

APPLICATION TYPE: <i>PB Special Permit with Major Site Pla</i>	SUBMISSION DATE: <i>11/24/2008</i>
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<b>Applicant's Name:</b>			<b>Owner's Name:</b>		
NAME: <i>NORTHERN AVENUE HOMES INC</i>			NAME: <i>Tofino Associates</i>		
ADDRESS: <i>31 CAMPUS PLAZA RD</i>			ADDRESS: <i>31 Campus Plaza Road</i>		
TOWN: <i>HADLEY</i>	STATE: <i>MA</i>	ZIP CODE: <i>01035</i>	TOWN: <i>HADLEY</i>	STATE: <i>MA</i>	ZIP CODE: <i>01035</i>
PHONE NO.:	FAX NO.:		PHONE NO.:	FAX NO.:	
EMAIL ADDRESS:			EMAIL ADDRESS:		

<b>Site Information:</b>				<b>Surveyor's Name:</b>			
STREET NO.: <i>56 NORTHERN AVE</i>				SITE ZONING: <i>URB(100)/</i>			
TOWN: <i>NORTHAMPTON MA 01060</i>				ACTION TAKEN: <i>Approved With Conditions</i>			
MAP: <i>25C</i>	BLOCK: <i>017</i>	LOT: <i>001</i>	MAP DATE:	SECTION OF BYLAW: <i>Chpt. 350-10.1: Special Permit</i>			
Book: <i>1454</i>	Page: <i>388</i>				TOWN:		STATE: ZIP CODE:
				PHONE NO.:		FAX NO.:	
EMAIL ADDRESS:							

NATURE OF PROPOSED WORK:

*Townhouse Development comprised of 10 duplex unit for a total of 20 units on North St. and View Ave. Map 25C parcels 12 & 17.*

HARDSHIP:

CONDITION OF APPROVAL:

- 1) *Trash removal will be through vendors and no dumpsters are allowed on site.*
- 2.)*All sidewalks and streets shall be constructed to subdivision standards for materials and depths. This does not include the proposed gravel path between units 4 and 18.*
- 3.)*As offered \$16,000 in traffic mitigation shall be paid in phases as follows. Upon issuance of the first certificate of occupancy: \$10,000, upon issuance of the certificate of occupancy for the 10th unit: \$6,000. Alternatively, the applicant may opt to reconstruct the sidewalk along North Street to meet ADA standards with curb cuts or other improvements as might be determined through Parking & Transportation working with interests in the neighborhood. The extent of any constructed mitigation shall be worth \$16,000.*
- 4.)*Prior to issuance of the final certificate of occupancy, and as offered, the applicant shall submit a letter stamped from a LEED certified professional (engineer, architect or other) indicating that the project has qualified for points under LEED .*
- 5.)*Drive aisles in front of units 5-8 and 13-16 shall be striped as fire access lanes.*
- 6.)*The proposed ways and underlying infrastructure shall remain private with maintenance provided by the owners' association and spelled out in covenants.*
- 7.)*Temporary service connections to 1 View Avenue and 154 North Street will be required prior to removal of the 4-inch water line and construction of the new water mains. These service connections must be reviewed and approved by Department of Public Works.*
- 8.)*The applicant shall provide each affected property owner outside of the project bounds with a sewer service access and maintenance agreement.*
- 9.)*The Homeowners Association shall be required to provide sewer, water and other utilities to 1 View Avenue and 154 North Street that are not currently provided off of North Street and shall be responsible for those utilities up to the property line.*
- 10)  *To ensure quality construction of proposed infrastructure, the DPW requests privatized project inspection and control as outlined in Section 290-59 of the Subdivision regulations. The applicant*

proposes to provide project engineer oversight only for installation of water and sewer mains and connections on View Avenue. As required by Section 290-59 of the Subdivision Regulations, project inspections and certifications shall be made by a Massachusetts registered P.E.; the engineer or engineer's agent shall provide compliance oversight during the entire construction process; and daily inspection reports shall be submitted to the Department of Public Works.

11). As offered by the applicant, upon approval by the Massachusetts Dept of Conservation and Recreation, a bridge shall be installed from the end of Northern Avenue to connect to the bike path. All necessary conservation commission permits shall be obtained for such a project. If DCR does not provide approval by the completion of construction, the applicant shall provide an escrow/performance guarantee based on current construction quantity, to the City of Northampton for the cost of future installation by the city.

12) As offered, the applicant shall allow public access on the streets and paths through the project.

13) The DPW requires a hydrant between the isolation valves on View Avenue for flushing purposes.

14). Designs shall be substantially similar to that which is presented including porches, varied materials, roof lines, step backs etc.

15) If the plans and specifications for the project have been revised from those approved as part of the Stormwater Management Permit issued on 5/14/2009, then prior to issuance of a building permit for the project, the applicant must request and receive from the DPW an Amendment to the Stormwater Management Permit to reflect the final plans and specifications for the project.

16) A new hydrant off North Street will be installed by DPW as shown on Utilities plan, L3a.

17). The applicant may need to relocate the proposed hydrant to the northeast side of View Avenue in order to avoid a sewer crossing conflict.

18) A minimum 4' high wood fence shall be extended around the corner of the property boundary between the parking area for units 9-12 and 142 and 150 North Street.

19) The applicant shall work with the Water Superintendent to determine if an 8-inch tapping sleeve and valve is more appropriate for this location.

20) Prior to beginning any construction, a performance guarantee in the format required in the subdivision rules shall be submitted and approved by Office of Planning and Development and the Planning Board for each road segment leading from North Street. The guarantee shall insure that access and main utility services, including water and sewer mains are completed according to design.

FINDINGS:

The Planning Board approved the Special Permit with Site Plan for the 20 unit Townhouse Development based upon the following information submitted with the plans:

- 1). Special Permit Plans For North Street Condominiums" Prepared by The Berkshire Design Group, Inc. Dated April 14, 2009, Revised June 15, 2009 Sheets L1, L2a, L2b, L3a, L3b, L4, L5.
- 2). Elevation Renderings, dated June 2009 prepared by Kuhn Riddle Architects.
- 3). "Stormwater Drainage Report for Northern Avenue Housing " prepared by The Berkshire Design Group, Inc. dated November 11, 2008.
- 4). Traffic Impact Study North Street Condos" Prepared by Fuss & O'Neill, Inc. Dated October 14 2008.
- 5). Letter from Fuss & O'Neill, Inc. updating Traffic Impact Study dated June 23, 2009.
- 6). Letter to Planning Board regarding North Street Condominium offer of traffic mitigation received June 25, 2009.
- 7). Draft Declaration of Covenants
- 8.) North Street Condominiums – Density Study
- 9). North Street Condominium Impervious surface study dated April 28, 2009.
- 10). Exterior Duplex lighting Schedule dated June 16, 2009.

The Planning Board granted the permit after determining that revised plans addressed many neighborhood concerns by reducing density, reducing massing of the structures, increasing snow storage, buffers and providing visitor parking beyond minimum parking required. In granting the special permit with site plan and conditions, the Planning Board found the following criteria in sections 10 and 11 had been met:

(1) The requested use protects adjoining premises against seriously detrimental uses. If applicable, this shall include provision for surface water drainage, sound and sight buffers and preservation of views, light, and air; The townhouse use is consistent with the densities within the surrounding areas. The revised plans show duplex units which provide comparably smaller structures than in the surrounding neighborhood. Drainage plans have been approved through a stormwater permit, extensive planting plan will eliminate some invasive overgrowth and create a landscape that is similar to the existing neighborhood street tree planting. Much of the site will be permanently protected open space and a fence will be installed to address headlight issues and screen parked cars.

(2) The requested use will promote the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, minimize traffic impacts on the streets and roads in the area. If applicable, this shall include considering the location of driveway openings in relation to traffic and adjacent streets, access by emergency vehicles, the arrangement of parking and loading spaces, and provisions for persons with disabilities;

The applicant has offered public access from North Street through the site to connect to the bike path and the walking trail network. The applicant has offered \$16,000 worth of mitigation to address incremental impacts to traffic in the neighborhood. The applicant has offered to install a bridge from Northern Avenue to connect to the bike path upon approval by Department of Conservation and Recreation. Finally, the applicant is providing eight (8) more parking spaces than required to serve as guest parking and winter time snow storage.

(3) The requested use will promote a harmonious relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area. All the units will be in the upland portion of the site and permanently protect buffer area and wetlands. New plantings will improve existing conditions within the buffer as some invasive plants will be eliminated.

(4) The requested use will not overload, and will mitigate adverse impacts on, the City's resources including the effect on the City's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The site will access existing water and sewer infrastructure that has capacity; the stormwater will be treated primarily on site, the private street network will be reconstructed, maintained, and be cleared of snow by the applicant/owners' association to the benefit of the existing residences on these private ways who utilize the street and utilities.

(5) The requested use meets any special regulations set forth in this chapter; (none other than site plan) and

(6) The requested use bears a positive relationship to the public convenience or welfare. The use will not unduly impair the integrity of character of the district or adjoining zones, nor be detrimental to the health, morals, or general welfare. The use shall be in harmony with the general purpose and intent of the ordinance; The 2-unit structures will provide new infill housing options for smaller units that is consistent with the mix of housing types in the neighborhood. Access to open space and the bicycle network provide alternative options for accessing downtown and commercial centers.

(7) If applicable, the requested use will promote City planning objectives to the extent possible and will not adversely affect those objectives, as defined in City master or study plans adopted under MGL c. 41, § 81C and 81D. Several goals established in the Sustainable Northampton Plan are addressed among others including infill development on vacant and underutilized land in and around downtown, locating housing within walking distance between neighborhoods and commercial centers and along bike routes, preserving green space within urban infill areas- more than 50% of the property will remain permanent open space. The project will create new housing options that could address needs for those earning less than 120% of area median income, and result in "green" (LEED) buildings.

COULD NOT DEROGATE BECAUSE:

FILING DEADLINE: 11/20/2008	MAILING DATE: 12/4/2008	HEARING CONTINUED DATE: 1/22/2009	DECISION DRAFT BY: 7/9/2009	APPEAL DATE:
REFERRALS IN DATE: 11/27/2008	HEARING DEADLINE DATE: 1/28/2009	HEARING CLOSE DATE: 6/25/2009	FINAL SIGNING BY: 7/9/2009	APPEAL DEADLINE: 7/19/2009
FIRST ADVERTISING DATE:	HEARING DATE: 12/17/2008	VOTING DATE: 6/25/2009	DECISION DATE: 6/29/2009	
SECOND ADVERTISING DATE:	HEARING TIME: 7:00 PM	VOTING DEADLINE: 9/23/2009	DECISION DEADLINE: 9/23/2009	

MEMBERS PRESENT:	VOTE:
Marilyn Richards	votes to Grant
Katharine G. Baker	votes to Grant
Stephen Gilson	votes to Grant
Mark Sullivan	votes to Grant
Francis Johnson	votes to Grant
George Kohout	votes to Grant
Kenneth Jodrie	votes to Grant

MOTION MADE BY: Kenneth Jodrie	SECONDED BY: Katharine G. Baker	VOTE COUNT: 7	DECISION: Approved with Conditions
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Planning - Decision

City of Northampton

Hearing No.: *PLN-2009-0021*

Date: June 29, 2009

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MINUTES OF MEETING:

*Hearing continuation dates: 1/22, 3/26, 5/14, 6/25.*

*Available in the Office of Planning & Development.*

*I, Carolyn Misch, as agent to the Planning Board, certify that this is a true and accurate decision made by the Planning Board and certify that a copy of this and all plans have been filed with the Board and the City Clerk on the date shown above.*

*I certify that a copy of this decision has been mailed to the Owner and Applicant.*

*Carolyn Misch*

**Notice of Appeal**

*An appeal from the decision of the Planning Board may be made by any person aggrieved pursuant to MGL Chapt. 40A, Section 17 as amended within twenty (20) days after the date of the filing of the notice of the decision with the City Clerk. The date is listed above. Such appeal may be made to the Hampshire Superior Court with a certified copy of the appeal sent to the City Clerk of the City of Northampton.*