

TOWN OF SOUTH HADLEY

As signed and filed
July 22, 2014

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Chairman

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Vice-Chairman

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Member

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Member

DAN DODGE
Associate Member



RICHARD L. HARRIS, AICP
Town Planner

OFFICE OF THE PLANNING BOARD

116 Main Street, Room 204
South Hadley, MA. 01075-2896
Telephone: (413) 538-5011 ext. 206 * Fax: (413) 538-7565
www.southhadleyma.gov
Email: rharris@southhadleyma.gov

NOTICE OF PLANNING BOARD DECISION ON AN APPLICATION FOR SITE PLAN REVIEW FOR HOME OCCUPATION II – IN HOME HAIR SALON

APPLICANT: Susan Carson
96 College Street
South Hadley, MA 01075

CONSULTANTS: Carol Venz, Architect

PROJECT LOCATION: 96 College Street
South Hadley, MA 01075
Assessor's Map #39 – Parcel #29

PUBLIC HEARING: A public hearing was conducted on June 23, 2014 and concluded on July 14, 2014 in accordance with the South Hadley Zoning By-Law and the Massachusetts General Laws.

OVERVIEW: Applicant requests a Site Plan Review to allow use of approximately 224 square feet of the single family residence at 96 College Street for a Home Occupation II use – an in home hair salon business. The original proposal involved addition of a handicapped accessible entrance ramp. However, the applicant, after consultation with the Building Commissioner, decided to make no outside modifications and to offer “in-home” hair salon services as well as at her residence.

PROJECT DESCRIPTION: Applicant proposes to use a portion (approximately 224 square feet) of her residence at 96 College Street as a Home Occupation II use – an in home hair salon. No exterior expansion of the existing building is proposed as part of this project.

COMMENTS: Upon submittal of the application, a request for comments was sent to various departments. The following responses were received by the Planning Board prior to the July 14, 2014 public hearing session and distributed at the public hearing:

- Conservation Commission Administrator Janice Stone, in an email dated June 9, 2014 stated that she had reviewed the materials and did not see any Conservation Commission issues.
- Police Chief David Labrie, in an email dated June 12, 2014 commented that he doesn't foresee any public safety concerns should the Planning Board approve the request for the Hair Salon as described.
- SHELD Manager Wayne Doerpholz, in an email dated June 18, 2014 commented that SHELD does not have any concerns with this application for a home business.
- Fire District #2 Fire Chief David Keefe, in an email dated June 18, 2014 commented that at this point the Fire Department has no comment regarding this project.
- Fire District #2 Water Superintendent Mark Aiken, in an email dated June 19, 2014 commented that while the District No. 2 Water Department has no issues with the proposed hair salon at 96 College Street, under 310 CMR 22.00 the property must be surveyed and inspected for any cross-connections.
- Building Commissioner Charlene Baiardi, in an email dated June 23, 2014 raised questions and comments regarding the parking arrangement, accessibility compliance, and details regarding some of the building elements (door locations, window sizes, ramp specifications, etc.).
- Director of Public Health Sharon Hart, in an email dated July 10, 2014 stated that she had reviewed the proposal for a Home Occupation II - in Home Hair Salon and has no issues with the occupation.
- Town Engineer Dan Murphy, in an email dated July 10, 2014 stated that he had reviewed the application and had no issues regarding the request.

Abutters and General Public Comments. The abutters were notified of the public hearing which was conducted on June 23, 2014 and concluded July 14, 2014. Several abutters and other interested members of the public attended the public hearings. There were questions/comments raised about traffic, proposed signage, potential growth of the business, change in neighborhood character, safety for children and others who walk in the area, and parking. A few persons indicated that they did not object and supported the proposal as laid out.

DECISION: At a meeting held on July 14, 2014, by a vote of **Five (5)** out of **Five (5)** members present, the Planning Board voted to make the findings and approve the above-described application for Site Plan Review based on the conditions described herein.

A. **Findings:** Following review of the plans, application materials, and department and public hearing comments, the Planning Board found the proposed project, subject to the conditions of this approval, found that the project reasonably fulfills the criteria specified in Section 12(E) of the Zoning By-Law and meets the requirements set forth in Section 7(A) of the Zoning Bylaw regarding Home Occupations II.

1) Section 12(E) Criteria

Given that the criteria specified in Section 12(E) generally relate to building additions, new construction, or remodeling projects and the applicant does not plan to undertake any addition, new construction, or exterior remodeling, the criteria in Section 12(E) do not generally apply to this project. To the extent that some of the criteria could apply, this project fulfills the criteria in that the structure is presently a single-family residential building and will not be modified. Neither the building nor the grounds will be modified for the Home Occupation II; however, they could be modified as a residence at some time in the future, but that is unrelated to the Home Occupation II use.

2) Section 7(A) Requirements Compliance

The proposed use conforms to the criteria for Home Occupation II uses as set forth in Section 7(A)5 as follows:

- a) *General criteria (Section 7(A)3).* The proposed use does not involve any nonresident employees and will be undertaken by a single practitioner who resides in the home. Additionally, less than 20% of the building will be used for the business – therefore, by design and operation, the business use will be secondary to the residential use of the property.
- b) *Residents only.* The business will only be conducted by one person and they reside in the residence.
- c) *Maximum area of business.* The proposed Home Occupation II will occupy only 224 square feet of the residence which is approximately 9% of the “living area” and less than 5% of the “gross area” of the building according to the Assessor’s Field Card. This is far less than the maximum amount which could be permitted for such a use.
- d) *Outward appearance.* The exterior structure will not be altered for the business except for a sign measuring 144 square inches which will be affixed to the side of the house beside the entrance.
- e) *Sign.* The only sign to be used in conjunction with the Home Occupation II use will be a non-illuminated sign measuring 144 square inches which will be affixed to the side of the house beside the entrance.
- f) *Parking adequacy.* There presently exists a two-car garage on the site with sufficient space in the driveway on the property to accommodate two additional vehicles. Conditions of approval provide that no more than two customers will be at the site at any one time. Therefore, the existing driveway and garage are sufficient to meet the needs of the motoring customers.
- g) *Commercial vehicle.* The applicant has not indicated a desire, plan, nor need for a commercial vehicle for this business.
- h) *Traffic.* The conditions of approval limit the amount of vehicular traffic such that it will be consistent with what is typically generated by a residential use.

- i) *Exterior storage.* There will be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation.
- j) *Interference with abutting residential dwellings.* There is no reason to believe that the proposed business will be operated in any manner as to result in impacts on abutting properties by reason of noise, vibration, smoke, electrical interference, dust, odors, or heat. As a condition of approval, the Board set limits on the number of customers to be present on a daily basis as well as at any one time. The Board also limited the hours of operation to be compatible with a residential setting. The combination of these limitations and the parking restriction ensures that the home occupation will not create interference with abutting residential dwellings.

B. Conditions of Approval:

- 1) Hours of Operation: As provided for in Section 7(A)5j of the Zoning Bylaw, the Planning Board is limiting the hours of operation for the Home Occupation as follows: the business shall not provide onsite services before 7:00 a.m. nor after 9:00 p.m. but may offer services seven (7) days per week. Any deliveries associated with the business shall also occur during the hours of operation.
- 2) Signage - Building: As provided for in Section 7(A)5e of the Zoning Bylaw, there shall only be one sign measuring 144 square inches and must be affixed to the wall of the house by the entrance to the Home Occupation. Further, the sign shall not be animated or illuminated.
- 3) Number of Customer Visits: To ensure that the volume of vehicular traffic does not create a nuisance for the abutting properties and that the on-site parking is adequate for the customers, as the applicant indicated that she did not anticipate more than 6-8 customers per day, the number of daily customer visits involving use of an automobile, shall not exceed 8 visits per day. This number shall not include customer visits which arrive by other means – walking, bicycle, etc.
- 4) Parking: All customer vehicles shall be parked in the two parking spaces on the subject property in the driveway in front of the garage. No parking associated with the Home Occupation business shall occur along any public street, including but not limited to, Route 116 (College Street) and Wright Place.
- 5) General Home Occupation Restrictions – Type of Use, Area of Use and Employee: The space to be used for the Home Occupation use shall be as designated in the applicant's application – approximately 224 square feet of the house. Additionally, the applicant and house' resident, Susan Carson, shall be the only employee of the business. The Home Occupation use shall be as an in-home hair salon as described by the applicant; however, this does not preclude the proprietor from performing the service in the residence of the customer.
- 6) INCORPORATED MATERIALS:
 - a) Application Materials. All application materials (including any subsequent revisions thereto) submitted to, and received by the Planning Board as part of the

applicant's submittal dated and received June 3, 2014 are hereby incorporated into and made part of this Decision. Furthermore, related materials are also hereby incorporated into and made part of this Decision.

- b) Minutes. The Planning Board public hearing minutes of June 23, 2014 and concluded July 14, 2014 and Planning Board meeting minutes of July 14, 2014 are hereby incorporated into and made a part of this Decision.
- c) Department Comments. The various departmental comments referenced previously are incorporated into and made a part of this decision. This approval is specifically conditioned upon compliance with any changes requested or required arising from the departmental comments, now or in the future.

COPIES FILED: Copies of this decision have been filed with the Town Clerk and Building Commissioner.

APPEAL: Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40-A, Section 17.

STATUS: This Notice of Decision shall constitute an approved site plan for the above-described project. Failure of the applicant to adhere to the provision of this Decision shall constitute a violation of the Zoning By-Law, and is punishable by a fine of up to \$200.00 for each violation. Each day that such violation continues shall constitute a separate offense.

ATTESTED AND AFFIRMED

S/ _____

Jeff Squire, Chairman
South Hadley Planning Board

July 22, 2014

Date

Cc: Town Clerk (Date Filed: _____)
Susan Carson
Selectboard/Town Administrator
Building Commissioner
Water Superintendent – Fire District Two