



November 18, 2013

Martha Terry, Chairman  
Zoning Board of Appeals  
116 Main Street, Room 108  
South Hadley, MA 11075-2806

Re: Rivercrest Condominiums  
40B application for a comprehensive permit

Dear Ms. Terry and ZBA members:

We are pleased to submit this Comprehensive Permit Application for the above-referenced development off Ferry Street.

The site is a 10.83 acre vacant wooded lot with about half proposed to be used for the proposed 60 unit townhouse development and the other half to remain as open space/wetlands. The proposed 2 story, wood frame duplex units are similar in style to other homes built in the area with vinyl and brick siding which fit well within the residential context of the area.

We believe that our multifamily proposal not only serves to link residential and commercial areas with the center of town, as is called for the South Hadley Master Plan, but also provides needed affordable units, and does so with housing styles in keeping with the area and not out of context. Clearly, our proposed density of 6 du's/acre is greater than a single family neighborhood density but there are 2&3 family residences in the neighborhood as well as a school, 16 apartments in the Village Green, 12 more apartments in the Village Commons and 18 condominiums in the Center Edge Estates. So, viewed in the broader context, our proposed use is an appropriate and positive addition. These are all within a short walk from our site.

Moreover, our proposed density was accepted by MassHousing in its approval of our site application.

We are confident that we can address the concerns raised by the Town in its comments to MassHousing so that at the end of the public hearings, there will remain no issues affecting the health and safety of the neighborhood residents as well as the purchasers of the new homes in this proposed complex.

However, I also want to inform your Board that we have been asked to resubmit our application to the Planning Board for a special permit which was denied in November 2011, but which with some modifications to the earlier proposal might be acceptable to the Planning Board. Therefore, we are making the following requests for your Board to consider immediately upon the opening of the hearing (which we have been informed will likely be on December 9, 2013):

1. We are asking that the Board stay the hearing on this matter (after taking action on the 4 requests the Applicant is making in this letter) in order for the Applicant to pursue the special permit application to the Planning Board (as mentioned above). While the outcome with the Planning Board is uncertain, we would propose that we be granted a 90 day period to achieve a mutually agreeable permit from the Planning Board, and that the hearing by your Board be stayed for up to such 90 day period. At any time within such period, we may notify you that we intend to pursue the Comprehensive Permit Application with your Board and ask you to schedule a public hearing, which would be within 30 days of your receipt of our request. If you do not receive a request from us for a public hearing to be scheduled or a notice that we are withdrawing the Comprehensive Permit by the end of such 90 day period, then we agree that you shall schedule a public hearing within 30 days after the end of the 90 day period. Upon giving such notice or at the end of such 90 period if we have not either given such notice or withdrawn the Comprehensive Permit Application, the Applicant shall provide the Board with the full number of copies of the Application and plans and shall give the Board an updated certified abutters list and shall pay for the cost of advertising and noticing the public hearing. The Board shall advertise the public hearing and provide notice to abutters based upon the new abutters list, and will circulate the application and plans to all departments for comment.

2. We request that the Board, based on our agreement that the Board do so, extend the 180 day deadline, under 760 CMR 56.05(3), for the Board to complete the public hearing on the Comprehensive Permit; such extension shall be for the number of days that the hearing process will have been stayed pursuant to the above request.

3. We request that the one-year "related application" safe harbor set forth under 760 CMR 56.03(1) and 56.03(7) be waived by the Board, which would allow the Applicant to resubmit the special permit application to the Planning Board as discussed above and then return to your Board to pursue the Comprehensive Permit Application if the Planning Board application is unsuccessful, without the requirement that the Applicant wait one year from the date of the conclusion of the Planning Board process before doing so (as 760 CMR 56.03(1) and 56.03(7) would otherwise allow your Board to require without this waiver).

We believe this is a very fair request because, initially, we delayed filing under Chapter 40B in order to pass this 12 month period after the 2011 denial by the Planning Board; and now that we have our Site Approval Letter from MassHousing we are entitled to file for a comprehensive permit with your Board, as we are doing. However,

since we are attempting to work out a successful permitting process with the Planning Board – *at the Town's request* – we do not wish to relinquish our right to proceed timely with the comprehensive permit application, as filed – without a one year delay -, should we not achieve a timely and successful outcome with the Planning Board.

4. We request that the Applicant be allowed to submit only two copies of the application and plans (without full details and without a traffic study) at this time, with the agreement by the Applicant that the full number of copies shall be provided to the Board if the public hearing process goes forward after the stay, as described above.

We look forward to your response so that we know how to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Engler". The signature is written in a cursive style with a large, sweeping initial "B".

Robert Engler

40B consultant to Rivercrest Condominiums LLC