

# TOWN OF SOUTH HADLEY

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## OFFICE OF THE PLANNING BOARD

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October 20, 2014

Dear Town Meeting Members:

The Massachusetts General Laws, pursuant to Chapter 40-A, Section 5 requires that the Planning Board prepare and submit to Town Meeting a report with recommendations regarding any proposed Zoning By-Law or amendment thereto before any vote to adopt shall be taken by that body. The following report of the Planning Board pertains to six articles on the Warrant for the Special Town Meeting to be held on Wednesday November 12, 2014. The first four articles are generally housekeeping articles which seek to clarify provisions or update other provisions in light of recent amendments while the latter two articles arose from the Master Plan and involve topics either considered or originally planned for prior Town Meetings:

- Article #9 – Clarify measurement of front setbacks
- Article #10 – Delete the Lodging House provisions and treat lodging houses under the Bed & Breakfast provisions
- Article #11 – Clarify permitted and prohibited uses
- Article #12 – Clarify setback applicability for structures attached to buildings
- Article #13 – Establishes maximum impervious surface restrictions
- Article #14 – Changes the regulations regarding new Two-Family buildings and Conversion of Single-Family buildings into Two-Family buildings

**Article #9**, amends the Zoning Bylaw to clarify how front setbacks are to be determined by inserting an additional graphic into the Zoning Bylaw. This graphic depicts one lot largely behind another lot. **Recommendation:** Approve the article as submitted in the attached report.

**Article #10**, amends the Zoning Bylaw to delete the Lodging House and Dormitories provisions of the Zoning Bylaw to have Lodging Houses treated consistent with Bed & Breakfast facilities. **Recommendation:** Approve the article as submitted in the attached report.

**Article #11**, amends the Zoning Bylaw to clarify that uses not specified in the Zoning Bylaw and uses which are dissimilar to uses which are specified in the Zoning Bylaw are considered prohibited uses. **Recommendation:** Approve the article as submitted in the attached report.

**Article #12**, amends the Zoning Bylaw to clarify that structures without roofs which are attached to buildings must meet the same dimensional requirements as buildings. **Recommendation:** Approve the article as submitted in the attached report.

**Article #13**, amends the Zoning Bylaw to establish maximum limits of impervious surface allowed. **Recommendation:** Approve the article as submitted in the attached report.

**Article #14**, amends the Zoning Bylaw to treat Conversion of Single-Family Buildings into Two-Family Buildings the same as new Two-Family Buildings by restricting where two-family buildings are permitted, deleting the “Conversion of Single-Family Building to Two-Family Building” use, deleting the requirement that an applicant to convert a Single-Family Building to a Two-Family obtain approval from at least 3 abutting property owners, and inserting additional standards for two-family buildings in several of the zoning districts. **Recommendation:** Approve the article as submitted in the attached report.

Remember, Zoning By-Law amendments require a two-thirds (2/3's) vote. If you have any questions about these articles, please contact the Planning Board.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Squire", with a horizontal line extending to the right.

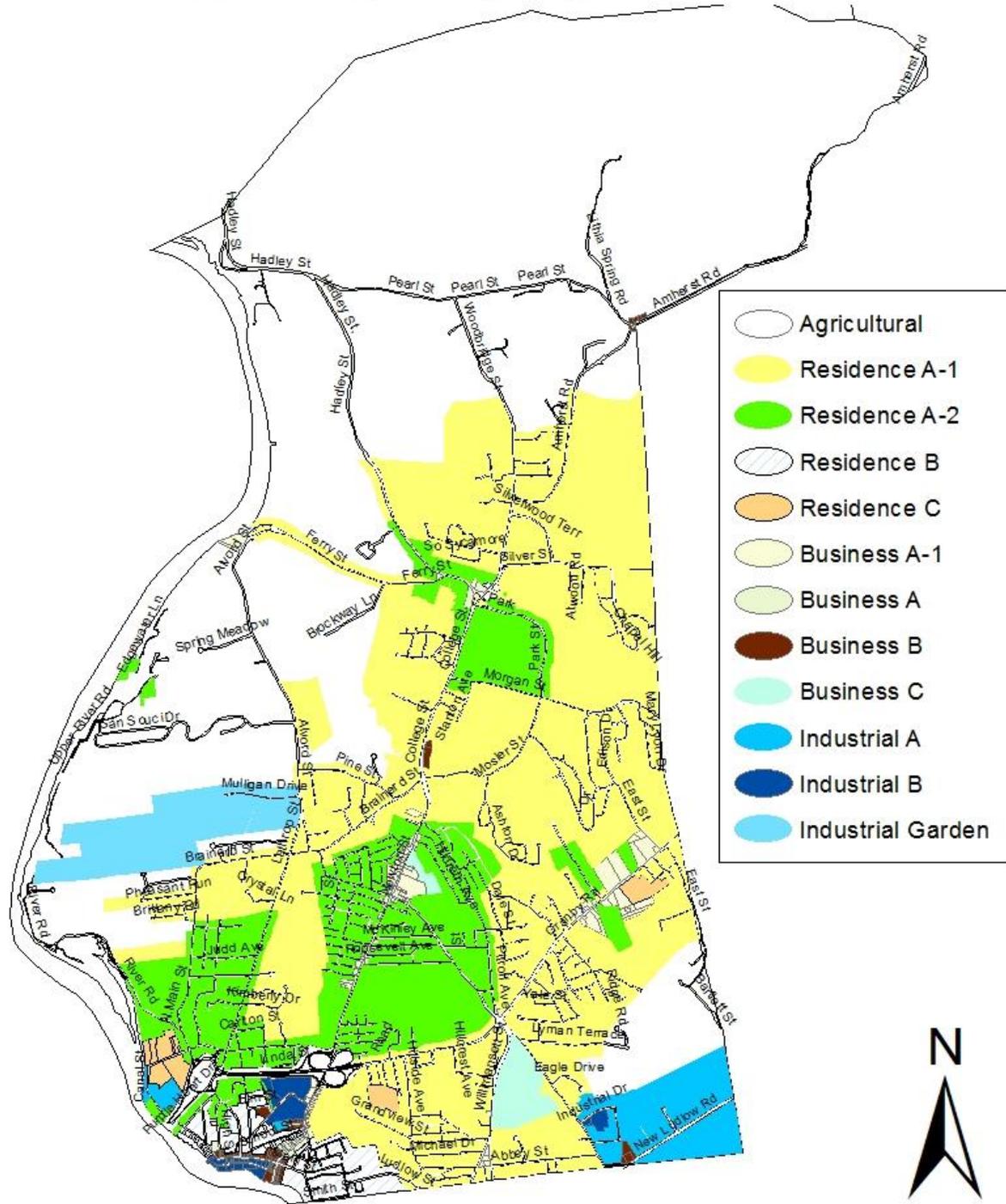
S/\_\_\_\_\_  
Jeff Squire, Planning Board Chair

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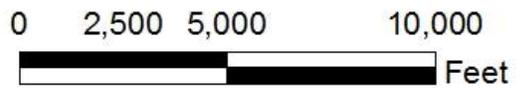
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# South Hadley Zoning Map, 2014



Source: South Hadley Planning Board

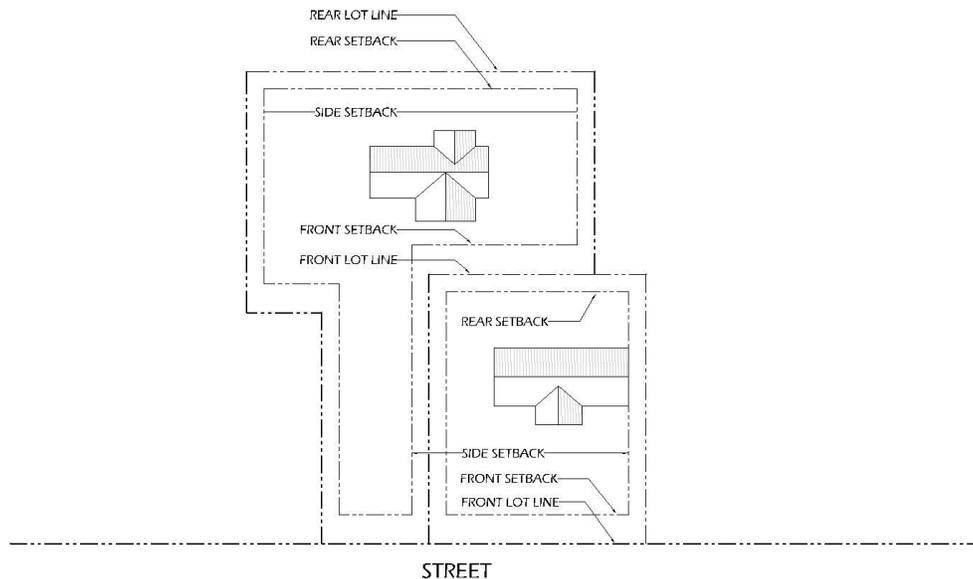


**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 9  
CLARIFICATION OF THE DEFINITION OF SETBACK**

**PB Article 9.** 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:

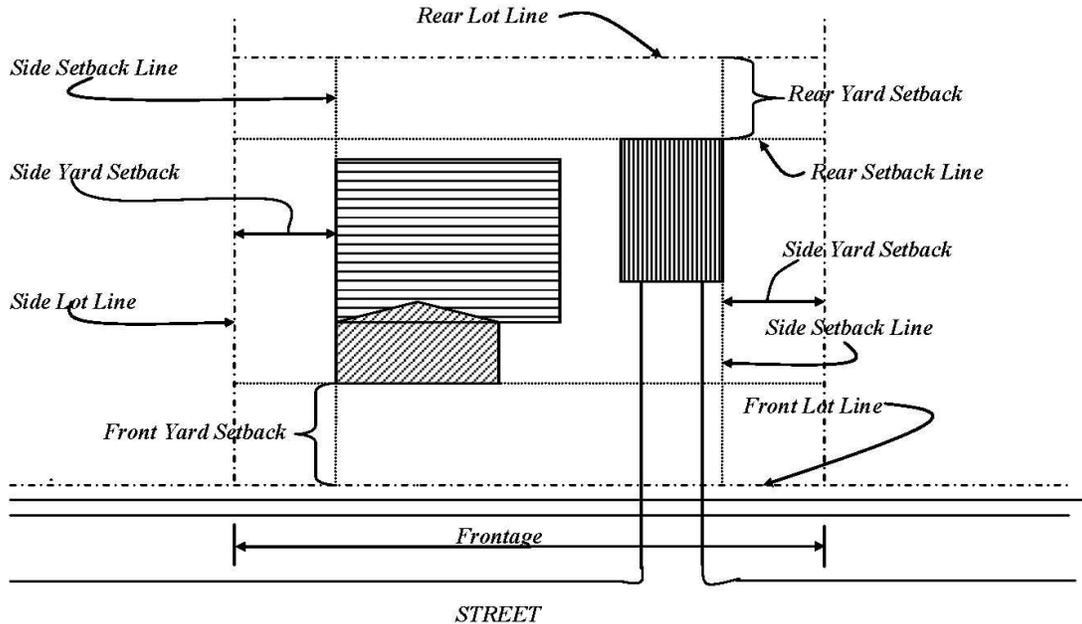
1. In Section 3 **DEFINITIONS**, Subpart (B), **Definitions** insert the following illustration of building setback lines:



## 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:



**OBJECTIVE:** The objective of article is to clarify how a front building setback is to be measured when a structure is to be placed on a lot which is largely located behind another lot.

**SUMMARY:** This article fulfills the objective stated above by providing an additional graphic which depicts the unusual, but fairly common, situation where a house is to be located on a lot which is largely located behind another lot.

**BACKGROUND:** This amendment proposed in this warrant article is one of the “housekeeping” proposals and was the result of discussions between the Building Commissioner and the Town Planner which led to the conclusion that the existing graphic was not clear enough to address these other situations. Due to a variety of factors, this situation may become more common.

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the hearing. No one expressed any concerns or questions regarding this article.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 10  
LODGING HOUSES**

**PB Article 10.** 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 and Industrial B zoning districts.

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.

**OBJECTIVE:** The objective of article is to ensure that lodging houses, particularly in residential districts, conform to the Bed & Breakfast Regulations approved by Town Meeting at the May 2014 Annual Town Meeting.

**SUMMARY:** This article fulfills the objective stated above by deleting the provision for Lodging Houses as a separate use and providing that a Bed & Breakfast facility includes lodging houses for zoning purposes. Among the concerns with the existing Lodging House provisions is that a Lodging House is allowed by right in several residential districts and Lodging Houses are

permitted by right to have a public restaurant or dining room subject to limitations. These uses seem incompatible with the intent of the residential districts and run contrary to the Bed & Breakfast provisions.

**BACKGROUND:** This amendment proposed in this warrant article is another “housekeeping proposal” and was the result of further review of the Zoning Bylaw in light of the discussions and decision regarding the Bed & Breakfast amendments.

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the public hearing. No one expressed any concerns or questions regarding this article.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 11  
PERMITTED USES**

**PB Article 11.** 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.

**OBJECTIVE:** The objective of article is to make clear that uses not specified in the Zoning Bylaw and not reasonably similar to uses which are specified are prohibited uses. It seeks to address an issue which arose from a court case involving Seekonk, MA in which the courts appear to have determined that a use was permitted since the Zoning Bylaw did not state that it was not prohibited.

**SUMMARY:** This article fulfills the objective stated above by clearly noting that uses not specified are prohibited while recognizing that it is impossible to identify every possible use; therefore, setting forth who would make the determinations as to whether a proposed use is similar or the same as a specified use. While South Hadley's Zoning Bylaw defines "accessory" whereas Seekonk's apparently did not, South Hadley's Zoning Bylaw assumes that unspecified uses are prohibited. This amendment seeks to clearly embody that assumption into the Zoning Bylaw.

**BACKGROUND:** This amendment proposed in this warrant article is another "housekeeping proposal" and was the result of further review of the Zoning Bylaw in light of a review of court cases at a recent Planning Conference and discussion regarding the Seekonk case at the Pioneer Valley Planning Commission's Valley Development Council.

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the public hearing. No one expressed any concerns or questions regarding this article.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 12  
ATTACHED STRUCTURES**

**PB Article 12.** 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.”

**OBJECTIVE:** The objective of article is to clarify that structures which do not meet the definition of a building under the Zoning Bylaw (such as a deck without a roof) must meet the building setback requirements – if they are attached to a building.

**SUMMARY:** This article fulfills the objective stated above by stating that structures which do not meet the definition of a building but are attached to a building must meet the building setback requirements.

**BACKGROUND:** The amendment proposed in this warrant article is another “housekeeping proposal” and was also the result of discussions between the Building Commissioner and the Town Planner which led to the conclusion that the existing definition was not clear enough that decks or similar structures without roofs are required to meet dimensional standards. The Building Commissioner noted that this vagueness raised concerns as to compliance with building and related codes.

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the public hearing. No one expressed any concerns regarding this article. A question arose as to when the amendment would take effect. The Town Planner noted the provisions of Mass General Law, Chapter 40A, Section 5 regarding the effective date of amendments.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 13  
DIMENSIONAL REGULATIONS – “Impervious Surface”**

**PB Article 13.** 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>	<u>60%</u>
b) <u>Residence A-2</u>	<u>65%</u>
c) <u>Residence B</u>	<u>70%</u>
d) <u>Residence C</u>	<u>50%</u>
e) <u>Agricultural</u>	<u>50%</u>
f) <u>Business A-1</u>	<u>80%</u>
g) <u>Business A</u>	<u>85%</u>
h) <u>Business B</u>	<u>95%</u>
i) <u>Business C</u>	<u>80%</u>
j) <u>Industrial A`</u>	<u>85%</u>
k) <u>Industrial B</u>	<u>80%</u>
l) <u>Industrial Garden</u>	<u>80%</u>
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</u> <u>(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%

### RELATIONSHIP OF PROPOSED AND EXISTING RESTRICTIONS:

A table presenting the existing Building Coverage and proposed Impervious Surface restrictions is provided on Page 20.

**OBJECTIVES:** The objectives of article are to further recommendations in the Master Plan regarding maintenance of green space and trees and overall community character while also accommodating new development and managing stormwater runoff.

**SUMMARY:** This article fulfills the objective stated above by establishing reasonable maximum levels of impervious surfaces allowed on lots in all zoning districts. But, it does so by also encouraging porous pavement and other means of meeting property owners’ needs.

**BACKGROUND:** This amendment proposed in this warrant article was the result of recommendations arising in the Master Plan. At the present time, only the Residence C zoning district has a maximum impervious surface provision – that provision is in the form of a requirement that each lot have at least 50% open space. The currently Zoning Bylaw sets forth maximum percentages of a lot which may be covered by buildings – structures are not included in this limit and neither are parking areas. With stormwater management becoming a more significant role in planning development, it is vital that the community get a handle on the extent to which lots can be paved or built over. The table on the following page presents the current restrictions on building coverage and the proposed impervious limits set forth in this article.

***Relationship to Master Plan.*** The environmental character of development, and extent of impervious versus vegetative land covering, was of particular concern to many persons who participated in the public meetings which aided development of the Master Plan. This is pointed out by the Land Use and Community Design Issues (pages 1-1 and 1-2) highlighted in the first element of the Master Plan which included:

- Concern for the environmental impacts of development;
- Loss of mature, native vegetation due to development.

These concerns were translated into several of the Recommended Actions under the second Land Use and Community Design Goal:

*Recommended Action 2-1-7:* Develop new standards for “Lot Coverage” to incorporate limits on the total extent allowed for impervious surfaces.

*Recommended Action 2-4-5:* Incorporate standards to ensure that proposed new developments maintain a lot coverage which is compatible with the existing neighborhood and corridor in which it is located.

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

Article 13 will directly incorporate standards for impervious surface applicable to each zoning district. Thus, it will further the goals and actually implement specific recommendations, as noted above, specified in the Master Plan.

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the public hearing. No one expressed any concerns regarding this

article. A question arose as to why this amendment is being proposed. Another question was raised as to whether Town Meeting members would have the materials presented at the public hearing. The Town Planner commented that this arose from the Master Plan process. He also stated that the table and existing regulations provided at the public hearing will be in the packet submitted to Town Meeting members.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**Regulation of Lot Coverage and Impervious Surface**

<b>Zoning District</b>	<b>Existing Restrictions</b>		<b>Proposed Restrictions</b>		<b>Zoning District</b>
	<b>Total Building Coverage</b>	<b>Impervious Surface</b>	<b>Total Building Coverage</b>	<b>Impervious Surface</b>	
Residence A-1	40%	No Limit	No Changes	60%	Residence A-1
Residence A-2	50%	No Limit		65%	Residence A-2
Residence B	40%	No Limit		70%	Residence B
Residence C	20%	50%		50%	Residence C
Agricultural	30%	No Limit		50%	Agricultural
Business A-1	30%	No Limit		80%	Business A-1
Business A	75%	No Limit		85%	Business A
Business B	85%	No Limit		95%	Business B
Business C	50%	No Limit		80%	Business C
Industrial A	40%	No Limit		85%	Industrial A
Industrial B	75%	No Limit		80%	Industrial B
Industrial Garden	35%	No Limit		80%	Industrial Garden

NOTE: In all of the zoning districts, except Residence A-1 and Residence A-2, the existing Zoning Bylaw provides that the Maximum Building Coverage may not exceed the limit for the “Principal” Building. But, with regards to Residence A-1 and Residence A-2 districts, no such restriction applies; therefore, the existing regulations provide that the Maximum Building Coverage is the sum of the amount allowed for Principal and Accessory Buildings.

**FALL 2014 Special Town Meeting  
Proposed Planning Board Article 14  
CONVERSION OF SINGLE-FAMILY TO TWO-FAMILY DWELLING**

**PB Article 14:** 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. Accordingly, if the “abutting” residential structures are single-family, the approved two-family dwelling – particularly those resulting from conversion of a single-family dwelling – are to appear as though they are also single-family dwellings.

## **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.

**Section 12, Subpart (E) – Design Standards #3, #5, #6, and #7)**

3. Site design that, to the extent feasible:
  - a. avoids wetlands, wetland buffers, rivers, river resource areas, vernal pools, sensitive habitats, steep slopes, floodplains, and hilltops;
  - b. minimizes obstruction of scenic views from publicly accessible locations;
  - c. preserves unique natural, scenic, cultural, or historical features;
  - d. minimizes tree, vegetation and soil removal and grade changes;
  - e. provides open space with a scale and character that is appropriate to the surrounding area; and
  - f. screens objectionable features from neighboring properties and roadways.
  
5. Structures shall be compatible with the character and scale of structures in the neighborhood and zoning district.
  - a. Proposed structures shall be compatible in character and scale through the use of appropriate massing, roof and wall lines, façade proportions and detailing, fenestration, ornamentation, and other architectural techniques
  - b. Proposed building or buildings shall relate harmoniously to neighboring buildings and each other with adequate light, and air circulation and separation between buildings.
  - c. Where appropriate, buildings shall be arranged so as to define outdoor spaces, including streets and plazas.
  - d. The Planning Board may consider whether the location, size, and style of entrances are compatible with the neighborhood's character.
  - e. Buildings shall be designed to avoid large expanses of undifferentiated facades, and long plain wall sections.
  - f. The Planning Board shall consider whether fenestration is consistent with the neighborhood's and/or Town's character. The Planning Board may consider window type (double hung, casement, etc.), alignment, proportions, percent of glazing, and proportion to façade, but may not regulate building materials.
  - g. Electrical and mechanical equipment (whether rooftop, ground level, or wall-mounted) shall be screened from public view using materials harmonious with the building or shall be located where they are not visible from any public way.
  - h. Applicants are encouraged to locate and design buildings such that they maximize solar access during cooler months and control solar gain during warmer months.
  
6. Landscaping shall be an integral part of the proposed site design, and shall enhance the design and arrangement of structures, define usable public and private outdoor spaces, integrate the site into the surrounding landscape, as appropriate, and provide

buffering from objectionable or noxious elements both within the site between the site and the surrounding area.

- a. Landscape plantings and other landscape elements shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity within the community.
  - b. The need for irrigation, fertilization, and/or use of pesticides should be minimized through the selection of vegetation that thrives under the site's proposed conditions, including temperature, light, moisture, air circulation, soil type and quality, and stress from salt.
  - c. The preservation of mature plant species, hedgerows, and woodlots shall be encouraged and included as a design element in the development of the site and to serve as natural buffer.
  - d. Landscape buffers shall be provided between parking lots and public streets and between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland, or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property and nature of buffer composition, unless this bylaw indicates that specific widths are required for a particular situation. Where excessive noise contributes to the incompatibility, sound barrier fencing may be required.
  - e. Screening shall be required for loading docks, storage areas, dumpsters, utility buildings and similar features. Screening may include planted trees and shrubs, hedgerows, berms, existing vegetation, and fences.
  - f. The Planning Board may require that shade trees at least six feet tall and two-inch caliper be planted and maintained at 20- to 40-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.
  - g. The Planning Board may require that at least 30% of a new parking area be shaded by tree and vegetation canopies upon their full growth.
  - h. Where appropriate, planting areas should be designed to capture, use and infiltrate storm water runoff.
7. Site designs shall provide for the convenience and safety of vehicular, bicycle, and pedestrian movement within the site and should provide connections, wherever feasible and appropriate, to adjoining public ways and properties.
- a. The Planning Board shall encourage vehicular and pedestrian connections between adjacent sites, streets, bikepaths, and walkways to facilitate pedestrian use and to minimize traffic entering existing roads.
  - b. Where appropriate, the Planning Board may require bicycle parking spaces and racks in an area that does not conflict with vehicle circulation or parking.
  - c. Curb cuts shall be minimized to the extent practical. Sites should be limited to one curb cut, unless safe and effective traffic management requires multiple curb cuts or unusual hardship exists. Curb cuts shall be located so as to minimize hazardous entrances and exits and turning movements.
  - d. The project, including any road and intersection improvements, shall not decrease the level of service (LOS) of adjacent roads or intersections below the existing

conditions when the project is proposed. The Planning Board may consider the incremental nature of development and cumulative impacts on the LOS. This requirement to maintain LOS shall not apply to development within the South Hadley Falls Overlay District. The project proponent must demonstrate that all cumulative and incremental traffic impacts have been mitigated.

**RELATIONSHIP OF PROPOSED AND EXISTING DISTRICT RESTRICTIONS:**

A table presenting the existing and proposed restrictions is provided on Page 28.

**OBJECTIVE:** The objective of article is to have conversion of existing single-family buildings into two-family buildings handled in the same manner as construction of two-family buildings.

**SUMMARY:** This article fulfills the objective stated above by establishing deleting the “conversion of single-family dwelling to two-family dwelling” and making changes to the use schedule as to where and how two-family dwellings are permitted while also establishing occupancy and design standards which ensure that the two-family dwellings in Agricultural and Residence A-2 districts are compatible with abutting single-family dwellings.

**BACKGROUND:** This amendment proposed in this warrant article was the result of a review of the Zoning Bylaw and the inconsistent manner in which a Conversion of a Single Family Dwelling to a Two-Family Dwelling and the permitting of a new Two-Family Dwelling are treated in the Zoning Bylaw. It also derived from issues of sustainability, compatibility, and the need for diverse and in-fill housing raised during the Master Plan process.

***Relationship to Master Plan.*** There is not a clear Recommended Action that speaks to this Article. Rather, the theme of sustainability, need for diverse housing, and encouraging retention of existing structures versus construction of new multifamily buildings characterizes some of the recommendations and underlies the objectives of this Article. The most directly related Master Plan Recommended Action is 2-5-8 under Land use and Community Design Goal #2:

*Recommended Action 2-5-8:* Adopt incentives to encourage retention of existing residential buildings through conversion to multi-family use in lieu of demolition of such structures for development of new multi-family buildings.

By treating Conversion of Single-Family Dwellings to Two-Family Dwellings the same as new Two-Family Dwellings, this Article will remove a current incentive to tear down existing single-family structures in order to have a two-family structure. At the same time, this approach provides more diversity of housing and in-fill of housing without consuming more land which relate to some of the issues and recommendations identified in the Housing element of the Master Plan (Housing Objective 2-1, Housing Goal H-5, for examples):

*Housing Objective: 2-1: Housing developments with diversity of prices and types.*  
*Housing Goal H-5: Sustainable housing development.*

**PUBLIC HEARING:** The Planning Board held a public hearing on this amendment on October 20, 2014. Six persons attended the public hearing. Questions and comments were made regarding 1) how would the Board decide whether to approve a Two-Family Building, 2) opposition to removal of the requirement for applicants to obtain consent from 3 of their abutters, 3) adding to the design standards that the conversion buildings need to look like single-family buildings, 4) will the design standards apply to two-family buildings on private ways, and 5) what will be the impact of these changes on existing two-family buildings.

The Town Planner and Planning Board members stated:

- 1) Decisions will be based on the Special Permit Criteria outlined in Section 9 of the Zoning Bylaw
- 2) The requirement that prospective applicants obtain consent from at least 3 of their immediate abutters deprives property owners the opportunity to have their proposal heard
- 3) The reference to conversion buildings looking like single-family buildings will be included
- 4) The reference to public ways was changed to all ways (private and public)
- 5) Existing legal two-family buildings are grandfathered.

There was additional discussion regarding a draft table as to whether it accurately presented the extent to which the proposed article changes some of the regulations. The Board members and Town Planning agreed to make changes as requested in the public hearing. The materials provided herein reflect those requested changes.

**RECOMMENDATION:** The Planning Board, at their October 20, 2014 meeting, unanimously (5-0) voted to recommend approval of the amendment as presented in this report.

**Regulation of Two-Family Dwellings and Conversion of Single-Family to Two-Family Dwellings**

Zoning District	Existing Restrictions		Proposed Restrictions		Net Change	Zoning District
	<i>New Two-Family</i>	<i>Conversions</i>	<i>Two-Family</i>	<i>Conversions</i>		
Residence A-1	Special P	Prohibited	Prohibited	<b>This use classification is deleted by Article 14</b>	New Prohibited Use	Residence A-1
Residence A-2	Special P	Special P	Special P		<i>See NOTES Below</i>	Residence A-2
Residence B	By Right	By Right	By Right		No Change	Residence B
Residence C	Prohibited	Prohibited	Prohibited		No Change	Residence C
Agricultural	Prohibited	Special P	Special P		<i>See NOTES Below</i>	Agricultural
Business A-1	Prohibited	Prohibited	Prohibited		No Change	Business A-1
Business A	Special P	By Right	By Right		Relaxed Requirement	Business A
Business B	Special P	By Right	By Right		Relaxed Requirement	Business B
Business C	Prohibited	Prohibited	Prohibited		No Change	Business C
Industrial A	Prohibited	Prohibited	Prohibited		No Change	Industrial A
Industrial B	Prohibited	Prohibited	Prohibited	No Change	Industrial B	
Industrial Garden	Prohibited	Prohibited	Prohibited	No Change	Industrial Garden	

**NOTES:**

- 1) This Article seeks to treat Conversion of Single-Family Dwellings into Two-Family Dwellings the same as new Two-Family Dwellings within the zoning districts.
- 2) This Article deletes the current requirement that most of the immediate abutters must approve a Conversion before the Planning Board can consider approving a Conversion.
- 3) This Article establishes new standards for Two-Family Dwellings in Residence A-2 and Agricultural zoning districts including but not limited to 50% owner occupancy and design standards.