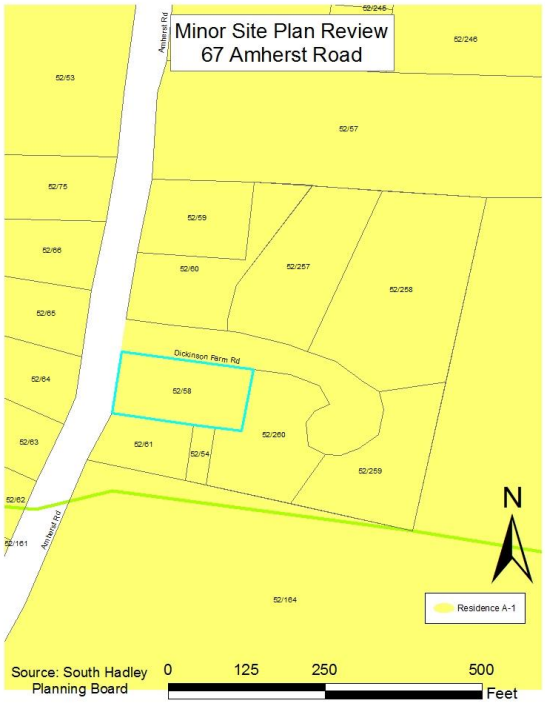
Background Materials for August 31, 2015

Agenda Items #1 through #6

Agenda Item #1 – Minor Site Plan Review

South Hadley ESL, Inc. has submitted an application for Minor Site Plan Review for 67 Amherst Road. The applicant is to use the facility for an educational program for up to 12 students. The subject property is a 0.52 acre tract situated at the southeast corner of Amherst Road and Dickinson Farm Road (see map and aerial photo below).



At present, the property has an 8,918 square foot residential (Two-Family – according to the Assessor's Property Card) structure constructed in 1920 situated thereon. The applicant does not intend to expand the building except to the extent that Building, Fire, Safety, or Health Codes require any such expansion. Rather, the applicant intends to utilize the existing facility for a nonprofit educational institution – primarily residential for students attending the Hartsbrook School in Hadley (a private, nonprofit school) but also for additional courses for the residents to be provided on-site but only for those persons residing at 67 Amherst Road. The facility at 67 Amherst Road is leased to a private nonprofit educational institution which will operate the facility. The application submittal has been posted on the Town's website at the following link: http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1690

The Building Commissioner issued a letter July 29, 2015 stating that she had "*been advised by Town Counsel Ed Ryan that the project . . . appears to qualify under the non-profit educational exemption to the Zoning Bylaw. Therefore, in terms of zoning only, [her] office considers this use permitted subject to Site Plan Review and limited regulation of topics specified under Massachusetts General Law Chapter 40A, Section 3 for such non-profit educational uses*."

Since this project is a private, non-profit educational use and it does not involve any additions to the building which would expand its capacity, under the Planning Board's Rules and

Regulations, it qualifies for Minor Site Plan Review. While no public hearing is allowed under such a review, the certified abutters were notified of the Board's planned review for August 24th. Approximately 4-6 of the abutters were present at the meeting.

In accordance with the procedures set forth for Minor Site Plan Review, the application submittal has been distributed to the various departments for review and comment. While the departments have 14 days in which to respond, given the limited nature of the physical modifications being proposed and the extensive involvement the Building Commissioner, Director of Public Health, and Fire Department have had regarding this building, I have requested that the departments provide their comments on or before the August 24th meeting at which the application is to be submitted. To date, the following departments have indicated approval of the submittal without any comments:

- Police
- South Hadley Electric Light Department
- Public Works
- Fire District #2 Water Department
- Conservation Commission

Public Health Director Sharon Hart noted that the "Health Department will need to wait for the Building Commissioner to classify use (e.g. dormitory, educational facility) since that would determine inspectional requirements. If the students are being fed at the facility, she indicated that may require a food service permit.

The Building Commissioner provided me a copy of the Architect's Change of Use Report which indicates that the use will be changed to a "Dormitory". I have inquired of the applicant's attorney as to how they plan to provide meals for the residents as that could require a commercial kitchen. A similar facility in Springfield avoided the kitchen requirement by implementing a plan to have meals delivered and equipped their kitchen with only equipment to warm up meals and not provide onsite cooked meals.

Site Plan Review criteria are attached to this packet. However, this application is subject to review only for reasonable regulation related to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements under the provisions of Chapter 40A, Section 3, MGL. Since the applicant is not proposing to undertake any building additions, it would seem that the only relevant consideration is related to the parking required.

At the last meeting,

> There were extensive comments made regarding the number of students, their behavior, etc. However, the Planning Board's review is limited to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. Thus, the number of students and their behavior is not within the Planning Board's purview.

There was also discussion as to the setbacks. I have reviewed this issue as well as the other areas stated in the statute which are subject to reasonable regulation:

Height of Structure. The applicant is not proposing to add to the structure. It would appear that the structure falls within the Town's limitation for Residence A-1 which is 3 stories up to 35 feet.

Lot Area. The applicant is not proposing to reduce the existing lot area. The existing lot is 22,504 square feet which slightly exceeds the minimum for Residence A-1 which is 22,500 square feet.

Setbacks. The applicant is not proposing to add to the structure. It appears that the house is nonconforming but grandfathered – the setback off Amherst Road seems to be approximately 25 feet instead of the current requirement of 40 feet. However, the house was constructed in 1920 with recent additions occurring away from the Amherst Road side. Therefore, based on past Planning Board applications, the setback provisions would not be applicable since they are not proposing to do any exterior construction.

Open Space. The applicant is not proposing to reduce the amount of open space. It appears that the impervious surface as defined in the Zoning Bylaw does not exceed 51.4% (and is likely less than that). The maximum impervious surfaced allowed for Residence A-1 is 60%. Thus, the inverse of the data suggests that at least 49% of the lot area is in "open space" while the minimum we would seek is 40%.

Building Coverage. The applicant is not proposing to add to the building. The existing building has a total footprint of approximately 5,300 square feet. This translates into a building coverage of approximately 23.6%. The maximum building coverage allowed for Residence A-1 for principal buildings is 30%.

Parking. Parking issues were discussed and the applicant was requested to provide a narrative to support the claim that there is sufficient parking capacity on the site. That material has been provided and is attached to this background material. The applicant's submittal has demonstrated a need for up to 8 parking spaces – assuming that all deliveries, cleaning service arrivals, teacher arrivals, etc. occur simultaneously. They also showed on the sketch plan 8 parking spaces. In my opinion, they were very conservative when calculating the number of available parking spaces.

I would note that I reviewed the aerial photo and the Assessor's Field Card and determined the following:

- The driveway off Amherst Road is approximately 140 in length from the property line to the house and measures at least 20 feet in width. This would suggest the ability to park 7 vehicles along the southerly edge of the driveway. The aerial

photo shows 4 vehicles in the driveway in positions which would support my assessment that it could accommodate at 7 vehicles.

- The driveway off Dickinson Farm Road is approximately 36-37 feet in width and measures at least 38 feet in depth. This would appear to be sufficient for 4 to 6 vehicles – if the vehicles were doubled which is common in residential driveways of this depth.

- There is a garage as part of the structure which measures 25 feet by 38 feet. Thus, the garage could accommodate 2 vehicles.

- The aerial photo shows a vehicle which appeared to have turned around in the driveway and is facing towards Amherst Road.

The Board can reasonably regulate a nonprofit educational facility within the areas specified in Chapter 40A, Section 3MGL and as generally repeated in Section 12 of the Zoning Bylaw. It would appear that some reasonable requirements would relate to parking, such as:

1). No vehicular parking along Amherst Road or Dickinson Farm Road
2). No vehicles are to back into Amherst Road
3). To accommodate the need for potentially larger vehicles for deliveries, the delivery vehicle parking is to be designated in the driveway off Dickinson Farm Road. This should not be interpreted as prohibiting delivery and drop off/pick up from occurring off the Amherst Road driveway if it is sufficiently empty to allow the vehicles to turn around and not back out into Amherst Road.

While the current means of transporting the students to and from the Hartsbrook School is by the house parents, the attorney for the applicant noted that it would be unreasonable to require that such approach be continued. Given that the existing driveways are of sufficient size to accommodate vans associated with such transport – if a van were to be use – the parking plan's reference to the house parents' transportation of the students to and from school should not be considered the only option available for such transportation.

Town Counsel Ed Ryan will attend the meeting on August 31st to advise the Board as to the scope and limits of the Planning Board review and potential conditions.

ACTION NEEDED: The Board should review the application and determine if it conforms to reasonable requirements related to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Board may condition its approval only to the extent that those conditions relate to the limited areas of review.

Agenda Item #2 – Minutes
I am working on the August 24, 2015 meeting minutes and hope to email them Monday.

ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #3 – Bills and Correspondence
At this time, we do not have any bills or correspondence.

Agenda Item #4 – Master Plan Matrixes
This is a continuation from several previous meetings at which time Mark, Jeff, Melissa, and Helen provided a synopsis of their reviews of the portions of the matrixes they had been assigned. The primary remaining matrix relates to the Planning Board responsibilities which Ms. Rosner indicated she would review and be prepared to discuss on July 30, 2015. However, given the circumstances of the July 30th meeting, we were unable to review the remaining Matrix.

The review is to answer the following:

- What has been done?
- Has the Recommended Action been completed?
- Is the Recommended Action relevant today?
- What should be the priorities for the next five years?
- Is another party a better match for being responsible for implementation?

I have emailed a copy of the Planning Board matrix as marked up and provided by Ms. Rosner.

ACTION NEEDED: No definitive action is required at this time; however, the Board agreed at a March meeting to review each of the Recommended Actions on these matrixes and I have received emails from a representative of the MPIC inquiring as to the status.

Agenda Item #5 - Development Update and Planner's Report
I will provide a report on the following items:

a. *Development Report*
  - ***One Canal Street and 27 Bardwell Street:***
  - ***Ethan Circle***
  - ***Quality Fleet Services, Inc.***

b. *Pioneer Valley Planning Commission*

c. *Other Projects*
  - ***South Hadley 43D Expedited Permitting District.***
  - ***MassWorks Application.***

d. *Professional Development Day – Scheduled for September 11, 2015; however, I will be on vacation*

e. *Workshops/Training Opportunities*

f. *OnLine Permitting Program*

g. *New Town Website:* working on better managing the Board's materials on the website.

Agenda Item #6 – Other New Business
I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.

NARRATIVE

67 Amherst Road in South Hadley (the "Site") has two (2) driveways: a driveway with access from Dickinson Farm Road measuring at least 37 feet wide and at least 38 feet deep (the "Dickinson Driveway"); and, a driveway with access from Amherst Road measuring approximately 140 feet long and at least 20 feet wide (the "116 Driveway"). Additionally, there is a garage sufficient to hold two (2) vehicles which could be used for parking if necessary.

Parking:

The Educational Facility will house up to 12 students and two (2) house parents; the students are prohibited from having vehicles. The house parents each have a vehicle.

A cleaning service is provided weekly; the vehicle will remain in the driveway for several hours during completion of the cleaning tasks.

Piano is taught weekly, for several hours (at most); the instructor's vehicle will remain in the driveway for that time.

An English as a Second Language ("ESL") teacher comes multiple times per week and stays for several hours; the vehicle will remain in the driveway for that time.

Students are currently transported to and from the Hartsbrook School by the house parents.

South Hadley ESL has identified eight (8) spaces [exclusive of the garage spaces], which is a conservative estimate given the layout and dimensions of the driveways. Appropriately orchestrated, arguably, double that amount could functionally exist on the site. If all vehicles are present at the same time, which is unlikely, there is still overly sufficient parking for the use. If deliveries are anticipated during that time, parking can appropriately be rearranged (including in the garage) for safe delivery.

Delivery:

Peapod, a service provided by Stop & Shop grocery store, currently delivers once per week. The typical vehicle for such delivery is a box-truck.

Dinner is provided nightly through a take-out vendor (local restaurant), and delivery is effectuated by a traditional passenger car; the delivery is completed in minutes.

Should the program decide that meals are to be catered, a duly licensed caterer will perform the task. Contemplatively, the caterer will have a van or small box truck. Given the dimensions of the driveways, there is sufficient room for the caterer's vehicle.

Non-passenger vehicle deliveries and pick-up/drop-off should occur in the Dickinson Driveway; provided, however that the 116 Driveway can be utilized if it is sufficiently empty to allow safe vehicle circulation.

South Hadley, MA

1 Inch = 20 Feet
August 27, 2015

CAI Technologies

www.cai-tech.com

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

August 17, 2015

Via E-Mail and First Class Mail

Mr. Richard Harris, Town Planner
Town of South Hadley
Town Hall
116 Main Street
South Hadley, MA 01075
rharris@southhadleyma.gov

RE: 67 Amherst Road – South Hadley ESL, Inc.
Minor Site Plan Approval

Dear Mr. Harris:

As you know, this office represents the non-profit educational facility located at 67 Amherst Road in South Hadley, located in the R-1 Residential zoning district (the "Premises").

We have received a determination from the Town's Zoning Enforcement Officer, Charlene Baiardi, along with Town Counsel, that the use at the property is exempt from zoning under Massachusetts General Laws chapter 40A, section 3, and, consequently, is permitted with Site Plan Review in accordance with section 5(E) of the Town's Zoning Bylaw.

Although we believe that, under Section 12(B)(5) of the South Hadley Zoning Bylaw, Site Plan Review may be waived—insofar as the use is located in an existing structure, no additions to the structure are to be undertaken, and no additional parking will be required to conform to the Parking Requirements of Section 8 of the Zoning Bylaw—we are submitting an application for Minor Site Plan Approval under Section 12(D)(2) and the Planning Board's Rules and Regulations.

To that end, please find attached the following:

1. Application for Minor Site Plan Review;
2. Application Fee of $75.00;
3. Letter of Determination from Zoning Enforcement Officer;
4. Packet Dated November 2, 2014 provided to Town Counsel relative to exempt-status of Premises and use;
5. South Hadley GIS Aerial Map of Premises;
6. Recorded Land Survey identifying boundaries of Premises;
7. Narrative of Proposed Use;
8. Letter requesting Waiver from strict compliance with Site Plan Content requirements;

Thomas R. Reidy
treidy@baconwilson.com

Bacon Wilson, P.C. \ Monsein & MacConnell
Attorneys at Law

6 South East Street
Amherst, MA 01002

Tel 413.256.6701
Fax 413.256.6469

9. Deed for 67 Amherst Road, South Hadley.

Kindly place this matter on the agenda for the Planning Board's public meeting of August 24th, 2015. Please let me know if there are any questions or concerns.

Very truly yours,

Thomas R. Reidy, Esq

TRR/trr
54009-0002
1302059

Enclosures

FORM PR-E
SOUTH HADLEY PLANNING BOARD
APPLICATION FOR PLAN REVIEW FOR EXEMPT PROJECT

Date August 17, 2015

For projects exempt from zoning but subject to limited review under Chapter 40A, Section 3, File one completed application form together with ten (10) copies of the project plan with the Planning Board. One (1) copy of Form PR-E shall be concurrently filed with the Town Clerk.

To the Planning Board:

The undersigned herewith submits the accompanying Plan for review.

1. Applicant South Hadley ESL, Inc.

   Address 67 Amherst Road

   South Hadley, MA 01075

   Telephone _____

2. Owner (if not applicant) *Please See Attached Deed*

   Address _____

3. Plan Preparer Thomas R. Reidy, Esq.

   Title or License Attorney for Applicant

   Address Bacon Wilson, P.C., 6 South East Street, Amherst, MA 01002

4. Deed of property recorded in the Hampshire County Registry of Deeds,
   Book 11743 Page 204

5. Location and description of property (street and number if any)

   67 Amherst Road

   Assessors Map # 52 Parcel # 58

6. Attach explanation and documentation of exempt status.

7. Fee Paid: Yes _____ No _____

Signature of Applicant
Thomas R. Reidy, Esq., As Attorney for South Hadley ESL, Inc.

Town Clerk:

Date of Submission _____

Signature _____

TOWN OF SOUTH HADLEY

Inspection Services
116 Main Street, Room 110
South Hadley, MA. 01075-2896

www.southhadleyma.gov
Phone: 413-538-5017 ext. 205
Fax: 413-538-7565

Charlene Baiardi x112
Building Commissioner
cbaiardi@southhadleyma.gov

Rebecca Meleski x110
Clerk
rmeleski@southhadleyma.gov

David Tourville x108
Plumbing and Gas Inspector
dtourville@southhadleyma.gov

Roy Rivers x111
Inspector of Wires
rrivers@southhadleyma.gov

Thomas Reidy, Esq.
Bacon & Wilson
6 South East Street
Amherst, MA 01002

July 29, 2015

RE: 67 Amherst Road – South Hadley ESL
Chapter 40A, Section 3 MGL exemption from Zoning

Dear Mr. Reidy:

I have been advised by Town Counsel Ed Ryan that the project you represent at the above address appears to qualify under the non-profit educational exemption to the Zoning Bylaw. Therefore, in terms of Zoning only, this office considers this use permitted subject to Site Plan Review and limited regulation of topics specified under Massachusetts General Law Chapter 40A, Section 3 for such non-profit educational uses.

Applications for Site Plan Review are handled by Town Planner Richard Harris and you should contact him as to what is required and the procedures.

As you are aware, this determination only relates to zoning issues. The other outstanding code violations must be promptly and reasonably addressed for the safe occupancy of the building and neighborhood.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

CBaiardi

Charlene Baiardi
Building Commissioner

Cc: Mike Sullivan, Town Administrator
Ed Ryan, Town Counsel
Richard Harris, Town Planner

Thomas R. Reidy

From: Thomas R. Reidy <TReidy@baconwilson.com>
Sent: Sunday, November 02, 2014 8:18 PM
To: ejrjr.atty@gmail.com
Subject: South Hadley ESL, Inc. - 67 Amherst Road, South Hadley
Attachments: 1178903.pdf; South Hadley ESL Art. of Org.pdf; South Hadley ESL lease.pdf; South Hadley ESL - 67 Amherst Road.pdf; dan jacob.pdf; Piano Teacher Resume October 16, 2014.pdf; References Piano Educator, July 26, 2014.pdf; Hartsbrook Letter.pdf; South Hadley ESL.PDF

Good evening, Ed –

As promised and discussed, attached is the Memorandum relative to the educational use (including planned program, mandatory enrollment, required English classes at the premises, and case-law justification) and attachments referenced in the Memorandum. I apologize that the attachments are not identified by Exhibit tabs (the hard copy will include tabs), but I trust you can properly associate the referenced documents.

Should you have any questions or concerns, or issues in transmission, please don't hesitate to let me know.

I look forward to hearing from you, and I thank you, and the Town of South Hadley, for the patience.

Sincerely,

Tom

Thomas R. Reidy, Esq.
Phone 413.256.6701 | Fax 413.256.6469
6 South East Street Amherst MA 01002
treidy@baconwilson.com | baconwilson.com
Bacon Wilson, P.C.
Amherst | Northampton | Springfield | Westfield

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Bacon\Wilson
ATTORNEYS AT LAW

MEMORANDUM

To: Town of South Hadley • c/o Edward J. Ryan, Jr., Esq. – Town Counsel

From: Thomas R. Reidy, Esq., Bacon\Wilson, P.C. on behalf of South Hadley ESL, Inc.

Date: November 2, 2014

RE: SOUTH HADLEY ESL, INC. – 67 Amherst Road

I. INTRODUCTION

South Hadley ESL, Inc., ("SHE") a Massachusetts non-profit educational corporation organized under chapter 180 of the Massachusetts General Laws, is lessee of the land and the improvements thereon located at 67 Amherst Road – an approximately 22,504 square foot parcel with an approximately 8,500 square foot residential structure located in the Residence A-1 ("RA-1") zoning district – in the Town of South Hadley (the "Premises").

The proposed use of the Premises is to provide a consistently educational setting for up to twelve (12) international students, grades 7 – 12, whose participation in the educational offerings provided by the program is inextricably linked to their collaborative and simultaneous enrollment in a local, private, accredited institution (currently, the Harstbrook School).

SHE's program of study includes mandatory educational activities, with each centralized at or generated from the Premises: the house serves as the fundamental and foundational educational aspect of the program, with students residing on Premises, being brought to the Hartsbrook School from the residence, and being monitored, aided, taught, and guided by the two live-in house-parents (one of which is a teacher at the Hartsbrook School); after school: a strict and collaborative curriculum occurs at the Premises, including mandatory classes taught by licensed professionals to ensure proficiency in English and satisfactory passage of the Test of English as a Foreign Language [TOEFL], supervised studies—in collaboration with current private school curriculum—and liberal artistic education, in the form of piano, drawing, African dance, or mixed martial arts; strict behavioral requirements of quiet hours are enforced, restrictions on electronics' usage are implemented, and conversational English in a comfortable, non-judgmental setting is practiced; on weekends, the students will travel off-premises to college and university visits, museums, galleries, and other educational venues. It is important to note that dismissal from the Harstbrook School will result in immediate dismissal from the program and loss of occupancy at the Premises.

Simply, the goal to be accomplished at the Premises—the very essence of the program's existence at the site—is the complete and comprehensive education of the participating students. But for the participants' desire to be educated in English, in American culture, through American methods, in an American setting and in an effort to gain admission to American institutions of higher education, all in collaboration and partnership with a private institution, the program would not exist and the Premises would not be used as proposed.

II. ANALYSIS

Educational uses are allowed in the RA-1 zoning district through Planning Board Site Plan Approval pursuant to M.G.L. c. 40A, §3,[1] (the "Dover Amendment") and the Town of South Hadley Zoning Bylaws §§ 5(E) [use regulations] and 12 [Site Plan Review]. An application for such will be submitted within the coming weeks.

Massachusetts courts have construed the Dover Amendment on many occasions, ultimately articulating a conjunctively obligatory three-pronged test to determine whether the use of a property qualifies for its protection: (i) whether the use of the land and structures is by [in the instant case] a nonprofit educational corporation; (ii) whether the use of the land and structures has as its bona fide goal something that can reasonably be described as educationally significant; and, (iii) whether that educationally significant goal is the primary or dominant purpose for which the land or structures will be used. See Regis College v. Town of Weston, 462 Mass. 280, 281, 285 (2012); see also Gardner-Athol Area Mental Health Assoc. v. Zoning Board of Appeals of Gardner, 401 Mass 12 (1987); Whitinsville Retirement Soc. v. Northbridge 394 Mass. 757 (1985).

A. ***South Hadley ESL, Inc. is a nonprofit educational corporation entitled to the protection of* M.G.L. c. 40A, §3.**

" 'The proper test in deciding whether a nonprofit corporation is an educational one is whether its articles of organization permit it to engage in educational activities, a question easily answered by a review of the documents filed with the State.' The court has required only that educational activities 'be within the corporate purposes of the nonprofit corporation....'" Metrowest YMCA, Inc. v. Town of Hopkinton, 14 LCR 378, 380 (Mass. Land Ct. 2006) (quoting Gardner-Athol, 401 Mass at 15-16).

A review of the South Hadley ESL, Inc. Articles of Organizations, attached as Exhibit A, clearly demonstrate SHE's existence as a nonprofit educational corporation. Its explicit purpose is: "[T]o provide a safe, comfortable, closely supervised environment where international students can receive a high-quality education and training in the English language and American culture, as well as tutorial academic support."

Notably, as M.G.L. c. 40A, §3 requires, the Premises is leased by South Hadley ESL, Inc. from the landowners; the directors and officers of the corporation are not the same as the landowners. A copy of the Lease is attached as Exhibit "B." Rather, the landowners—save for one individual—are not formally associated with the nonprofit corporation. Therefore, the Town of

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[1] M.G.L. c. 40A, §3 provides, *inter alia*,

> "[N]or shall any [zoning] ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit education corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining the yard sizes, lot area, setbacks, open space, parking and building coverage requirements." (emphasis added).

South Hadley (the "Town") is still receiving local real estate tax income from the Premises as it is not exempt as a consequence of its ownership, as would be the case if the nonprofit educational corporation owned the premises (see M.G.L. c. 59, §5, ¶ 3).[2]

B. ***The goal of South Hadley ESL, Inc. is educationally significant, and furtherance of that goal is the primary purpose of the use at the Premises.***

The word "education" as employed in Massachusetts statutes and cases,

> "is a broad and comprehensive term. It has been defined as 'the process of developing and training the powers and capabilities of human beings.' To educate [...] is to prepare and fit for any calling or business, or for activity and usefulness in life.' Education may be particularly directed to either the mental, moral, or physical powers and faculties, but in its broadest and best sense it relates to them all."

Whitinsville Retirement Soc. 394 Mass at 759 (quoting Mount Hermon Boys' School v. Gill, 145 Mass. 139, 146 (1887)).

As Massachusetts courts have determined, based upon the legislative intent to protect those peripheral, non-traditional educational and religious uses from municipal prohibition for their methods, "a proposed use of land or structures may have an educational purpose notwithstanding that it serves nontraditional communities of learners in a manner tailored to their individual needs and capabilities." Regis at 285. In fact, the *Regis* court noted that the Massachusetts Supreme Judicial Court have concluded that the protections of the Dover Amendment have specifically applied to residential facilities which provide educational guidance, citing both Fitchburg Housing Auth. v. Board of Zoning Appeals of Fitchburg, 380 Mass. 869, 870 (1980), and Gardner-Athol *supra.*

However, "the housing or boarding of students is not of itself an educational process, any more than is the housing or boarding of any other class of human beings." Phi Beta Epsilon Corp. v. Boston, 182 Mass. 457, 459 (1903). The *Phi Beta* court suggests that if the mere composition of a residential structure dispositively determined the predominant use, then a number of students—whether within the definition of a "family" under the Town's Zoning Bylaw, or more akin to a lodging house or dormitory—could claim educational exemption to either (or both) municipal land use and taxing controls. That court concluded that such a determination could not occur simply from the constitution of the residential occupants. Rather, something more is needed.[3] See Regis 462 Mass at 288 ("it is well settled that purely residential and purely recreational projects are not

[2] It should also be noted that the Town of South Hadley's public school system will not be required to expend any resources for these students; the students' residency in South Hadley is specifically and exclusively contingent on their continued enrollment in the Hartsbrook School. In fact, should the program not include such strictures, the Town would be required to provide those same academic courses that the program is providing privately. Given the Town's focus and emphasis on quality education, it can surely appreciate the program's goals.

[3] Such a factually specific inquiry, along with the non-determinative nature of a group's constitution, serves to insulate the Town from a slippery slope or Pandora's box. Understandably, the Town may be cautious in its approach out of fear that any number of students from a local school, college, or university could exceed the definition of "family," or locate themselves inappropriately, and be exempt from zoning controls because of that educational affiliation. Both *Phi Beta* and the unique aspects of South Hadley ESL effectively prevent such an occurrence and should pacify any potential fear.

referred to in normal usage as 'educational,' notwithstanding that the residences may be quiet and conducive to study.").

This is not to say, however, and the case law does not support the proposition, that a use must be entirely of one category (e.g. *purely* residential, educational, commercial), or that residential uses and educational uses are mutually exclusive. See Commissioner of Code Inspection v. Worcester Dynamy, Inc., 11 Mass. App. Ct. 97, 99 (1980) (hereinafter "Dynamy") ("[t]he fact that interns reside at the facility does not negate its educational purpose")(internal quotations excluded). See also generally Fitchburg; Gardner-Athol.

SHE's program is not purely residential, it provides much more than a quiet, contemplative space for the students simply to sleep and study. Students have strict curricula that they must follow—both at the Hartsbrook School in order to maintain their residency at 67 Amherst Road, and also at the Premises: daily TOEFL classes, mandatory study times, and requirements of /encouragement in conversational English—with all instruction provided on a formal, structured, mandatory basis by trained, licensed professionals. See attached Structured Study Program and educator certification/licensure as Exhibit "C."

Education is defined quite liberally by the courts of Massachusetts, so much so that it can be viewed as a continuum: on one end of this education spectrum are those uses in which the furtherance of educational goals is simply peripheral to a more primary purposes; on the other end of that spectrum are those uses in which furtherance of the educational goal is dominant. Massachusetts courts have set a theoretical stake in the spectrum to demarcate what rises to the level and qualifies as primary, and what falls short as only an element of education. Determining where a purportedly educational program is positioned on the continuum is a factually intensive inquiry, turning on a specific finding of facts, including those bearing on how a project would likely be operated. See Regis 462 Mass at 293.

On the one hand, the courts have found only an incidental aspect of educational use in, amongst others, Whitinsville, Regis, Metrowest YMCA (fitness and pool facility did not qualify as educational facility merely because it offered exercise-related classes, with the overwhelming majority of those who use the site receiving no instruction) and Aquarius Sanctuary Ctr. For Higher Learning & Healing v. Zoning Bd. of Appeals, 17 LCR 771 (Mass Land Ct. 2009) (alternative medicine clinic [Reiki] could not establish that it was educational merely because it offered alternative medicine workshops).

In Whitinsville, a nursing home facility was proposed, where elderly persons within the complex who are in good physical and mental condition would help others who are not so well off; the court determined that only an "element of education [existed…] provided not by a formal program or trained professionals, but only informally gleaned from the interplay among residents of the nursing home community." See Whitinsville 394 Mass at 758, 761.

In Regis, Regis College proposed "Regis East" – a sprawling complex to be used for residential and nonresidential purposes, including dining, meetings and events, fitness activities, healthcare and recreation, where the elderly residents (with an average age of 75 and an entrance fee of near $1 million) would be required to enroll in two academic courses per semester (though its practical implementation was questioned). The Court accepted its goal as educationally significant (promoting the cognitive and physical well being of elderly persons), but echoed the zoning board's

consideration in that the "educational aspects of Regis East are so amorphous, flexible and vague as to suggest they are mere window dressing for what is essentially a luxury residential complex." Regis, 462 Mass. at 288.

On the other hand, contrastingly, in Fitchburg, the use of the premises was focused on educating formerly institutionalized participants in vocational and religious subject matters for short, definite period of time, by trained professionals, with the intention that they will emerge as more productive and useful members of society; "[t]he fact that the facility will provide residential accommodations does not interfere with its educational use." See Fitchburg, 380 Mass at 874. Similarly, in Gardner-Athol, a single family dwelling was leased for use as a residential care facility for four adults with mental disabilities, where the participants would be taught daily living and vocational skills, with the goal of preparing them for more independent living. The Court deemed this use as an educational use exempt from municipal control. See Gardner-Athol, 401 Mass. at 14. Both cases involve residential educational facilities determined to be exempt from municipal zoning control.

In Dynamy, a nonprofit corporation organized exclusively for educational purposes with a primary goal of accelerating the process of maturing in young adults provided residential living arrangements to its interns. The residential portion of the program is considered by the Dynamy director (as it is with South Hadley ESL) to be central to its educational goals. Dynamy has arrangement with a number of educational institutions whereby its interns are given credit for participation in the program. The trial judge concluded that the use of the premises was residential in nature and subject to local zoning use regulation; this conclusion was explicitly rejected by the Massachusetts Appeals Court: "Dynamy's program, including its residential component, falls clearly within the definition of education [....] [S]uch views are consistent with the English and American tradition of higher education, where residential living is deemed an integral part of the learning experience." Dynamy, 11 Mass. App. Ct. at 99.

South Hadley ESL would not exist at the Premises but for its furtherance of the goals of educating its international students. Simply because a residential aspect of the overall educational program occurs at 67 Amherst Road does not then cause the use to become residential; rather, that residential portion *is* educational. South Hadley ESL has identified a limited number of students to participate, have implemented strict academic requirements, a structured study program to be led by certified and licensed professionals, with a finite end (to wit: graduation from the Hartsbrook School and matriculation in an American College or University), and work collaboratively with the Harstbrook School. (See Exhibit "D" – Letter from Hartsbrook School). Holistically, and in the aggregate, the use of the Premises—inclusive of its subordinate residential aspect—is primarily educational.

Given the well-settled law in the Commonwealth of Massachusetts, South Hadley ESL, Inc.'s goal of educating international students in English, in American culture, with unique and traditional American educational pedagogy, falls within this broad and comprehensive term "education" and is, consequently, educationally significant. The means to effectuate that purpose is the primary use of the Premises; the court does not consider its own conceptions of expediency in attaining that goal.[4]

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[4] The legislative purpose of the Dover Amendment is clear: to prevent municipal and governmental discrimination against bona fide educational and religious uses. It would be contrary to that purpose should the Town seek to

It is not that SHE is providing a non-traditional education; rather, it is providing a non-traditional means of attaining a traditional education. The students involved in the program are all, exclusively, international students (from China and Taiwan). These students have come to the United States, to 67 Amherst Road in South Hadley, specifically for the purposes of education. Education occurs on the Premises, and is facilitated by the use of the Premises, at every waking moment. Whether it is teaching the students the strict curricular requirements of the TOEFL exam, providing additional or collaborative instruction in partnership with the Hartsbrook School, allowing the students a safe, comfortable environment from which to branch out into the classroom and community, instilling the values of responsibility, punctuality, accountability, diligence, and patience, or aiding the students in the college application process, and encouraging the students to participate in English conversations without the fear or judgment of mistake, the Premises is an educational facility. See attached marketing material at Exhibit "E."

CONCLUSION

67 Amherst Road in South Hadley is not purely a residence; it is a place where foreign students are rigorously educated in English as a second language, are required to participate daily in mandatory tutorial exercises based upon their individual proficiency, grade level, with such to be synchronized with the Hartsbrook School (an institution where the international students must remain enrolled, or face immediate dismissal from South Hadley ESL), and where these students are to learn, develop, and grow as human beings, with the ultimate goal of matriculation in an American college or university, at which time that student's participation in the program will cease. Consequently, the use and program of South Hadley ESL, Inc. should continue in the RA-1 zoning district as the Town may not restrict or prohibit such an educational use.

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discriminate against South Hadley ESL under the guise of determining that the educational component is not "primary," especially where these students are to be rigorously educated in English as a second language, along with instruction in other skills necessary to succeed in American junior and senior high schools and, eventually American colleges and universities.

The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: $35.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Articles of Organization
(General Laws, Chapter 180)

Federal Employer Identification Number: 001147219 *(must be 9 digits)*

ARTICLE I

The exact name of the corporation is:

SOUTH HADLEY ESL, INC.

ARTICLE II

The purpose of the corporation is to engage in the following business activities:

THE NATURE OF THE ACTIVITIES TO BE CONDUCTED AND THE PURPOSES TO BE PROMOTE D OR CARRIED OUT BY THE CORPORATION SHALL BE EXCLUSIVELY CHARITABLE, SCIENTI FIC AND EDUCATIONAL WITHIN THE MEANING OF SECTION 501 (C) (3) OF THE INTERNAL R EVENUE CODE OF 1986, AS AMENDED, AND TO A PUBLIC CHARITY UNDER SECTIONS 509 (A) (1) AND 509 (A) (2), WHICHEVER IS APPLICABLE, AS MAY BE AMENDED FROM TIME TO T IME AND SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: A. TO PROVIDE A SA FE, COMFORTABLE, CLOSELY SUPERVISED ENVIRONMENT WHERE INTERNATIONAL STUD ENTS CAN RECEIVE A HIGH-QUALITY EDUCATION AND TRAINING IN THE ENGLISH LANGU AGE AND AMERICAN CULTURE, AS WELL AS TUTORIAL ACADEMIC SUPPORT. B. TO SOLICI T AND RECEIVE CONTRIBUTIONS, GRANTS, DONATIONS, GIFTS, BEQUESTS, DEVISES AND OTHER SOURCES OF FUNDING TO PROMOTE THE PURPOSES OF THIS CORPORATION. C. TO ACCEPT, HOLD, INVEST, REINVEST, ADMINISTER ANY CONTRIBUTIONS, GRANTS, DONATI ONS, GIFTS, BEQUESTS AND DEVISES RECEIVED FOR SAID PURPOSES. D. TO ENTER INTO A GREEMENTS AND ARRANGEMENTS WITH SUCH OTHER CHARITABLE ORGANIZATIONS OR GROUPS AS THE CORPORATION SHALL DETERMINE, TO CARRY OUT ANY OF THE AFORESA ID PURPOSES OF THE CORPORATION. E. TO MAKE DISTRIBUTIONS TO ORGANIZATIONS TH AT CARRY OUT THE PURPOSES ABOVE SHOULD THEY QUALIFY AS PUBLIC CHARITIES AND TAX EXEMPT ORGANIZATIONS UNDER THE INTERNAL REVENUE CODE. F. MEETINGS OF TH E MEMBERS MAY BE HELD ANYWHERE IN THE UNITED STATES. IN GENERAL, TO CARRY O N ALL ACTIVITIES IN CONNECTION WITH ANY OF THE FOREGOING PURPOSES, TO HAVE A ND EXERCISE ALL OF THE POWERS CONFERRED UPON NON-PROFIT CORPORATIONS UND ER CHAPTER 180 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, ALL TO THE EXTENT NOT INCONSISTENT WITH ANY REQUIREMENTS CONTAINED IN SECTI ON 501 (C) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND THE REGULA TIONS PROMULGATED THEREUNDER, AND NOT INCONSISTENT WITH ANY OTHER PROVISI ONS OF THE ARTICLES OF ORGANIZATION.

ARTICLE III

A corporation may have one or more classes of members. If it does, the designation of such classes, the manner of election or appointments, the duration of membership and the qualifications and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

NONE

ARTICLE IV

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:
(If there are no provisions state "NONE")

NO PART OF THE NET EARNINGS OF THE CORPORATION SHALL INURE TO THE BENEFIT OF, OR BE DISTRIBUTABLE TO ITS VOLUNTEERS, OFFICERS OR OTHER PRIVATE PERSONS, EXC EPT THAT THE CORPORATION SHALL BE AUTHORIZED AND EMPOWERED TO PAY REASON ABLE COMPENSATION FOR SERVICES RENDERED AND TO MAKE PAYMENTS AND DISTRIB UTIONS IN FURTHERANCE OF THE PURPOSES AS FOLLOWS: SAID CORPORATION IS ORGA NIZED EXCLUSIVELY FOR CHARITABLE AND EDUCATIONAL PURPOSES, INCLUDING FOR S UCH PURPOSES THE MAKING OF DISTRIBUTIONS TO ORGANIZATIONS THAT QUALIFY AS E XEMPT ORGANIZATIONS UNDER SECTION 501C (3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODES. NO SUBSTANTIAL PART OF THE ACTIVITIES OF THE CORPORATION SHALL BE THE CARRYING ON OF PROPAG ANDA, OR OTHERWISE ATTEMPTING TO INFLUENCE LEGISLATION, AND THE CORPORATIO N SHALL NOT PARTICIPATE IN OR INTERVENE IN (INCLUDING THE PUBLISHING OR DISTRI BUTION OF STATEMENTS) ANY POLITICAL CAMPAIGN ON BEHALF OF OR IN OPPOSITION TO ANY CANDIDATE FOR PUBLIC OFFICE. NOTWITHSTANDING ANY OTHER PROVISION OF THESE ARTICLES, THE CORPORATION SHALL NOT TO ANY SUBSTANTIAL DEGREE, ENGAGE IN ANY ACTIVITIES OR EXERCISE ANY POWERS THAT ARE NOT IN FURTHERANCE OF THE P URPOSES OF THIS CORPORATION. UPON THE DISSOLUTION OF THE CORPORATION, ASSET S SHALL BE DISTRIBUTED FOR ONE OR MORE EXEMPT PURPOSES WITHIN THE MEANING O F SECTION 501C (3) OF THE INTERNAL REVENUE CODE, OR THE CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR SHALL BE DISTRIBUTED TO THE FEDERAL GOVER NMENT, OR TO A STATE OR LOCAL GOVERNMENT, FOR A PUBLIC PURPOSE. ANY SUCH AS SETS NOT SO DISPOSED OF SHALL BE DISPOSED OF BY A COURT OF COMPETENT JURISDIC TION OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE CORPORATION IS THEN L OCATED, EXCLUSIVELY FOR SUCH PURPOSES OR TO SUCH ORGANIZATION OR ORGANIZA TIONS, AS SAID COURT SHALL DETERMINE. OFFICERS AND DIRECTORS OF THE CORPORAT ION SHALL NOT BE PERSONALLY LIABLE TO THE CORPORATION OR ITS MEMBERS FOR M ONETARY DAMAGES FOR BREACH OF FIDUCIARY DUTY AS AN OFFICER OR DIRECTOR, NO TWITHSTANDING ANY PROVISION OF THE LAW IMPOSING SUCH LIABILITY.

***Notes:** The preceding four (4) articles are considered to be permanent and may only be changed by filing appropriate Articles of Amendment.*

ARTICLE V

The by-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers, whose names are set out on the following page, have been duly elected.

ARTICLE VI

The effective date of organization of the corporation shall be the date approved and filed by the Secretary of the Commonwealth. If a *later* effective date is desired, specify such date which shall not be more than *thirty days* after the date of filing.

ARTICLE VII

The information contained in Article VII is not a permanent part of the Articles of Organization.

a. The street address *(post office boxes are not acceptable)* of the principal office of the corporation *in Massachusetts* is:

No. and Street: 67 AMHERST ROAD
City or Town: SOUTH HADLEY State: MA Zip: 01075 Country: USA

b. The name, residential street address and post office address of each director and officer of the corporation is as follows:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
PRESIDENT	YI HUI SUN	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected
TREASURER	HAO Z. WANG	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected
CLERK	WEI FENG	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected
DIRECTOR	WEI FENG	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected
DIRECTOR	HAO Z. WANG	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected
DIRECTOR	YI HUI SUN	67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA 67 AMHERST ROAD SOUTH HADLEY, MA 01075 USA	Until Successor is Elected

c. The fiscal year (i.e., tax year) of the business entity shall end on the last day of the month of:
December

d. The name and business address of the resident agent, if any, of the business entity is:

Name: HAO Z. WANG
No. and Street: 67 AMHERST ROAD
City or Town: SOUTH HADLEY State: MA Zip: 01075 Country: USA

I/We, the below signed incorporator(s), do hereby certify under the pains and penalties of perjury that I/we have not been convicted of any crimes relating to alcohol or gaming within the past ten years. I/We do hereby further certify that to the best of my/our knowledge the above-named officers have not been similarly convicted. If so convicted, explain:
HAO Z. WANG, 67 AMHERST ROAD, SOUTH HADLEY, MA 01075

IN WITNESS WHEREOF AND UNDER THE PAINS AND PENALTIES OF PERJURY, I/we, whose signature(s) appear below as incorporator(s) and whose name(s) and business or residential address (es) beneath each signature do hereby associate with the intention of forming this business entity under the provisions of General Law, Chapter 180 and do hereby sign these Articles of Organization as incorporator(s) this 18 Day of September, 2014. *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the*

name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)
HAO Z. WANG, 67 AMHERST ROAD, SOUTH HADLEY, MA 01075

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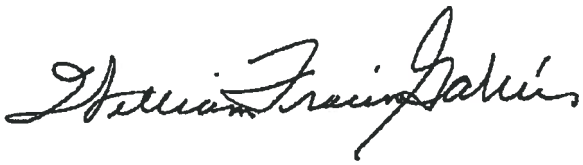
MA SOC Filing Number: 201496518130 Date: 9/18/2014 10:37:00 AM

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

September 18, 2014 10:37 AM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

SOUTH HADLEY ESL

67 AMHERST ROAD • SOUTH HADLEY, MA

EDUCATIONAL CURRICULUM

STRUCTURED STUDY PROGRAM

1. ENGLISH FOR TOEFL
    a. Wednesdays: 4 – 6 p.m.
    b. Saturdays: 8:30 a.m. to 12:30 p.m.
    c. Compulsory for all students

    Instructor: Daniel Jacob (resume attached)

2. EVENING SUPERVISED STUDIES AND TUTORIAL
    a. Monday through Friday: 7 P.M. – 9 P.M.
    b. Compulsory for all students

    Instructor: Naomi Henderson (resume attached)

3. PIANO
    a. Weekends, varying times
    b. optional

    Instructor: Tim Ballan

4. DRAWING / OR/ AFRICAN DANCE
    a. Sundays: 4 – 5 p.m.
    b. Optional

    Instructor: Zoe Weizenbaum (Wikipedia profile attached)

5. MIXED MARTIAL ARTS
    a. Sundays: 7:30 – 8:30 a.m.
    b. Optional

    Instructor: Donald Francis

EXTRACURRICULAR ACTIVITIES

COLLEGE ADMISSIONS TOURS:

In addition to structured studies at home, South Hadley ESL also brings students to visit American universities and colleges, lead by Naomi Henderson.

The following universities and colleges visits have been arranged to date:

1. ST. JOHN'S UNIVERSITY • NEW YORK

   Contact: Amy E. Arcario
   Assistant Director of International Admissions
   Office of Undergraduate Admissions

2. CONCORDIA COLLEGE • NEW YORK

   Contact: Claire Zhou
   Director of International Programs & Services

3. WASHINGTON COLLEGE • MARYLAND

   Contact: Tony Littlefield
   Associate Director of Transfer & International Students

EDUCATIONAL FIELD TRIPS:

Students routinely participate in educational field trips.

AS AN EXAMPLE:

THURSDAY, SEPTEMBER 25:

Report to Amherst College Admissions office at 1pm, a 1 hour tour has been arranged for our 8 students. Contact: Will

2pm: info session at the admissions office so that students can find out more about Amherst College and its entry requirement.

We expect this to finish around 3pm.

Students can tour around the city of Amherst.

At 4:30, they can attend a lecture at UMass Amherst, in order to get a flavor of the university lecture:

Goodell Hall, Room: Bernie Dallas Room

UMass Amherst Campus

Lecture: Undocumented Migration to the U.S.: Origins, Consequences, Remedies
http://www.umass.edu/events/lecture-undocumented-migration-us-origins

If they are interested, they can stay there to have pizza and join an
info session at 6pm:
http://www.umass.edu/events/city-year-information-session-pizza

Ed Ryan

South Hadley Town Counsel

Dear Attorney Ryan:

The Hartsbrook School has accepted several day students from China and Taiwan. These students came to us through the recruitment work of South Hadley, ESL, Inc. This organization recruits the students from their home countries and is responsible for the housing, transportation, academic support and welfare of the students while they are in the U.S. The Students are full time day students at the Hartsbrook School and are separately contracted for these other services with South Hadley, ESL. Inc.

The purpose of this letter is to explain the English language teaching offered by the Hartsbrook School and the extra English language academic support our international students need. As a day school which teaches primarily local students, we have two English Teachers who have been hired to teach our international students for one period a day. Our international students all intend to complete their high school with us and apply to American universities. The universities almost always set a TOEFL requirement for international students at 90 to 100. Currently our students do not have such level. In order to take the tests and achieve the required results, students need to have additional structured English language studies each week. Therefore, all our international students are required to take additional structured English lessons at after school times.

We have partnered with South Hadley ESL, Inc., a non-profit organization as they have been able to offer the students the additional support they need to succeed at our school. The location of teaching will be at 67 Amherst Road, South Hadley, MA01075.Through South Hadley ESL, Inc our international students will be receiving the following mandatory English language instruction: Up to two hours English for TOEFL on Wednesday, between 4 to 6, up to five hours English for TOEFL on Saturdays, and potentially on Sundays too if this is needed. They also receive homework support each evening during a designated, proctored, study hall.

South Hadley ESL, Inc. also provides some extra curricular art education and is equipped with a piano. Students who are interested in learning can take 1-1 piano lessons each week on the weekends at 67 Amherst Road. Other optional classes provided on the weekends include: drawing/water color painting, drama, martial arts.

Educating these full time international students is a new and exciting addition to Hartsbrook's academic programming. We are looking forward to a successful and continuing relationship with South Hadley ESL, Inc.

Sincerely,

Leslie Evans

Leslie Evans
Enrollment Director
The Hartsbrook School

SOUTH HADLEY ESL, INC.

Welcome to the US! Welcome to the Hartsbrook School! **SOUTH HADLEY ESL, Inc** is working with Hartsbrook, a Waldorf school, to try to provide the international students with a home away from home, and exciting study and living experience which will positively impact their entire life.

67 Amherst Road in South Hadley is the new home of the international students studying at the Hartsbrook School.

SOUTH HADLEY ESL, Inc has leased 67 Amherst Road, a duplex home which has undergone extensive renovations by an architect, which has also been the home of the architect for almost two decades. 67 Amherst Road in South Hadley is the new home of the international students studying at the Hartsbrook School.

At 67 Amherst Road, Hartsbrook students will be sharing common values and successful experience. They will enjoy excellent level of care from the house parents who are Hartsbrook teachers, international coordinators of the school who come to visit often and keep communications with the students, and the Academic Director who will be liaising your school and your parents in your own language.

Nestled amid lovely green pastures under the gentle curves of the Holyoke Range, The Hartsbrook School is within close proximity to towns known for the excellence of their academic institutions, as well as their progressive and alternative communities. Hartsbrook also has a growing Agricultural Arts program which brings a unique and vibrant addition to our offerings.

As a day school, Hartsbrook has never taken international students in big numbers in the past. By working with South Hadley ESL, Inc, Hartsbrook is able to provide the essential ESL education to its international students therefore welcome students who speak another language as mother tongue to the country. With the joining of students from far east, the Hartsbrook School will be spreading the Waldorf philosophy and belief to other countries. Its a valuable opportunity of cultural exchange which would not been possible without the assistance of South Hadley ESL Inc, which has specially created a site of ESL and art education, room and accommodation for the Hartsbrook School students only.

Here is what Hartsbrook International students will get from living at 67 Amherst Road, South Hadley:

Partnership with the The Hartsbrook School
South Hadley ESL Inc is accommodating students from The Hartsbrook School only. The Hartsbrook School is deeply involved in the management of the boarding house. All discipline actions taken by South Hadley ESL Inc for students living at 67 Amherst Road will go to the records of The Hartsbrook School. Similarly, South Hadley ESL also works with The Hartsbrook School very closely to act upon instructions from the school. Any students dismissed from the Hartsbrook School will be dismissed from South Hadley ESL immediately, and required to leave 67 Amherst Road on the same night.

Professional Management
SOUTH HADLEY ESL, Inc manages 67 Amherst Road strictly and professionally. We understand that our students are selected from middle or upper class families in China. They are top academic students with good behavior. We also understand the expectation of the parents to a boarding house. To meet your needs, we have implemented strict alcohol and drug policy, which is as simple as that upon one offence students will be removed from SOUTH HADLEY ESL, Inc permanently. We do however not think any students will make this offence given the strict selection criteria before admitting them into the programme.

Safe Living
Security alarms are set at 67 Amherst Road, South Hadley, only the house parents have code once the alarms are on. It will be equipped with 24 hour security camera. Parents even have the option of looking at the videos live online. Most outings are organized and supervised.

ENGLISH ONLY!

English Only
We value students' culture and value at home, and understand that the parents send them to the US in order for them to improve their English! That's why we so strongly encourage them to mix with the local neighborhood and community--only by actively participating into the local activities do the students get this valuable opportunity to improve their English in the real environment.

Common Educational Experience
The students come to Hartsbrook School to study with a clear aim of academic excellence and entry into a good college. The boarding house isn't a place just for them to do whatever they want. Their lives are united by this common objective and completely shaped and dominated by their common educational experience.

Home
We understand that some of our students are so young, you are going to study at Hartsbrook School for another 5 or 6 years--you are going to grow up and develop in this house. Our students are not a transient group: they all intend to stay until their high school graduation, therefore 67 Amherst Road is meant to be a HOME, rather than a boarding house for them. We only take up to 12 students in our house and everyone is meant to be treating each other like a brother or sister.

Tutorial
For students with weaker English, there will be ESL tutorial which will be given in the house. Need help with American history? We will also arrange tutoring for you over the weekends. Some students play music instrument and are even at high levels of proficiency, we can get lessons arranged too.

67 Amherst Road is a place to sleep, but you sleep here because you study here and enjoy your studies here!

Dynamic Center for Learning
South Hadley ESL extends The Hartsbrook School's commitment to providing a dynamic center for learning in which the arts and the natural environment are utilized as focal points for education. Hartsbrook is a Waldorf School. The heart of the Waldorf method is the conviction that education is an art – it must speak to the child's experience. To educate the whole child, his heart and will must be reached as well as his mind, and this is the belief of SOUTH HADLEY ESL, Inc.

College Application Assistance
We help our students with their future college applications too! Our students already reported that they want to look for community service opportunities. They are very keen on working with local residents to make them useful to the community. This is to their own benefit, since community service will be indispensable on their resume when they apply to colleges.

ESL teaching
SOUTH HADLEY ESL, Inc provides ESL teaching in the boarding house. As The Hartsbrook School is predominantly a day school and the curriculum is originally designed for local American students, by partnering with South Hadley ESL, Inc, Hartsbrook students are able to take ESL classes right in the boarding house.

One to One Teaching In Arts
South Hadley ESL has equipped 67 Amherst Road with a grand piano and provides free one to one teaching in piano at all levels, once a week. Waldorf education emphasizes the teaching of arts and that's what South Hadley ESL supports too.

67 Amherst Road
South Hadley, MA
1 Inch = 55 Feet
August 06, 2015

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com
CAI Technologies

SEE BOOK 3651 PAGE 92 SEE BOOK 3860 PAGE 217

#12990

012990

9:24 A.M
July 12, 1989

NOTE 1. EASEMENT #1 IS AN EASEMENT FOR A SEPTIC SYSTEM GRANTED BY GARY AND DEBORAH ORTENSI TO LOT 1, TO BE RECORDED HEREWITH.

NOTE 2: PARCEL 6A IS TO BE CONVEYED TO AND COMBINED WITH LAND OF R.STEPHEN AND JUDY KRAUSE TO FORM ONE CONTIGUOUS PARCEL OF UNDIVIDED OWNERSHIP, IN A DEED TO BE RECORDED HEREWITH.

- INDICATES BOUND FOUND
- INDICATES I.P. FOUND
- INDICATES I.P. SET
- INDICATES LOT CORNER
- INDICATES EXISTING BUILDING
- INDICATES EXISTING BUILDING TO BE REMOVED WITHIN ONE YEAR OF FINAL APPROVAL OF SUBDIVISION.
- INDICATES EXISTING WIRE FENCE LINE
- INDICATES EXISTING STOCKADE FENCE LINE
- INDICATES BOUND FOUND
- (E) INDICATES EASEMENT DIMENSION

SUBJECT TO ANY AND ALL RECORDED OR UNRECORDED RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND/OR ENCUMBRANCES IN FORCE AND APPLICABLE, IF ANY.

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

FOR TITLE OF ENCLOSED PERIMETER, SEE BOOK 1970, PAGE 107 & BK.1760, P.323, HAMPSHIRE COUNTY REGISTRY OF DEEDS.

FOR REFERENCE, SEE BOOK OF PLANS 20 , PAGE 41 HAMPSHIRE COUNTY REGISTRY OF DEEDS

FOR REFERENCE, SEE BOOK OF PLANS 104 , PAGE 62 , HAMPSHIRE COUNTY REGISTRY OF DEEDS.

APPROVED BY THE SOUTH HADLEY PLANNING BOARD.

DATE: July 6, 1989

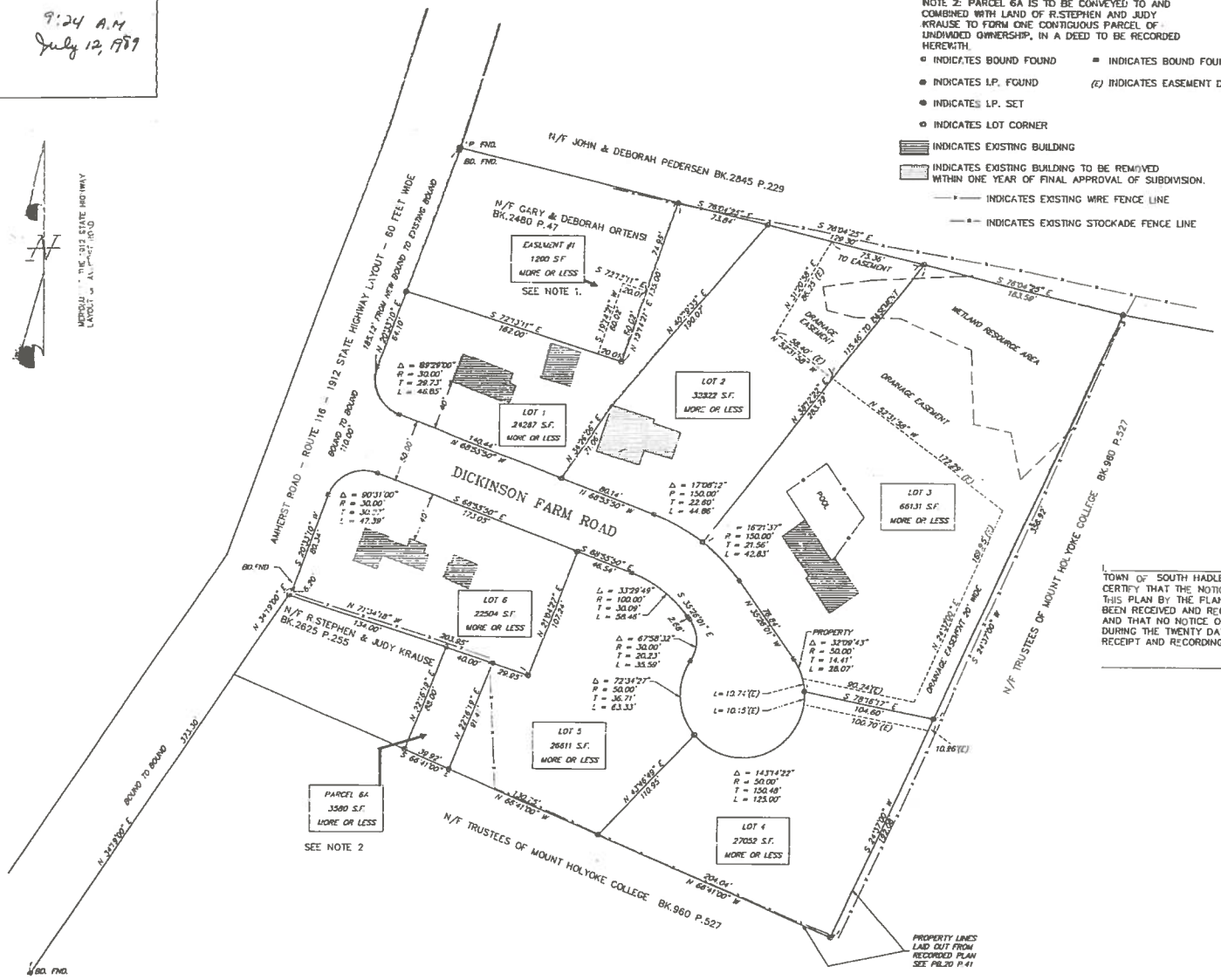
I, _____ ,CLERK OF THE TOWN OF SOUTH HADLEY , HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND THAT NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

CLERK

APPROVED _____ SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY _____

DATED: _____ AND RECORDED IN _____ COUNTY REGISTRY OF DEEDS,

BOOK ____ PAGE ____



NO.	DESCRIPTION	DATE
1	DRAINAGE	3/16/89

REVISIONS

DICKINSON FARM

SOUTH HADLEY, MASS.
HAMPSHIRE COUNTY

DEFINITIVE LOT LAYOUT

FOR
JAMES DICKINSON

Scale 1" = 40'
Job No. 2731 Book No. 598,608
Comp. Code IBM 48-2
ACAD Code F2731-1
Date OCT.10,1988
Drawing No. SH-L-5792

PHARMER ENGINEERING CORPORATION
HOLYOKE MASSACHUSETTS

SHEET 1 OF 5

SOUTH HADLEY ESL

67 AMHERST ROAD • SOUTH HADLEY, MA

MINOR SITE PLAN APPROVAL

NARRATIVE

South Hadley ESL, Inc., ("SHE") a Massachusetts non-profit educational corporation organized under chapter 180 of the Massachusetts General Laws, is lessee of the land and the improvements thereon located at 67 Amherst Road – an approximately 22,504 square foot parcel with an approximately 8,500 square foot residential structure located in the Residence A-1 ("RA-1") zoning district – in the Town of South Hadley (the "Premises").

The proposed use of the Premises is to provide a consistently educational setting for up to twelve (12) international students, grades 7 – 12, whose participation in the educational offerings provided by the program is inextricably linked to their collaborative and simultaneous enrollment in a local, private, accredited institution (currently, the Harstbrook School).

SHE's program of study includes mandatory educational activities, with each centralized at or generated from the Premises: the house serves as the fundamental and foundational educational aspect of the program, with students residing on Premises, being brought to the Hartsbrook School from the residence, and being monitored, aided, taught, and guided by the two live-in house-parents (one of which is a teacher at the Hartsbrook School); after school: a strict and collaborative curriculum occurs at the Premises, including mandatory classes taught by licensed professionals to ensure proficiency in English and satisfactory passage of the Test of English as a Foreign Language [TOEFL], supervised studies—in collaboration with current private school curriculum—and liberal artistic education, in the form of piano, drawing, African dance, or mixed martial arts; strict behavioral requirements of quiet hours are enforced, restrictions on electronics' usage are implemented, and conversational English in a comfortable, non-judgmental setting is practiced; on weekends, the students will travel off-premises to college and university visits, museums, galleries, and other educational venues. It is important to note that dismissal from the Harstbrook School will result in immediate dismissal from the program and loss of occupancy at the Premises.

Simply, the goal to be accomplished at the Premises—the very essence of the program's existence at the site—is the complete and comprehensive education of the participating students. But for the participants' desire to be educated in English, in American culture, through American methods, in an American setting and in an effort to gain admission to American institutions of higher education, all in collaboration and partnership with a private institution, the program would not exist and the Premises would not be used as proposed.

No exterior structural or site modifications are contemplated or proposed. Students are not allowed to own vehicles. The dorm parents have two (2) vehicles; in addition, visiting teachers, instructors, and maintenance/cleaning personnel will be allowed to park at the site during their instruction/tasks. Notably, a two-car garage exists at the site, along with two driveways (which driveways measure 45' x 35' and 140' x 20') each with sufficient area and maneuverability. Additionally, the lawn will be mowed weekly.

Bacon Wilson
ATTORNEYS AT LAW

Proudly Celebrating 120 Years 1895 - 2015

AMHERST
NORTHAMPTON
SPRINGFIELD
WESTFIELD

August 17, 2015

Mr. Jeff Squire, Chairman
Town of South Hadley Planning Board
Town Hall
116 Main Street
South Hadley, MA 01075

RE: 67 Amherst Road – South Hadley ESL, Inc.
Minor Site Plan Approval

Dear Chairman Squire:

Please accept this letter as formal request, pursuant to the Planning Board's Rules and Regulations for Site Plan Review, as appearing in Appendix B of the Town of South Hadley Zoning Bylaw, for waiver from strict compliance of the Site Plan Content requirements. As you know, the Planning Board has the authority to waive any information requirements it judges to be unnecessary to the review of a particular plan.

The Applicant, South Hadley ESL, Inc., is a non-profit educational entity utilizing 67 Amherst Road in South Hadley for a primary educational purpose. In furtherance thereof, they are neither proposing nor contemplating any exterior structural or site modifications or additions.

Consequently, we are respectfully requesting a waiver from the informational requirements. However, in an effort to provide the Planning Board sufficient information to render their decision, we have provided both a South Hadley Geographic Information System aerial photograph, along with a professional land survey as recorded at the Hampshire County Registry of Deeds.

We would suggest that the absence of changes to the existing site, along with the use's exemption from unreasonable regulation in accordance with M.G.L. c. 40A, §3, and the submission of alternative material, the Planning Board could justifiably waive strict compliance.

Of course, should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Thomas R. Reidy, Esq.

Thomas R. Reidy
treidy@baconwilson.com

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