

Development Review Team: September 15, 2008

Planning Board Projects

A. Projects under development

1. Adam and Eve Estates – Lyman Street – *No Change since August 2008 meeting*

Number of Building Lots: 9

Percent Infrastructure Completed: 78%; Percent Housing Units Completed: 22%

Significant Issues: **None known at this date**

Performance Guarantee: \$97,000 Letter of Credit expires October 26, 2008

Comment: The Planning Board discussed with the developer their request that the plans be modified or amended to eliminate the proposed sidewalk along Apple Road. While no vote was taken, at their January 28th meeting, all of the Board members indicated a strong reluctance to waive the requirement for sidewalks.

The street sign for “Apple Road” appears to have been misplaced. It is the Planning Board’s understanding that Apple Road begins after the first new house where the roadway extension takes a roughly 90 degree bend. The nameplate for the sign has been removed, but a new sign has not been installed in the proper location.

The Planning Board is holding a Letter of Credit in the amount of \$59,000. This amount was based on an estimate of approximately \$53,000 from the DPW, notification by District One Water Superintendent that a fence has yet to be restored, an estimate of the street tree costs, and a contingency. Two (2) houses have been completed and occupied. Construction of a third house is underway.

The Conservation Commission and DEP have noted that there are sediment control issues which must be addressed by the developer. These have apparently been partially addressed. At the April 28th meeting, Janice Stone indicated that there were some issues related to the house that was sold. These issues need to be resolved.

Comments at August 2008 meeting: The Town Engineer stated that the street sign “Apple Road” is to be moved to its proper location.

2. Mountainbrook – Mountainview Street and Westbrook Road

Number of Building Lots: 52

Percent Infrastructure Completed: 45%; Percent Housing Units Completed: 13.5%

Significant Issues: **None known at this date**

Performance Guarantees: The Planning Board holds several Performance Guarantees on this project:

- a Letter of Credit for the detention basins,
- a \$300,000 Tri-Party Agreement on Phase 1,
- a \$132,000 Tri-Party Agreement on a portion of Phase 2, and
- two Covenant Agreements on differing portions of Phase 2

Note: The Covenant Agreements do not permit any construction on the lots in Phase 2.

Comment: The Planning Board has extended the Special Permit for two (2) years in accordance with the original decision adopted by the Board. Seven (7) houses appear to be completed. Three (3) houses (including the house at 37 Westbrook Road) appear to be nearly complete. Two (2) additional houses are at various stages of construction but not near completion. Several additional lots were previously cleared, but no construction has begun on those lots.

The DEP has noted that there are sediment control issues which must be addressed by the developer. These have apparently been addressed.

The Conservation Commission decided not to approve the developer's April 2008 request for a reduction in the sedimentation monitoring.

The Tree Warden identified three pre-existing trees which were "declining/dead" in late August and recommended that the trees be removed. According to the developer, they have removed those trees and plan to plant trees in front of all "completed" houses in the Spring 2009. The delay until Spring 2009 for planting of the trees is on the advice of their arborist.

Comments at August 2008 meeting: Town Engineer is to send a letter to the developer and the homeowners about the proper location for the roof drains.

3. Shadowbrook Estates – Baker Street – **No Change since August 2008 meeting**
Number of Dwelling Units: 36
Percent Infrastructure Completed: 98%; Percent Housing Units Completed: 89%
Significant Issues: **Retention basin is not draining.**
Comment: Thirty-two (32) units are completed and four (4) are substantially finished.

Issues regarding this project: More plantings may be necessary to address the Conservation Commission's concerns. Additionally, the retention basin does not appear to be draining as it should. The Conservation Commission Administrator has sent an email to the developer regarding the condition of the retention basin.

Comments at August 2008 meeting: Town Engineer to review the basin in conjunction with the Conservation Commission Administrator who reiterated the issue with the basin and that several other items have not been completed.

4. Pettengill Office/Condominium Project – Newton, Camden, and Lyman Streets – **No Change since August 2008 meeting**
Number of Dwelling Units: 6 and an office building
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 100%
Significant Issues: **None known at this date**

Comment: The bank/office building has been completed. All four of the condo units appear to be completed and three have been sold and occupied.

Comments at August 2008 meeting: The developer is extending utilities along Camden Street.

5. Ladizki Flag Lot – David Ladizki – **No Change since August 2008 meeting**
Number of Dwelling Units: 1
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 0%
Significant Issues: **None known at this date**

Comment: None.

Comments at August 2008 meeting: The developer/builder have completed plantings for the “no disturb” zone.

6. Oakley Estates – Dino Marinello – Lathrop Street – **No Change since August 2008 meeting**
Number of Building Lots: 6
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 67%
Significant Issues: **None known at this date**

Performance Guarantee: \$21,600 Letter of Credit expired May 2008. Developer has been requested to provide a new Letter of Credit. We have been provided with a copy of an application for an extension of the LOC, but no confirmation that the extension was granted. The Planning Board will consider its options at the September 8, 2008 meeting.

Comment: The Planning Board retains a Financial Guarantee (\$21,600 Letter of Credit that expired May, 2008). Three (3) new houses have been completed and the renovations of the existing house have been completed. A fourth house is under construction. Thus, one lot remains to be built upon.

Comments at August 2008 meeting: None.

7. Stonybrook Village Residential – Phase I & II – Newton Street opposite White Wing (32 new condominium units in Phase I and 4 new condominium units in Phase II) – **No Change since July 2008 meeting**
Number of Dwelling Units: 36
Percent Infrastructure Completed: 20%; Percent Housing Units Completed: 2.8%
Significant Issues: **None known at this date**

Performance Guarantee: The Planning Board holds an Irrevocable Standby Letter of Credit in the amount of \$95,000 for the drainage improvements.

Comment: The developer has completed sold all four units in one of the quads. The second quad ***is substantially constructed and the foundation for a duplex has been completed.***

Comments at August 2008 meeting: The first duplex is also under construction.

8. Park Avenue Extension – Homes By LeBlanc – eastern terminus of Park Avenue – Definitive Subdivision (1 new building lot) – ***No Change since August 2008 meeting***
Number of Building Lots: 1
Percent Infrastructure Completed: 85%; Percent Housing Units Completed: 100 %
Significant Issues: **Replacement of some trees. When will the “As-built” plans be submitted?**

The Town holds a \$33,000 Letter of Credit. While a \$7,000 Letter of Credit was submitted subsequently, the Planning Board was never requested to reduce the Performance Guarantee.

Comments: The house has been completed. However, “as-built” plans for the roadway need to be completed and submitted.

The developer’s bank has submitted a new Letter of Credit in the amount of \$7,000 based on a verbal estimate from their contractor and the DPW. The Planning Board has not reduced the Financial Guarantee to this amount since a formal request has not been submitted or reviewed by the departments.

Departments have raised some issues that need to be resolved: plantings in buffer zone and water concerns.

At the April 28th Meeting, Janice Stone stated that the developer needs to do some additional plantings and reseed a portion of the disturbed area.

Comments at August 2008 meeting: Town Engineer stated that the paving has been completed. Additionally, the Conservation Commission Administrator stated that an erosion problem at the end of the roadway has been resolved. There is a question as to when the “As-Built” plans for the roadway, utilities, etc. will be submitted.

9. Mountain Avenue/Viviani 3-Family – Special Permit – ***No Change since August 2008 meeting***

Number of New Dwellings: 1

Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 0 %

Significant Issues: **None.**

Status: The Planning Board granted the Special Permit Approval at its April 25, 2007 meeting. The developer provided a revised site plan which adequately addresses the conditions of the Planning Board’s approval.

The construction of the new structure appears to be complete. But, a Certificate of Occupancy has not been issued.

Comments at August 2008 meeting: A Certificate of Occupancy has not been issued.

10. Annafield Estates – Stewart Street – *No Change since August 2008 meeting*

(4 new building lots)

Number of Building Lots: 4

Percent Infrastructure Completed: 80%; Percent Housing Units Completed: 0%

Significant Issues: None.

Performance Guarantee: The Planning Board holds an Irrevocable Letter of Credit in the amount of \$41,500 which expires November 13, 2008

Status: The developer appears to have completed all improvements except for the top course of pavement. SHELD has provided a street lighting plan which is being referred to the Town Administrator for approval.

The Planning Board is retaining a Letter of Credit in the amount of \$41,500 based on the following figures:

DPW -	\$14,518
SHELD -	\$22,000
Tree Warden -	\$ 1,200
Contingency -	\$ 3,782 (approximately 10%)

Comments at August 2008 meeting: A lot is in the process of being sold.

11. Granby Road Condominiums – Jacob’s Edge/Home Improvement Associates, LLC – Granby Road @ Lorraine Avenue – Special Permit/Form H Plan

Number of Dwelling Units: 25

Percent Infrastructure Completed: 5%; Percent Housing Units Completed: 0.00%

Significant Issues: **When will the buffer landscaping being planted?**

Performance Guarantee: The Planning Board holds a Letter of Credit in the amount of \$155,000 for the drainage and related improvements. The amount of the LOC is 10% above the amount recommended by the Town Engineer. The LOC is limited to drainage work.

Comment: The developer has largely cleared the site of trees and loam. A “temporary” detention basin was dug without Planning Board authorization or notification as a means of mitigating the impact of the heavy rains and the removal of all of the vegetative covering. Site work has begun for the first duplex to be constructed.

Status: Planning Board granted Special Permit approval at its March 3, 2008 meeting subject to various conditions including a reduction from 28 units to 25, increased buffers, and increased setbacks. A decision was filed with the Town Clerk on March 19, 2009. No notice of appeal was filed within 20 days.

The plans were revised to remove all utilities and drainage work from the required buffer area. At its July 14, 2008 meeting, the Planning Board approved the revised plans including the buffer and landscaping plans.

Comments at August 2008 meeting: Due to the significance of the work involved in review and approval of the project, it is vital that the project proceed as approved without modifications unless those modifications are approved by the Planning Board. The “roadway” name will be “Jacob’s Way”.

12. Chicopee Savings Bank & Office Building -Willimansett Street – Special Permit/Site Plan Review

Size of Building: 4,000 square feet

Percent Infrastructure Completed: 95%

Significant Issues: Signage questions.

Performance Guarantee: None required.

Status: Planning Board granted Site Plan Review/Special Permit on April 28, 2008 subject to several conditions. The Selectboard approved the Outdoor Lighting Plan including waiver of the public hearing requirement based, in part, on SHELD’s comments which suggested that the Photometric Plan was sufficient and met the Town’s General Bylaws. The building is proceeding. Discussions with sign contractor indicate that additional Planning Board approval of the free standing sign is required and that the proposed location of the sign is not in compliance with the Zoning Bylaw.

Comments at August 2008 meeting: None.

13. Mount Holyoke College Kendall Hall Expansion – Silver Street - Site Plan Review – **No Change since June 2008 meeting**

Size of Building Addition: 6,000 square feet

Percent Infrastructure Completed: __%

Significant Issues: None at this time.

Performance Guarantee: None required.

Status: The Planning Board granted the plan review approval subject to conditions at its September 5, 2007 meeting. There is not an appeal period on Site Plan Review. MHC plans to begin the work in the summer of 2008.

The foundation is under development.

Comments at August 2008 meeting: Project is under construction.

14. Maraline Development, Inc./Cansen, Inc. Expansion (31,500 square foot expansion on Industrial Drive) – Site Plan Review

Size of Building: 31,500 square feet

Percent Infrastructure Completed: 75%

Significant Issues: None at this time.

Performance Guarantee: None required.

Status: Planning Board granted Site Plan Review approval on November 19, 2007 subject to several conditions which primarily relate to the adjoining property.

The contractor has begun work on constructing the building addition. Substantial construction is underway. The parking area was expanded and mounds of dirt placed along the westerly side of the property abutting Old Lyman Road and Industrial Drive in apparent contradiction of the plans submitted to and approved by the Planning Board.

Comments at August 2008 meeting: None.

15. Houle Welding & Fabrication Warehouse-East Street – Site Plan Review -

Size of Building: 2,550 square feet

Percent Infrastructure Completed: __%

Significant Issues: **None at this time.**

Performance Guarantee: None required.

Status: Planning Board granted Site Plan Review approval on March 17, 2008 subject to several conditions. The Planning Board approved modification of the decision to allow the applicant to increase the building size by 42% in terms of floor area.

The contractor has constructed the outer shell of the building.

Comments at August 2008 meeting: Project is under construction.

16. Park Avenue Extension – Murphy Subdivision – western terminus of Park Avenue – Definitive Subdivision (1 new building lot)

Number of Building Lots: 1

Percent Infrastructure Completed: 0%; Percent Housing Units Completed: 0%

Significant Issues: Strict conformity to the endorsed plans due to the litigation surrounding this project. The drainage work was initiated, but then halted. This left a basin holding water without any means of discharge. The Board of Health has authorized the temporary use of a pump to keep the basin relatively empty of water. The Town Engineer noted that the basin needs to be revised to allow surrounding ponding of water to flow into the basin. While unclear, it has been alleged that the work undertaken to date may have increased the degree of “ponding” occurring east of the proposed basin onto the neighbor’s property.

Performance Guarantee: The Planning Board holds a Covenant Agreement which precludes regulates the timing of the improvements and precludes occupancy until all improvements are completed.

Comments: Planning Board granted approval with conditions on September 27, 2006. Two appeals are pending in Land Court at this time.

The Planning Board has granted approval of several minor modifications of its September 27, 2006 decision as they relate to the ownership, use, and maintenance of the proposed roadway extension. The most recent modifications were granted at the November 19, 2007 Planning Board meeting.

The Planning Board signed decisions modifying the original September 27, 2006 decision. The modifications generally relate to ownership, maintenance, and access to the proposed extension.

The Planning Board has endorsed the revised plans which have been recorded at the Registry in Northampton.

According to a September 9, 2008 email from the Board of Health Director, no work has begun on completion of the drainage improvements as of September 8, 2008. The developer has stated that they “were told the contractor would start the week of Labor Day”. When the developer called the contractor, they were told that the contractor was “doing water and sewer line work that would take a couple of weeks”.

Comments at August 2008 meeting: The need to conform to the approved plans without deviation except as approved by the Planning Board was emphasized.

B. Projects approved by Planning Board, but not initiated

1. Stonybrook Village Commercial – Newton Street opposite White Wing – ***No Change since July 2008 meeting***

Status: (See “Stonybrook Village Residential” above.) No progress has been made on the commercial component. The developer has indicated that the commercial component is being marketed and several parties have expressed interest in the site.

2. Dry Brook Village – Hadley Street and Sullivan Lane opposite Pearl Street - (36 new condominium units) – ***No Change since July 2008 meeting***

Status: The developer has obtained the necessary approvals of the wastewater treatment system. At the developer’s request, the Planning Board has granted a one-year extension of the Special Permit approval. This approval expires April 2009.

The Planning Board has granted a one-year extension on the Special Permit.

3. Riverside Park/HG&E – Main Street – Earth Removal

Status: Planning Board granted approval on **September 27, 2006**. The project is pending approval by the Conservation Commission. An earth removal permit was required for this project since the project involves alteration of grades and no building permit is involved with this project.

While the applicant submitted a revised plan and Mass. NHESP approved the project, that plan and approval did not address vista pruning. The Intervenor Status Committee reviewed the revised plan and met with the project consultant to clarify aspects of the plan. Efforts are underway to address the vista clearing tasks before Conservation Commission gives its final approval on the plans.

The Conservation Commission approved the plans at its December 17, 2007 meeting.

HG&E has filed an appeal of the Commission's Order of Conditions. DEP has sent a request for a substantial amount of information and documentation from HG&E.

A MEPA review is underway as part of the DEP consideration of the appeal. An on-site MEPA meeting is scheduled for Wednesday August 20, 2008.

Comments at August 2008 meeting: No change in the project. Comments are to be submitted to EOEEA.

4. Mount Holyoke College Boat House – Ferry Street – Section 3 Plan Review – **No Change since July 2008 meeting**

Status: The Planning Board granted the plan review approval based on a revised site plan. The Board of Health has questioned the retention basin. The consultant has provided the Board of Health with calculations as to the time that the “rain garden” will take to drain – 52 hours. This information has been forwarded to the Town Engineer for review.

The Board of Health has approved the project based on the supplemental information. The Conservation Commission approved the project except for aspects related to the dock. The DEP is now conducting its review including the public comment period.

The applicant and HG&E have filed with the Federal Energy Regulatory Commission to exclude the subject property from the Project Boundary. The Town has supported this request but does not support expanding the Project Boundary to include unrelated land owned by the Town.

Comments at August 2008 meeting: There has not been any change in the status. All parties are awaiting the FERC decision.

5. Ethan Circle Subdivision – Hadley Street – Preliminary Subdivision Plan – **No Change since July 2008 meeting**

Status: The Planning Board granted approval of the Preliminary Plan at its May 9, 2007 meeting. The decision was filed with the Town Clerk on **May 11, 2007**. There is no appeal period for a Preliminary Subdivision Plan. The developer is to prepare a Definitive Plan submittal based on the conditions stated in the Preliminary Plan. A Definitive Plan submittal is anticipated in the near future.

The prospective developer has apparently been doing soils tests on the site. It was noted at the last meeting that District #2 Water Department will require that the water system be looped. Apparently, the developer has had trouble getting an engineer to design the looped water system.

6. Cree's Landing Subdivision – Washington Avenue – Preliminary Subdivision Plan (one new building lot) –

Status: The Planning Board granted approval of the Preliminary Plan at its July 14, 2008. The decision was filed with the Town Clerk on **July 15, 2008**. There is no

appeal period for a Preliminary Subdivision Plan. The developer is to prepare a Definitive Plan submittal based on the conditions stated in the Preliminary Plan.

The Planning Board discussed the prospect of a Flag Lot Special Permit instead of a Subdivision which would require extensive waivers. Such a proposal was defeated by a previous board in July 1999. No current members expressed opposition to such a Special Permit on July 14, 2008.

The applicant has submitted a Special Permit for a Flag Lot.

7. Knight's Machine and Tool Expansion – Industrial Drive
Status: The Planning Board granted approval of the Site Plan on August 11, 2008. No appeal is provided for a Site Plan Review.
Significant Issues: **Compliance with Massachusetts Building Code.**
Comments at August 2008 meeting: Problems have arisen over compliance with the Massachusetts Building Code.

C. Projects pending before Planning Board

1. Faginski Flag Lot Special Permit – 63 Washington Avenue
Next Public Hearing Date: **September 22, 2008**
Deadline for Departmental Comments: **September 26, 2008**
Anticipated Date of Decision: **October, 2008**
Significant Issues: None known at this time.
Status: Pending comments from departments. The Planning Board would like to receive comments from all departments before September 22, 2008.

D. Projects anticipated to be submitted for Planning Board Review

1. Granby landfill expansion (Special Permit)
2. Fitness studio, etc. in Sheridan-Sheridan Building on Newton Street (Special Permit). The Planning Board, at its September 08, 2008 meeting granted a waiver from some of the “plan content” requirements for the application for a Special Permit. The basis for the waiver was that there would be no change in the exterior appearance of the building or property and that the existing parking area will meet the parking requirements of the Zoning Bylaw.
3. McCray's Farm – Upper River Road – Approximately 10-20 acres appears to be in planning stages for a small subdivision.
4. Multi-family/condominium units – Route 33 @ Granby Road
5. Self-Storage Facility Expansion – East Carew Street – Ken LeBlanc – Site Plan Review
6. 108 College Street - College Hill Condominiums – Special Permit/Form H Plan – New plan for multifamily units is anticipated to be submitted in 2008.

E. Other Projects of Interest

1. Route 47 bridge project
2. South Hadley landfill expansion

3. South Hadley Falls development interest (concerns about the floodplain impacts, Texon, Michael's Market, local expansions)
4. Earl Bagg Property on Ferry Street
5. Ledges Golf Club
6. Toth Property
7. New Community Development Block Grant application being planned.

F. New Regulations

1. Stormwater Management Bylaw. This was adopted at the May 2008 Annual Town Meeting. The Attorney General's Office approved the bylaw with one deletion.
2. Trench Regulations – At the last meeting, it was agreed that the DPW would be the permitting authority.