

TOFINO ASSOCIATES, INC.
NORTHERN AVENUE HOMES, INC.

■ ■ ■ ■ ■ (413) 256-0321

31 Campus Plaza Road, Hadley, MA 01035

January 16, 2009

Northampton Conservation Commission
City Hall
212 Main Street
Northampton, MA 01060

RE: Revised Plans
Notice of Intent
North Street Condominiums
Map 25C, Parcels 12 & 17

Dear Members of the Conservation Commission,

Enclosed please find revised plans (Sheets L2 and L3) for our North Street Condominium project. Because the plan now includes restoration work within wetlands on site, we have also included a revised WPA Form 3 (Notice of Intent), and an additional payment of \$55, the City's share of the fee for a Category 1 Resource Improvement.

The plans were revised based on comments received from the Commission and staff at the public hearing on December 11, 2008. The amount of work that was originally proposed within the 10'-35' buffer zone has been significantly reduced. Specifically:

- The large detention basin behind units 22-25 and its outfall have been relocated outside the 35' buffer.
- The grading for the large detention basin is almost entirely outside the 35' buffer. A portion of the grading that connects the bioretention basin with the detention basin remains within the 35' buffer.
- The small detention basin adjacent to unit 3, its associated piping and outfall have been eliminated.
- Drywells behind units 3-13 have been moved outside the 35' buffer and grading behind these units has been pulled back significantly.

We are also proposing on-site mitigation that improve the condition of the buffer zone and extraordinary mitigation to restore, expand and enhance the wetlands:

- Invasive plants within the buffer zone will be removed, and the buffer will be restored with plantings of native species with high wildlife value.
- Side slopes of the detention basin behind units 22-25 will be planted for increased wildlife habitat value.

- The significant stand of Japanese Knotweed in the buffer zone behind units 11-13 will be removed and the buffer restored. This will entail cutting the knotweed, and a licensed applicator dripping herbicide into the cut stems. This protocol will continue over the course of a year, to make sure the knotweed is killed. The disturbed area will then be restored with densely planted native shrubs to provide shade to prevent the reemergence of knotweed.
- A bio-retention basin will replace the originally proposed detention basin adjacent to unit 3, for greater infiltration and improved water quality (90% TSS removal, which is beyond the 80% required by the DEP). The basin itself is outside the 35' buffer; grading for the basin is 30' from the wetland at its closest point. The outlet pipe is located under the existing path, and ends 15' from the wetland. The existing path will be re-aligned in that area to be further from the wetland, and the trench for the pipe will be restored with native plantings. The side slopes of the bio-retention basin will also be planted with native species to improve the habitat value of the buffer zone.
- A second bio-retention basin is located between unit 13 and unit 25. This was part of the original proposal. This bio-retention basin also infiltrates and achieves 90% TSS removal. The majority of the structure is located on existing lawn within the 35' buffer. The side slopes will be planted with native species for habitat value and will be an improvement over the existing lawn.
- Trash and surface debris will be removed from the entire wetland.
- Rosa multiflora growing spectacularly well within the wetland behind units 12 and 13 will be removed and the wetland restored. The multiflora rose will be cut down and herbicide will be applied by a licensed applicator. It will be monitored for one year, any re-emergence being similarly treated. The disturbed wetland will then be restored with densely planted wetland shrubs to provide shade to prevent the reemergence of multiflora rose. The area of this wetland restoration is 1,588 square feet.
- The path between the rail trail and the proposed construction will be re-aligned to get it out of the wetland. It currently crosses 2 areas of wetland, which will be restored by removing any pieces of asphalt paving, de-compacting the soil and replanting with native wetland plant species. The total area of this wetland restoration is 552 square feet.
- New wetland will be constructed to enlarge the area of restored wetland in the area of the path re-alignment. The area of this constructed wetland is 860 square feet.
- New wetland will be constructed to enlarge the area of wetland to the northwest of the detention basin. The area of this constructed wetland is 2,800 square feet.

We look forward to discussing our new plans and proposals for mitigating the impacts of development at our hearing next week.

Sincerely,



Douglas A. Kohl, President
Tofino Associates, Inc.
Northern Avenue Homes, Inc.

Provided by MassDEP:
246-0625
MassDEP File Number
Document Transaction Number
Northampton
City/Town



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Northern Avenue Northampton 01060
a. Street Address b. City/Town c. Zip Code
Latitude and Longitude: d. Latitude e. Longitude
25C 12 & 17
f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Tofino Associates, Inc. and Northern Avenue Homes, Inc.
a. First Name b. Last Name c. Organization
31 Campus Plaza Road
d. Street Address
Hadley MA 01035
e. City/Town f. State g. Zip Code
(413) 256-0321 (413) 256-0130 glm@kohlconstruction.com
h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name b. Last Name
c. Organization
d. Street Address
e. City/Town f. State g. Zip Code
h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

a. First Name b. Last Name
c. Company
d. Street Address
e. City/Town f. State g. Zip Code
h. Phone Number i. Fax Number j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$5,250 \$2,612.50 \$2,637.50 + \$100.00 local fee
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The proposed project consists of a duplex on Northern Avenue and 23 townhouse condominiums off North Street, for a total of 25 new dwelling units, with associated stormwater management, site, utility and road work. A portion of the project falls within the Buffer Zone of BVW. No alteration of any resource area is proposed.

7a. Project Type Checklist:

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Limited Project Driveway Crossing
- 4. Commercial/Industrial
- 5. Dock/Pier
- 6. Utilities
- 7. Coastal Engineering Structure
- 8. Agriculture (e.g., cranberries, forestry)
- 9. Transportation
- 10. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Hampshire

a. County

Book 8428, Page 219

c. Book and Page

b. Certificate # (if registered land)

Book 8829, Page 341

d. Book and Page

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. linear feet 3. cubic yards dredged	2. linear feet



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		_____ square feet
4. Proposed alteration of the Riverfront Area:		
_____ a. total square feet	_____ b. square feet within 100 ft.	_____ c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analysis been done and is it attached to this NOI?		<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Was the lot where the activity is proposed created prior to August 1, 1996?		<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input checked="" type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	2,140	
	a. square feet of BVW	b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm>.

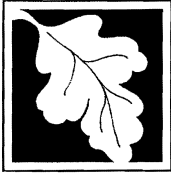
a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581**

2008 (MassGIS)
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

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C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

- 1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____
percentage/acreage
 - (b) outside Resource Area _____
percentage/acreage
- 2. Assessor's Map or right-of-way plan of site
- 3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhosp/nhenvmesa.htm>)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address
 - Projects altering 10 or more acres of land, also submit:*
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

- 1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhosp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2. Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

- 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

- 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- 2. A portion of the site constitutes redevelopment
- 3. Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

- 1. Single-family house
- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Notice of Intent Plans for North Street Condominiums, sheets L1-5, EC1

a. Plan Title

The Berkshire Design Group

Mark Darnold

b. Prepared By

c. Signed and Stamped by

01.15.09

varies

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5083 & 5091

11-10-2008 & 1-16-09

2. Municipal Check Number

3. Check date

5077 & 5092

11-10-2008 & 1-16-09

4. State Check Number

5. Check date

Northern Avenue Homes, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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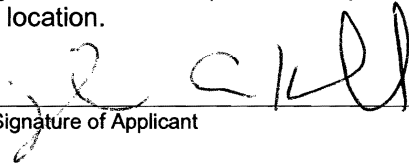
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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	1-16-2009
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

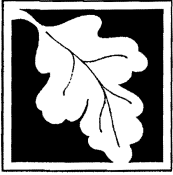
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

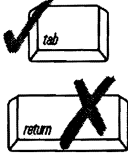
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Applicant:

a. First Name _____ b. Last Name _____
 Tofino Associates, Inc. and Northern Avenue Homes, Inc.
 c. Organization _____
 31 Campus Plaza Road
 d. Mailing Address _____
 Hadley MA 01035
 e. City/Town _____ f. State _____ g. Zip Code _____
 (413) 256-0321 (413) 256-0130
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

2. Property Owner (if different):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

3. Project Location:

Northern Avenue Northampton
 a. Street Address _____ b. City/Town _____

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

