner's property; the owner of the lot adjacent in the rear of the petitioner's property; and the owner of the lot directly across the street therefrom. Where the petitioner is the owner of a lot on either side, in the rear or across from the property for which such a special permit is requested, and approval shall be secured from the owner of the property adjacent in the rear of the petitioner's property, the owner of the lot which abuts the greater length on the petitioner's property shall be deemed "owner of the lot adjacent in the rear of the petitioner's property" as used in the second clause of the first sentence of this paragraph.

In the case of an application for a special permit involving a dwelling situated on a corner lot or so located that the above enumerated is unreasonable or impossible, the special permit granting authority may approve such permit, provided that the consents of the property owners are obtained substantially in accordance with the principles herein set forth, as may be determined by said authority. The power to approve such permit for conversion to a two-family dwelling shall be within the sole discretion of the special permit granting authority, and no such permit shall be approved unless it shall be clear that the use requested is for the best interests of the vicinity and in harmony with the general purposes and intent of the By-Law. Each case shall be considered on its own merits and no case shall raise a presumption in favor of any other case.

PUBLIC HEARING DRAFT