

Planning & Sustainability • City of Northampton

resilience | regeneration | design | conservation | placemaking | mobility | accessibility | community development | historic | zoning | GIS | agriculture

Wayne Feiden, FAICP, Director of Planning & Sustainability • Wfeiden@NorthamptonMA.gov • 413-587-1265

Northampton Planning Board 7:00 PM Thursday June 25, 2020 Minutes Virtual Meeting (with Covid-19 emergency authorization)

Members present: George Kohout, Chair;
Alan Verson, Christa Grenat, Euripedes DeOliveira, Janna White, Marissa Elkins, Melissa Fowler, and Sam Taylor, Planning Board members;
David Whitehill and Janna White, Associate Members.
Staff present: Wayne Feiden

George Kohout, Planning Board Chair, opened the meeting at 7:03 PM.

Public Comment: There was no public comment

ANR Plan: The Planning Board reviewed the Approval Not Required Plan filed by The Community Builders and MassDevelopment for Olander Drive extension on the north side of Village Hill. Staff recommended approval. Upon motion by Janna White, second by Marissa Elkins, the Planning Board voted unanimously by roll call vote (7-0 with support of the two associate members) to approve the ANR plan and authorize staff to sign.

Equity and Planning Board's Roll in Addressing Equity including Institutional Barriers to Equity: George Kohout opened the discussion stressing the need for the Planning Board to think about its roll in addressing equity and racial injustice. Wayne Feiden gave a brief introduction to social equity, distributional, procedural, structural (including addressing institutional racism) and intergeneration equity and how those effect the work of the Planning Board and Planning & Sustainability. The Planning Board discussed how to get renters and other underrepresented populations to Planning Board meetings. Suggested actions included 1) asking City Councilors to mirror Planning Board public hearing notices on their own email lists, and 2) inviting Boston University researchers who have identified an imbalance of who attends permit hearings to use their analysis to look at Northampton's public participation.

Special Permit with Major Site Plan Review by Benjamin Lewis/ Dewey Ct Properties LLC for 15 unit apartment building and site development at 34 Dewey Ct. Northampton, Map ID 31D-217. At 7:30 PM George Kohout opened the public hearing.

Wayne Feiden provided links to the existing public record, filings from the applicant, planning staff report, DPW review memo, and opposition and comment letters from abutters, all sent to Planning Board members prior to the public hearing and filed on Planning's Public File Cabinet website.



Ben Lewis, Developer; Charles Roberts, AIA, Kuhn Riddle; and Jeff Squire, Berkshire Design, presented the application as filed with the Planning Board.

The Planning Board engaged the presenters with questions, including on the location of mini-split compressors, the efficiency of those mini splits, the ability of the flat roof to carry snow loads, the stability of the brick pavers, the concerns about whether the club house or apartments could become dedicated short term rentals (e.g., Airbnb) and whether the club house could be used for large parties, outside events, or other uses that could create large traffic flow and noise. They explored landscape buffers behind the carport and preservation of trees.

George Kohout then invited the public to add their comments and concerns.

Amy Ben-Ezra, a renter at 18 Dewey Court, expressed the need to save the tree at the southeast end of Dewey Court, even if that required heroic efforts, because of the tree's value and its buffer to the new project. She also expressed concern that Airbnb units could create large traffic flows. She added chat comments on whether mechanicals on the roof would make the building appear higher and generate noise, whether the building itself looks like the north building at Cooley Dickinson Hospital, and how large trash disposal trucks could negotiate the site. She suggested a smaller project that be laid out to provide greater buffers to trees.

Nancy Denig, 25 Dewey Court, said she didn't like the plan and wants input on the conditions of any approval. She stressed that any special permit needs to meet all of the special permit criteria, which she does not think this project meets and referred the board to read her letter and graphics that have already been entered into the public record. She expressed concerns about the flat roof not fitting into the neighborhood, about the wishful and unrealistic thinking in the plans that retained trees and vegetation will survive the development, and that trash trucks could not make the turns shown on the plans.

Councilor Jim Nash, Montview Avenue, also stressed the special permit criteria must be addressed and that the Planning Board's role is to stand up for the neighborhood. He stressed that the developer could do six units by right, and in return for a special permit to increase the number of units the Planning Board should make sure that the extra units are an improvement and help build a neighborhood. He also suggested that the "public" pathway should be codified for public use with an easement. He also asked for more details on where photovoltaics and mini-split compressors are located, and stressed the need for better screening, including consideration of a fence between carports and abutters.

Mark Moggio, owner of 24-26 Dewey Court units that he rents, referred the board to his and Ann-Marie Moggio's letter in the public record. He asked for retention of the existing scrub vegetation between carports and existing homes to preserve buffer. He also expressed concern about pedestrian access being in the road and the potential for that meaning the loss of a parking spot in front of his rental property. He said that the large tree that blocks pedestrian access is likely to be damaged by the proposed underground utilities. He asked where the water from the roof downspout goes and expressed concern about the proposed rain garden attracting more mosquitoes. He added concerns about lighting from the apartment windows. He also expressed concerns about the plans not showing where all outdoor mechanicals are located. Finally, he

expressed concerns about the accuracy of the truck turning templates and noted that vehicles on Dewey Court will use the private cul de sac for their turnarounds.

Ben Lewis, developer, said he was willing to grant a public easement to access the pathway from Dewey Court to Smith College's property as part of meeting the special permit criteria.

Planning Board members explored whether the tree in front of 24-26 Dewey Court should just come down, given its poor health, to allow a more traditional sidewalk, but other members expressed the desire to save the tree if it can be saved, and noted that cutting it might not be approved in a public shade hearing, and so the Planning Board cannot require that as a condition. Board members asked if the majestic tree by the carport can be saved, but Jeff Squire indicated that while scrub trees behind the carports can be saved, other trees cannot be saved to preserve the parking spaces that the neighborhood wants. The Planning Board also explored whether fewer parking spaces could work to save more trees and green space.

With no further requests for public comment, Sam Taylor moved to close the public hearing. Marissa Elkins seconded and, upon a roll call vote it passed unanimously (7-0 with support of the 2 associate members).

The Planning Board members discussed approving the project, based on the information in the public record (application and plans, staff report showing how the special permit and site plan approval criteria are met) with conditions.

Proposed approval conditions that emerged from the Planning Board discussion:

1. Prior to site work
 - a. The applicant shall submit to the Office of Planning & Sustainability a statement by the arborist indicating that tree protection and recommended tree care in preparation for site development has been completed.
 - b. The Stormwater O & M agreement must be recorded in compliance with Department of Public Works standards.
 - c. Revisions to the plan to show that power and telecommunications will run underground from the first pole on the property, or as that pole may be reset, to all the buildings (housing, club house, parking areas) so that there is only one pole on the property.
 - d. Final revised plans incorporating all conditions herein and all the technical conditions in the DPW memo entered into the public record shall be submitted to the Office of Planning & Sustainability. Carport details use piers not poured concrete footings.
2. Prior to issuance of a building permit
 - a. Final plans and details shall be submitted in accordance with conditions herein.
3. Prior to issuance of a final certificate of occupancy:
 - a. A lighting as-built shall be submitted stamped by a PE indicating that the lighting levels shown on the plan (allowing for slightly higher lighting level for spillover light from under the carport than the standard for outdoor lighting) and that all carport lighting shall have controls that automatically turn off the lighting a few minutes after they are turned on.

- b. Calculation showing that required tree replacement has been met for the 112” tree DBH removed through either on site planting or payment into the tree replacement fund or a combination of the two.
 - c. As offered by the applicant as a payment in lieu of traffic mitigation to address the increase by 14 new peak hour trips generated by this project, the applicant shall make a one-time payment-in lieu of traffic mitigation of \$14,000 or shall reconstruct the portions of the sidewalk along Dewey Court that do not meet ADA compliance equal to or exceeding \$14,000.
 - d. As offered by the applicant to address special permit criteria, the property owner shall grant the city and the public an easement to pass and repass on their path from Dewey Court to the Smith College property.
4. After the final certificate of occupancy:
- a. In addition to tree replacement prior to the Certificate of Occupancy, the additional 83” DBH trees on the property that are at great risk of damage due to construction shall be replaced, either by site planting or payment into the City’s tree replacement fund, if they die within three years of the granting of a Certificate of Occupancy.
 - b. If the tree in front of 24-26 Dewey Court dies within three years of the granting of a certificate of occupancy, given that it is at higher risk due to the developer’s underground utility work, the developer shall replace the sidewalk with a new concrete sidewalk from the north side of the sidewalk panel that ends just north of 24-26 sidewalk extension to their front door southerly to the developer’s property boundary.

Upon motion by Sam Taylor and second by Melissa Fowler, the Planning Board voted unanimously (7-0 with support of two associate members) by roll call to approve the requested special permit and site plan approval with the above conditions.

AT 10:46, upon motion by Sam Taylor and second by Marissa Elkins, the Planning Board voted unanimously by roll call to adjourn.

Planning Board Thursday June 25, 2020, Via Remote Teleconference Hearing

Public comment may be made either via email submission to wfeiden@northamptonma.gov up to 1 hour prior to the meeting or at the meeting itself via video/audio teleconferencing. Please follow this link: [Teleconference LINK](#) Meeting ID: 936 9069 6783 or call 301-715-8592 to access the teleconference **at the scheduled hearing time** and entering the Meeting ID followed by #, then Password, simply pressing the # key when asked for a participant ID. To let the host know you have a comment, callers can press *9.

7:00 PM Public Comment on items not on the agenda

7:00 PM Discussion of Equity and Planning Board's Roll in Addressing Equity, including Institutional Barriers to Equity.

7:00 PM Special Permit with Major Site Plan Review by Benjamin Lewis/ Dewey Ct Properties LLC for 15 unit apartment building and site development at 34 Dewey Ct. Northampton, Map ID 31D-217.

Minutes 6/11/20

All permit files viewable by Map ID www.northamptonma.gov/pending Instructions for entering the teleconference hearings will be posted on the meeting agenda 48 hours ahead of the meeting.

Publish date: June 11, 18 2020



Planning & Zoning: legacy of Institutional Racism

Power imbalance and who is at the table

- Who holds power
- Who is at the table
- Regulations that freeze existing patterns

Village of Euclid, Ohio v. Ambler Realty
272 U.S. 365 (1926)

An apartment house is “a mere parasite, constructed to take advantage of the open spaces and attractive surroundings created by the residential character of the district....”

--Opinion by conservative Justice Sutherland, whose commute past DC neighborhoods in transition supported the decision

276

3691

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

Anna H. Scannell

That I, Anna H. Scannell, unmarried, of Amherst, Hampshire County, Massachusetts for consideration paid, grant to Grace E. Gallond of Amherst, Massachusetts, with WARRANTY COVENANTS

To

Grace E. Gallond

Lot 12

Blue Hills Road

Amherst

That tract or parcel of land located on the Westerly side of Blue Hills Road in said Amherst, Massachusetts, it being lot #12 as shown on plan of lots entitled "Plan of Lots on Blue Hills Road, Amherst, Massachusetts," dated September 1933 and recorded in Hampshire County Registry of Deeds Plan Book 18 Page 32, bounded and described as follows:

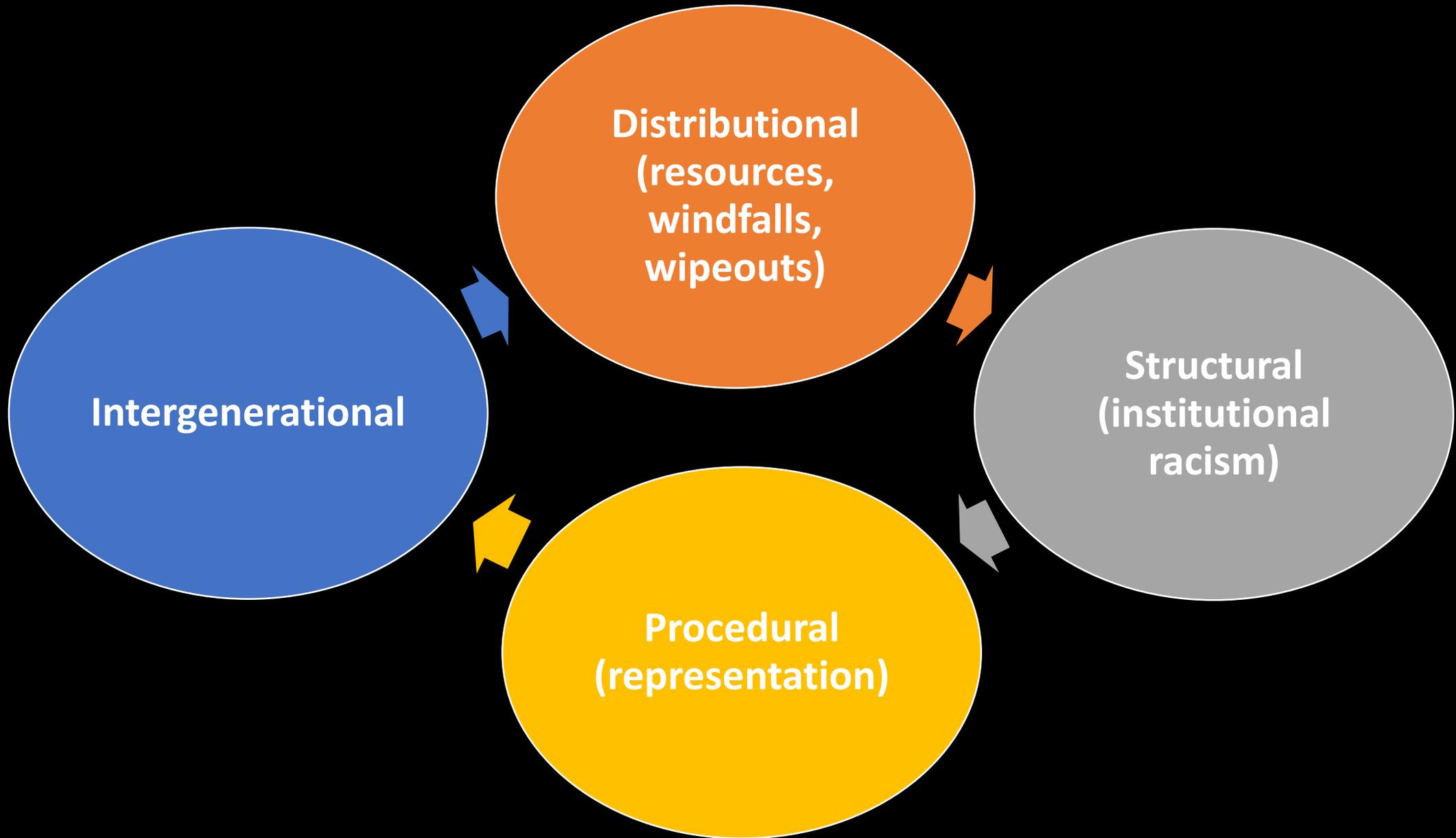
(2) That no house shall be constructed upon said property designed to accommodate more than one family nor shall any house be built thereon which shall cost less than \$4000.00 to construct. (3) That said premises shall not be sold or rented to any colored person or persons.

WITNESS my hand and seal this eleventh day of July 1938.

Alvertus D. Morse

I

Anna H. Scannell Seal



Planning & Sustainability Sample Equity Projects

- Fair Housing Plan (2019) names institutional racism
- Environmental justice neighborhood perspective
 - CDBG area benefits, ValleyBike priorities, open space framework
- Community & Resilience Hub
- Balancing who is heard in public forums
 - homeowners overrepresentation (renter underrepresentation)
- Health inequities- Mass in Motion and built environment
- Funding and partnerships
 - Food security
 - Tenancy security
 - Housing
 - Nurturing new leaders

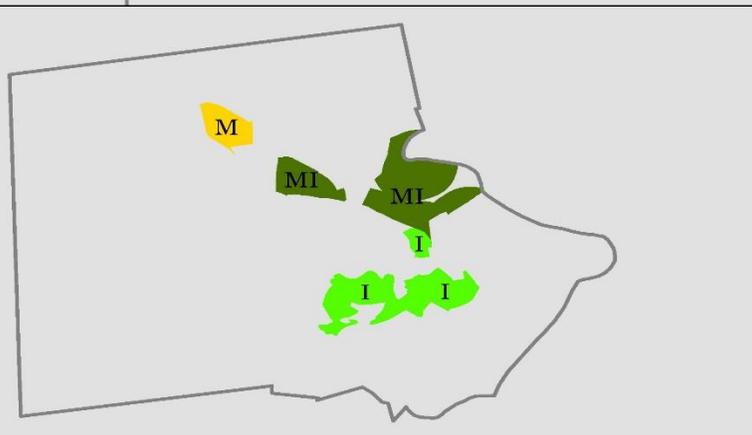
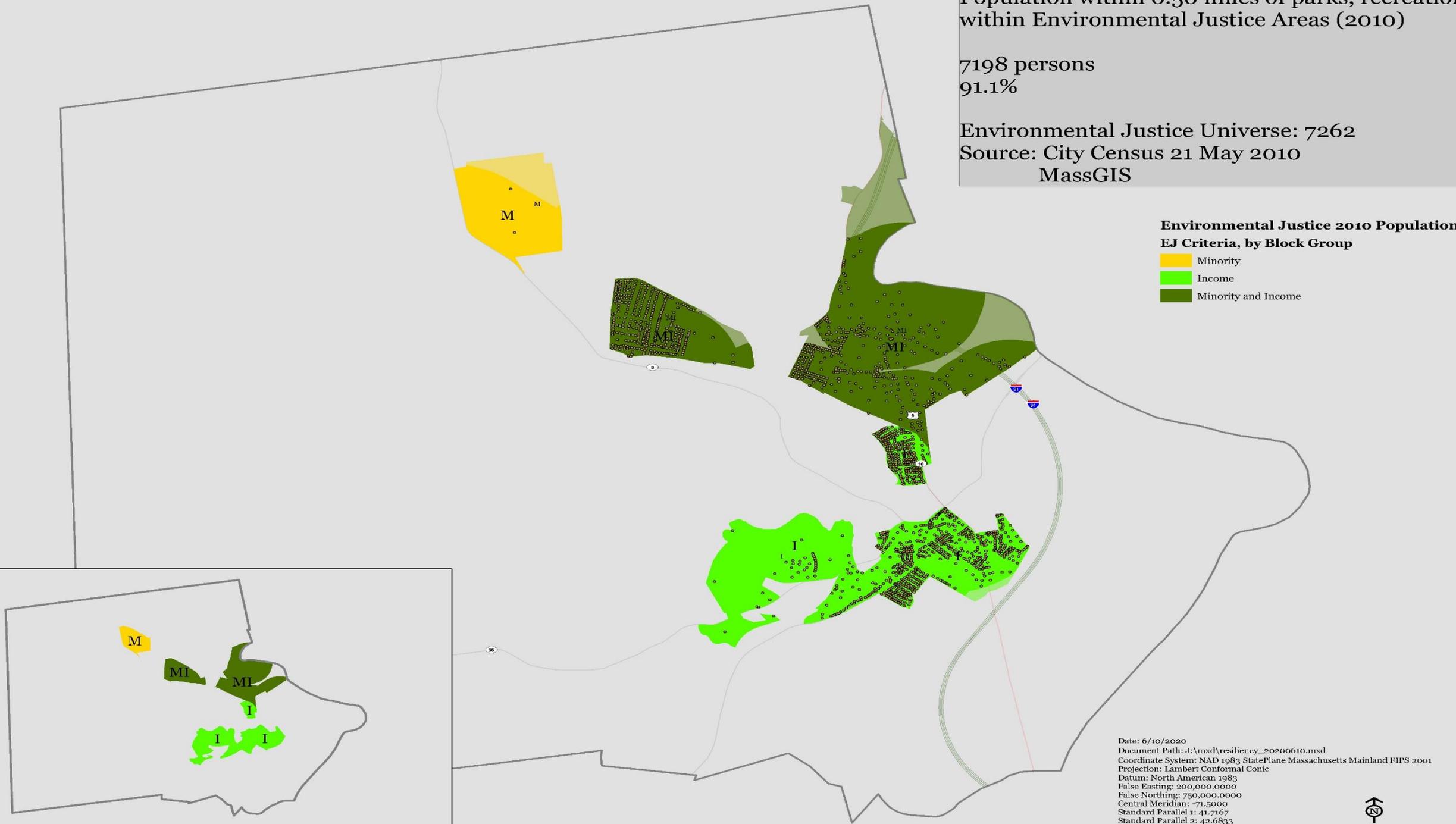
Population within 0.50 miles of parks, recreation within Environmental Justice Areas (2010)

7198 persons
91.1%

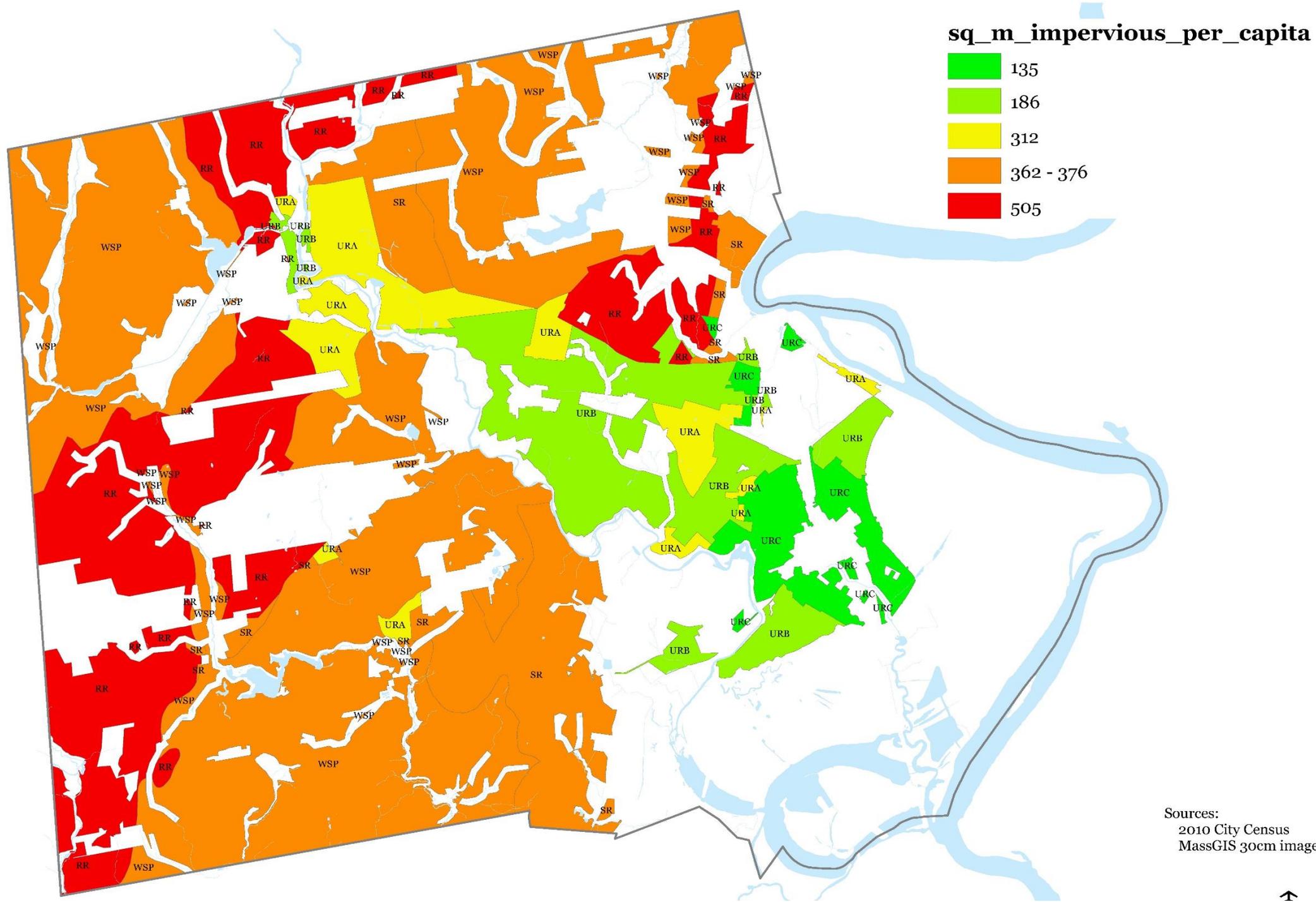
Environmental Justice Universe: 7262
Source: City Census 21 May 2010
MassGIS

Environmental Justice 2010 Populations
EJ Criteria, by Block Group

- Minority
- Income
- Minority and Income



Date: 6/10/2020
Document Path: J:\mxd\resiliency_20200610.mxd
Coordinate System: NAD 1983 StatePlane Massachusetts Mainland FIPS 2001
Projection: Lambert Conformal Conic
Datum: North American 1983
False Easting: 200,000.0000
False Northing: 750,000.0000
Central Meridian: -71.5000
Standard Parallel 1: 41.7167
Standard Parallel 2: 42.6833



Sources:
 2010 City Census
 MassGIS 30cm imagery

