

## Development Review Team Status Report: July 21, 2008

### *Planning Board Projects*

#### A. Projects under development

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

Number of Building Lots: 9

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

**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 28<sup>th</sup> meeting, all of the Board members indicated a strong reluctance to waive the requirement for sidewalks.

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 (foundation is nearly complete) has begun on a third house.

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 28<sup>th</sup> meeting, Janice Stone indicated that there were some issues related to the house that was sold. These issues need to be resolved.

##### 2. Mountainbrook – Mountainview Street and Westbrook Road

Number of Building Lots: 52

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

**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. Three (3) additional lots/houses are at various stages of construction but not near completion.

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.

3. Shadowbrook Estates – Baker Street – *No Change since June 2008 meeting*  
Number of Dwelling Units: 36  
Percent Infrastructure Completed: 98%; Percent Housing Units Completed: 89%  
**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.

4. Pettengill Office/Condominium Project – Newton, Camden, and Lyman Streets  
Number of Dwelling Units: 6 and an office building  
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 100%  
**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.

While a representative of the developer previously inquired about the possibility of eliminating 2 of the dwellings and expanding the parking lot, no further discussions have arisen.

5. Ladizki Flag Lot – David Ladizki – *No Change since June 2008 meeting*  
Number of Dwelling Units: 1  
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 0%  
**Comment:** The house is nearing completion.

In a related matter, the Town Engineer noted that "sinkholes" have developed along Valley View Drive opposite this lot between the curb and the sidewalk. The DPW Superintendent, Town Engineer, District #1 Water Superintendent, and Town Planner met at the site on May 23, 2007 to review the sinkhole issue. The DPW Superintendent and the Town Engineer advised that the matter will continue to be monitored and the site repaired as needed.

At the April 28<sup>th</sup> Meeting, Steve Reno stated that the house was substantially completed; but the builder is waiting to finish the house to meet the buyer's custom details. The house is still for sale.

6. Oakley Estates – Dino Marinello – Lathrop Street  
Number of Building Lots: 6  
Percent Infrastructure Completed: 100%; Percent Housing Units Completed: 67%  
**Performance Guarantee:** The Planning Board is holding a \$21,600 Letter of Credit.

**Comment:** 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.

7. Mount Holyoke College Residence Hall – Morgan Street – ***No Change since June 2008 meeting***

Significant Issues: None known at this date

**Comment:** The project is nearly completed.

8. 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) –

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 and sold all four units in one of the quads. The second quad is under construction.

An issue arose regarding dust control. The developer has loamed the site and appears to have the matter under control.

9. Park Avenue Extension – Homes By LeBlanc – eastern terminus of Park Avenue – Definitive Subdivision (1 new building lot) – ***No Change since April 2008 meeting***

Number of Building Lots: 1

Percent Infrastructure Completed: 85%; Percent Housing Units Completed: 100%

Significant Issues: Replacement of some trees and slope stabilization. Completion of pavement.

**Performance Guarantee:** 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. Only the top course on the roadway appears to remain before completion of the site work. However, “as-built” plans for the roadway need to be completed and submitted upon completion of the site work.

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

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

**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.

11. Annafield Estates – Stewart Street – *No Change since April 2008 meeting*  
(4 new building lots)

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

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

**Performance Guarantee:** The Planning Board will hold a Letter of Credit in the amount of \$155,000 for the drainage and related improvements. This Letter of Credit will be provided upon closing of the development loan and prior to any grading or construction of improvements on the property.

**Comment:** The developer is beginning site preparation. The existing structures have been demolished and the debris cleared.

**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. Plans have been released for recording, but the developer is limited to tree removal and general clearing until the original of the Letter of Credit is received by the Planning Board office. The amount of the LOC is 10% above the amount recommended by the Town Engineer. The LOC is limited to drainage work.

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

**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 developer has begun construction of the foundation and related site work.

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

**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.

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

**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 site clearing and grading work. Progress is underway on the slope work to the east of the proposed building addition.

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

**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 poured the building's foundation.

17. 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.**

**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.

It appears that the developer is beginning to undertake the drainage improvements as the required first step for this project.

#### B. Projects approved by Planning Board, but not initiated

1. Stonybrook Village Commercial – Newton Street opposite White Wing – ***No Change since June 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 June 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.

4. Mount Holyoke College Boat House – Ferry Street – Section 3 Plan Review  
**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.

5. Ethan Circle Subdivision – Hadley Street – Preliminary Subdivision Plan – *No Change since June 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.

Therefore, either a Special Permit application for a Flag Lot or a Definitive Plan submittal is anticipated in the near future.

C. Projects pending before Planning Board

1. Knight's Machine and Tool Expansion – Industrial Drive  
Next Public Hearing Date: **August 11, 2008**  
Deadline for Departmental Comments: **July 30, 2008**  
Anticipated Date of Decision: **August 11, 2008**  
Significant Issues: None.  
Status: Pending comments from departments.

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)
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 (Texon, Michael's Market, local expansions)
4. Earl Bagg Property on Ferry Street
5. Ledges Golf Club
6. Toth Property
7. Stonegate Subdivision – There are a couple of new building permits being sought.

F. New Regulations

1. Stormwater Management Bylaw. This was adopted at the May 2008 Annual Town Meeting. Town Clerk has submitted the document to the Attorney General's Office for approval
2. Trench Regulations – At the June meeting, it was agreed that the DPW would be the permitting authority.