

TOWN OF SOUTH HADLEY

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NOTICE CERTIFICATE OF PLANNING BOARD DECISION APPROVING SPECIAL PERMIT APPLICATION

SUBMITTED BY:

APPLICANTS:

Orange Park Management, LLC
13 Center Street
Chicopee, MA 01014

DEVELOPMENT NAME:

27 Bardwell Street Condominiums
(Former South Hadley Library Condominiums)

LOCATION:

27 Bardwell Street
South Hadley, MA 01075
Assessor's Map #5A-Parcel #24

SURVEYORS & ENGINEERS:

Anderson Associates
375 Walnut Street Extension
Agawam, MA 01001

ARCHITECTS:

Hervieux Design
116 Arcadia Blvd.
Springfield, MA 01118

PUBLIC HEARING: A public hearing was opened on November 9, 2015, continued on December 14, 2015 and concluded on January 25, 2016 in accordance with the South Hadley Zoning By-Law and the Massachusetts General Laws.

This Certificate is filed in accordance with the provisions of Chapter 40A, Section 9 of the Massachusetts General Laws and Section 9 of the South Hadley Zoning Bylaw to show that the Planning Board at its regular meeting on January 25, 2016 by a vote of **Five (5)** out of **Five (5)** members present **APPROVED** the above-referenced Special Permit subject to the following conditions based on the findings specified herein.

Project Proposal Description:

The applicant proposed to renovate the former public library building into 6 multifamily dwellings on this 0.55-acre site.

Project Reviews – Departments/Agencies

The application and related materials were distributed to various municipal departments and agencies. Comments/responses were received from the following departments:

- Fire District 1 Fire Lieutenant Jason Houle
- Fire District 1 Water Superintendent Jeff Cyr
- Building Commissioner Charlene Baiardi
- DPW Superintendent Jim Reidy
- Conservation Commission Administrator Janice Stone
- Police Chief David Labrie
- Public Health Director Sharon Hart
- SHEL D Engineer Andrew Orr

DPW Superintendent Jim Reidy, Conservation Commission Administrator Janice Stone, Police Chief David Labrie, Public Health Director Sharon Hart, and SHEL D Engineer Andrew Orr indicated that they were satisfied with the information provided and offered no comments. However, initially comments/questions were received from the following as noted:

- ***Fire District 1 Fire Lieutenant Jason Houle***
 - 1). Initially expressed concerns about the ability of Fire Apparatus to access the building due to the turning radius of the parking lot entry and exit.
 - 2). The building will be required to be protected with a residential sprinkler system.
- ***Fire District 1 Water Superintendent Superintendent Jeff Cyr:***
 - 1). Indicated that fully sprinkling the building will require some water system work.
 - 2). The existing 1" domestic service would not be sufficient to service the six units which would need separate services.
 - 3). A water improvement fee would be required due to the changes proposed.
- ***Building Commissioner Charlene Baiardi***
 - 1). Noted the need for two egress' needed out of all apartments (sidewalks indicate this)
 - 2). Noted the need for clear indication of size of escape windows out of bedrooms, the location of the two required exits from every apartment, fire separation between apartments.
 - 3). A sprinkler system is required.
 - 4). Other code requirements including that all rooms must have at least 8% glass related to the square foot.

The applicant's consultants provided written responses to the departmental comments. They also made some plan revisions to address the departmental concerns and issues raised by the Board. These responses were made part of the public hearing record.

As a result of these responses and the revised plans, all of the departments/agencies raising questions or comments indicated their concerns had been addressed to the extent appropriate at this stage. Some of the comments/issues are addressed during the building permit process.

Public Comments

The Planning Board conducted three (3) sessions of public hearings lasting over 2-1/2 hours. Most of the comments were in opposition to the application. During these public hearings, the Board received numerous verbal comments. Additionally, a petition indicating opposition was also submitted. The petition was incorporated into and made part of the record of the public hearings. The Planning Board considered all of the comments made during the public hearings.

Revised Plans

During the course of the public hearings, the applicants revised the plans and submitted building elevation drawings.

Findings – Special Permit

As required by Section 9(C) of the South Hadley Zoning Bylaw, the Planning Board made the following findings in regard to the first twelve (the "Mandatory") standards as well as two of the subsequent (the "optional") standards.

A. Mandatory Standards

Standard 1 - Comply with all applicable land use district, overlay district, and other specific requirements of this and other bylaws and regulations, and be consistent with the purpose and intent of this bylaw and of the land use district in which it is located;

The Board determined that the Zoning Bylaw provides that the purpose of the zoning districts applicable to this property is to provide for residential uses. The proposed use is a form of residential land use which is allowed by Special Permit. The proposed development will comply with the Zoning Bylaw dimensional requirements, parking, fencing, and other requirements. Therefore, the Board found that the proposal as revised meets Special Permit Standard 1.

Standard 2 - Be suitable to the surrounding neighborhood and the "Land Use Area" in which it is located. Land Use Areas are identified and described in the section of South Hadley's Master Plan entitled "Land Use Area Vision Statements" (pages 1-10 through 1-19). In making this determination the Planning Board shall take into consideration any guidance provided by the Land Use Goals articulated in South Hadley's Master Plan, goals articulated in South Hadley's Open Space and Recreation Plan, and input from relevant Boards, town officials, and the public.

The Board determined this standard is specific to the "Land Use Area" defined in the Master Plan and the "Land Use Area Vision" statement applicable is for the Falls area. This is a mixed used area and the applicant is proposing to repurpose the former library into a medium density residential use. This will help strengthen the revitalization of the Falls neighborhood, The proposal's density is in line with the overall density of the abutting properties. Revitalization of the Falls and the density is

compatible with the Land Use Area Vision statement for the Falls. Therefore, the Board found that the proposal meets Special Permit Standard 2.

Standard 3 - Be compatible with existing uses and uses allowed by-right in the neighborhood, Land Use Area, and zoning district.

The recently adopted Smart Growth District would allow the property to have a much higher density by right. The surrounding properties are residential but as one is closer to Main Street, the uses become more varied – within a block or so of the proposal's site. Therefore, the Board found that the proposal meets Special Permit Standard 3.

Standard 4 - Be compatible with the existing character of the neighborhood and Land Use Area, and/or zoning district. "Character" shall be understood to include prevalent patterns of: site design; setbacks from property lines; amount and location of parking; amount, type, location and quality of open spaces and landscaped areas; amount, type, and location of impervious surfaces; distances and relationships between buildings; density of building(s) relative to land area; building massing; architectural style and detailing; materials; buffering from adjacent uses; traffic volume and timing; noise; odors; and light.

The Falls neighborhood is a mixed use area with a range of medium to high density residential. The proposal involves repurposing an established building in the heart of the area at a medium density. As such, the building setbacks are not a consideration and the proposal involve landscaping and other means of buffering as well as providing more than the required amount of off-street parking. Given the previous use of the building, the traffic resulting from the proposed reuse of the building is likely to be less than previously experienced. Therefore, the Board found that the proposal meets Special Permit Standard 4.

Standard 5 - Be suitable for the property on which it is proposed, considering the property's, scenic, cultural and historic significance, and its ability to be buffered or screened from neighboring properties and public roads.

The applicant is proposing to retain the structure and modifications will be undertaken keeping in character with the historical and more recent addition to the building. Screening will be provided from neighboring properties to the extent appropriate and viable. Therefore, the Board found that the proposal meets Special Permit Standard 5.

Standard 6 - Provide safe access for fire, police, and other emergency vehicles.

The Police Chief indicated no public safety concerns. District One Fire Department has indicated approval of the proposed reuse. The applicant has proposed to modify the driveway radii to ensure fire apparatus access and the building will be fully sprinkled. Thus, there no apparent public safety issues and the property will be readily accessible for emergency vehicles and personnel. Therefore, the Board found that the proposal meets Special Permit Standard 6.

Standard 7 - Provide adequate water, drainage and waste disposal systems without causing significant harm to any natural water system or overloading any public water, drainage, or sewer system, or any other municipal facility.

The applicant has designed the water services to meet the District One requirements. Minimal alteration of the natural site is being proposed. The DPW and District One Water Departments have signed off on the proposed modifications of sewer and water

systems, respectively. Therefore, the Board found that the proposal meets Special Permit Standard 7.

Standard 8 - Not cause significant traffic congestion, impair pedestrian or bicycle safety, or overload existing roads, sidewalks and trails, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

The proposed repurposing of this existing building is reasonably anticipated to generate no more – and possibly less – traffic than the previous use of the property. Thus, the proposal is unlikely to cause any traffic congestion, impair pedestrian or bicycle traffic, or overload any of the existing transportation network. Therefore, the Board found that the proposal meets Special Permit Standard 8.

Standard 9 - Not result in excessive air, water, noise, or light pollution, or create any other public or private nuisance;

Given the proposal's reuse of an existing building, plans to use smaller HVAC systems which will be ground mounted and screened, plans to limit outside lighting to standard residential lighting fixtures, the Board found no reason to believe that it would result in any nuisance. Therefore, the Board found that the proposal meets Special Permit Standard 9.

Standard 10 - Not degrade the scenic, rural, or historic character of the town with structures or other lot features which are deemed visually objectionable in light of prevailing community as reflected in the goals articulated in South Hadley's Master Plan;

The proposal conforms to the Master Plan policies and will reuse and enhance an existing structure while supporting the revitalization of the neighborhood by making the largest residential investment in a long time. Therefore, the Board found that the proposal meets Special Permit Standard 10.

Standard 11 - Be consistent with the South Hadley Master Plan, provided that the Comprehensive Plan provides legally sufficient guidance and that the applicable provision of the Master Plan is not inconsistent with any specific provision of this Bylaw;

The Board noted that the proposal furthers various recommendations in the Master Plan and will be consistent with the Land Use Area Vision for the Falls as provided in the Master Plan. Therefore, the Board found that the proposal meets Special Permit Standard 11.

Standard 12 - Comply with applicable criteria for site plans under Section 12E.

Since this proposal largely repurposes an existing building many criteria would not be applicable. However, the screening, placement of HVAC, location of trash bins, etc. are compliant with the applicable criteria. Therefore, the Board found that the proposal meets Special Permit Standard 12.

B. Optional Standards

While Section 9(C) of the Zoning Bylaw does not require the Board to make any findings in regard to the seven (7) optional standards, the Board made the following findings in regards to the following four standards:

Standard 14 - Not have an overall off-site impact that is significantly greater than the overall off-site impact that would be caused by full development of the property with uses permitted by right, considering relevant environmental, social, visual, and economic impacts.

Under the Smart Growth District provisions, this site could be developed with 11-13 dwelling units by right. Such a development would likely result in demolition of the existing structure and erection of a multistory building with minimal off-street parking. Such a development would likely have significantly greater impacts – off-site and on-site - than the proposal. Therefore, the Board found that the proposal meets Special Permit Standard 14.

Standard 15 - The adequacy and configuration of off-street parking and loading areas, including their nuisance impact on adjoining properties and on properties generally in the district.

The proposal involves constructing 1/3 more off-street parking spaces than required and the applicant has proposed to landscape and screen such areas. Therefore, the Board found that the proposal meets Special Permit Standard 15.

Standard 16 - Harmony of signs and exterior lighting, if any, with surrounding properties.

The proposal involves only entrance/exit signs and residential lighting typical of residential properties in the area. Therefore, the Board found that the proposal meets Special Permit Standard 16.

Standard 18 - The absence of any other characteristic of the proposed use that will be hazardous, harmful, offensive or will otherwise adversely affect the environment or the value of the neighborhood or the community.

There are not characteristics of the proposed use that given reason to believe they would be hazardous, harmful, offensive, or otherwise adversely affect the environment nor the neighborhood or community. Therefore, the Board found that the proposal meets Special Permit Standard 18.

Based on these findings, the Planning Board voted 5-0 to grant a Special Permit for the conversion of 27 Bardwell Street Condominiums with conditions consistent with the Board's findings and discussion.

Conditions of Approval

In its vote to APPROVE the Special Permit for the above-referenced project, the Planning Board attached the following conditions:

1. Area Included in Plans and Limit on Number of Dwellings. The Condominium Development includes approximately 0.55 acres depicted and described on the Plans submitted with the application and as subsequently revised. The property is generally described as the property identified on Assessor's Map #5A as Parcel #24. The Plan is approved for no more than SIX (6) dwelling units to be located in the former public library structure located on the subject property.
2. Limits on Usage including Maximum Number of Dwellings and Principal Structures. This Special Permit is to allow for the conversion of the former library building located on the

subject property into and use of, the subject project location, for no more than **SIX** dwellings (subject to further conditions of this decision).

3. Parking Areas. The applicant is to construct the visitor parking areas as proposed..
4. Landscaping. The landscaping plan as presented to the Board is to be implemented prior to occupancy of any of the dwellings and is to be maintained by the owner(s) of the property.
 - a. Modification/Substitution. The Board may approve modifications to the landscaping plan where the applicant demonstrates a reasonable justification and the Board determines that the modification will not result in a diminishment of the benefits of the landscaping for the public or the abutters.
5. Snow Removal Plan. As stated by the applicant and/or the applicant's representative during the public hearings, snow removal plans entail removal of the snow from the premises. The snow shall be stockpiled on those portions of the site identified on the Site Plan and not in the parking spaces, driveways, or sidewalks and shall not be plowed or deposited in any public way. Additionally, the responsible party for managing the snow shall ensure that pile of snow does not impede the effective movement of emergency apparatus and personnel to all of the residences on the property. Therefore, the applicant is to take measures to implement the snow removal plans and to provide that their successor entity (the Condo Association) is aware of their ongoing responsibility to follow the snow removal plan.
6. Rubbish/Trash storage/removal. As stated by the applicant during the public hearings, trash removal is to be curbside along Bardwell Street. The applicant is to provide a trash/recycling bin storage area such that the trash and recycling containers are screened from public view along the public roadway and nearby residences.
 - a. "Alteration/Extension" of Non-conforming Structure. The structure proposed to enclose the trash/recycling bins on the most recent site plan does not conform to the Town's Zoning Bylaw since it would have a roof and therefore, it would involve constructing a "building" within the required setback area. However, the Board concurs that such a structure with a roof for an enclosure is a preferred screening approach. The Board further finds that relocating the proposed structure such that it is located adjacent to the existing building and would not extend further towards the roadway than the nearest point of the existing building is a reasonable approach to address concerns raised during the public hearing. Accordingly, the Board members have offered opinions that such a change is more than likely to meet the standard for a Special Permit or even a waiver of such a Special Permit required under Section 2(F) of the Zoning Bylaw for "Alteration/Extension" of a nonconforming structure. Therefore, the Applicant should request a waiver of a Special Permit to make an "Alteration/Extension" of the nonconforming structure. If such a request is made, the Board shall not charge any application fee and will promptly act on such a request.
7. Modifications of Special Permit Site Plan. The Planning Board may customarily approve minor modifications of a Special Permit Site Plan. However, such modifications shall not entail reductions in the extent of screening proposed for the benefit of the abutters nor reductions in the amount of parking to be provided..

8. Changes in the Plans. If changes in the Plans become necessary, the applicant must submit the revised plans to the Town Planner to determine if further Board review is warranted. Generally, the change will require further Planning Board review; however, if it does not substantively impact any of the buffers, building, or landscaping conditions or plans, the Board may determine that it is minor and not require a public hearing to modify or amend the Special Permit Decision.
9. Departmental Comments. All comments received from the various departments by the Planning Board as noted elsewhere in this Decision are incorporated into and made a part of this decision.
10. Minutes. Minutes of the following hearings and meetings regarding this project are also incorporated into and made part of this Decision:
 - a. Planning Board public hearings on Special Permit held on November 9, 2015, December 14, 2015, and January 25, 2016.
 - b. Planning Board meetings held January 25, 2016 and February 10, 2016.
11. Application Materials and Revisions Incorporated. Application Materials and Revisions Incorporated. All application materials (including subsequent revisions thereto) submitted to, and received by the Planning Board as part of the applicant's "Form SP – Application for Special Permit" dated October 15, 2015 and other materials submitted with the application as well as those referenced herein are hereby incorporated into and made part of this Decision. Said application and related materials specifically include, but are not limited to, the following:
 - a. Application Packet Submittal dated October 15, 2015.
 - b. Existing and Proposed Plan Sheets, titled "Site Plan in South Hadley for South Hadley Library Gaylord Street" prepared by Anderson Associates, Inc. dated September 2015 (and revised November 20, 2015).
 - c. Site Plan Sheet A-001, titled "Library Conversion Condominium Schematic Design" prepared by Hervieux Design dated January 13, 2016
 - d. Building Elevations Plan Sheet A-002, titled "Library Conversion Condominium Schematic Design" prepared by Hervieux Design dated January 13, 2016.
 - e. Email and Document prepared by Ron responding to departmental and Planning Board comments and received December 7, 2015.
 - f. Document prepared by Ray Hervieux dated January 13, 2016 responding to departmental and Planning Board comments.
12. Decision Appeal Period. This Special Permit shall not take effect until:
 - a. a copy of the decision bearing certification of the Town Clerk that twenty (20) days have elapsed is recorded in the Hampshire County Registry of Deeds within twenty (20) days following this certification of the Town Clerk.

13. Proof of Filing. Proof of this filing (Condition #12) must be submitted (1) to the Building Commissioner prior to obtaining a Certification of Occupancy, and (2) to the Planning Board.

This decision shall constitute an approved Special Permit for the above-described project with conditions set forth above. Copies of this decision have been filed with the Town Clerk, Building Commissioner, and Board of Selectmen. Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing of this NOTICE in the office of the Town Clerk.

The Special Permit shall expire if the work or change involved is not commenced within one (1) year of its taking effect, and if the work or change is not substantially completed within two (2) years. The Planning Board acting as the Special Permit Granting Authority may grant an extension of time for good cause.

Failure of the applicant to adhere to the provision of this Special Permit shall constitute a violation of the Zoning By-Law, and is punishable by a fine of up to \$200.00 for each violation. Each day that such violation continues shall constitute a separate offense.

ATTESTED AND AFFIRMED

S/

Jeff Squire, Chairman
South Hadley Planning Board

February 10, 2016

Date

Cc: Town Clerk (Date Filed: _____)
Selectboard
Building Commissioner
Orange Park Management, LLC
Fire District #1 Fire Chief
Fire District #1 Water Superintendent