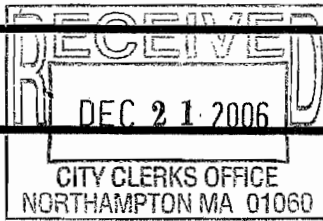


Planning Board - Decision

Hearing No.: *PLN-2007-0014*



City of Northampton

Date: December 21, 2006

APPLICATION TYPE: PB Intermediate Site Plan	SUBMISSION DATE: 9/13/2006
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Applicant's Name:			Owner's Name:			Surveyor's Name:		
NAME: Capital Video Corp.			NAME: GOLDBERG BARRY G & ANNETTE E			COMPANY NAME:		
ADDRESS: 780 Reservoir Ave.			ADDRESS: 320 Green Hill Rd			ADDRESS:		
TOWN: CRANSTON	STATE: RI	ZIP CODE: 02910	TOWN: LONGMEADOW	STATE: MA	ZIP CODE: 01106	TOWN:	STATE:	ZIP CODE:
PHONE NO.:	FAX NO.:		PHONE NO.:	FAX NO.:		PHONE NO.:	FAX NO.:	
EMAIL ADDRESS:			EMAIL ADDRESS:			EMAIL ADDRESS:		

Site Information:

STREET NO.: 135 KING ST				SITE ZONING: HB			
TOWN: NORTHAMPTON MA 01060				SECTION OF BYLAW: Section 11: Site Plan Approval			
MAP: 31B	BLOCK: 051	LOT: 001	MAP DATE:	ACTION TAKEN: Approved With Conditions			
Book: 3371	Page: 342						

NATURE OF PROPOSED WORK:

Conversion of automobile sales to general retail.

HARDSHIP:

CONDITION OF APPROVAL:

- 1. Lighting shall conform to section 12 of the Zoning Ordinance. Lights shall be shielded and replaced in compliance ordinance.**
- 2. As offered by the applicant, and prior to the issuance of the certificate of occupancy, a payment of \$9,000 in lieu of traffic mitigation shall be made to the City of Northampton.**
- 3. As stated by the applicant all windows and all exterior display areas shall comply with 11.6 (9): "No signs, text, graphics, pictures, publications, videotapes, CDs, DVDs, movies, covers, merchandise or other objects, implements, items or advertising, depicting, describing sexual conduct or sexual excitement as defined in MGL Chpt. 272, §31 will be displayed in the windows or on any building or be visible to the public from the street, pedestrian sidewalks, walkways, or bikepaths or from other areas outside the site."**
- 4. The front door along King Street shall be accessible for ingress and egress to create safe pedestrian access from the front to the rear of the parcel. This entry shall be operable during all business hours.**
- 5. An additional bike rack shall be located at the King St. entrance.**

The Planning Board Approved the Site Plan for conversion of the site from an auto dealership to a retail establishment based on the following information, follow up letters and plans submitted with the application:

- 1. "Plot Plan of Land" Prepared by A-Plus construction services Corp. dated 9/21/06. Showing landscaping in the front and rear of the property.**
- 2. "Proposed Plan of Floor Area" dated 6-14-06, Drawing Number 2. Showing 984 square foot adult area.**

In making its decision, the Board determined:

1. The requested use protects adjoining premises against seriously detrimental uses. As submitted for public hearing, the applicant has stated that the use will conform to the 1,000 square foot limit for adult uses and thus not trigger the requirement for a special permit and compliance with section 5.2 and 10.13. There will be an increase in landscaping that will positively affect surface water drainage, sound and sight buffers and preservation of views, light, and air; and

Planning Board - Decision

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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. The existing shared driveway with the abutting proeprty will remain for the use of the site. An interior pedestrian connection will be created to allow safe pedestrian access from the front to the rear of the property.

B. The project, including any concurrent road improvements, will not decrease the level of service (LOS) of all area roads or intersections effected by the project below the existing conditions. The applicant has offered a \$9,000 in-lieu-of payments for traffic mitigation that may be utilized to address pedestrian and traffic flows within the vicinity affecting area intersections.

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; and

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.

5. The requested use meets any special regulations set forth in the Zoning Ordinance.

6. Compliance with the following technical performance standards:

A. Curb cuts onto streets shall be minimized. Access to businesses shall use common driveways.

B. Pedestrian, bicycle and vehicular traffic movement on site has been separated, to the extent possible.

7. As stated by the applicant in the public hearing, no signs, text, graphics, pictures, publications, videotapes, CDs, DVDs, movies, covers, merchandise or other objects, implements, items or advertising, depicting, describing sexual conduct or sexual excitement as defined in MGL Chpt. 272, §31 will be displayed in the windows or on any building or be visible to the public from the street, pedestrian sidewalks, walkways, or bikepaths or from other areas outside the site.

B. Windows may only be blocked or shaded by approval of the Planning Board through site plan approval.

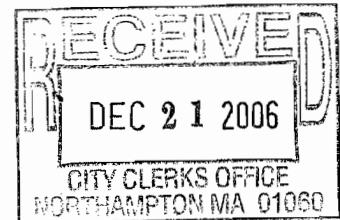
COULD NOT DEROGATE BECAUSE:

FILING DEADLINE: 10/5/2006	MAILING DATE: 10/19/2006	HEARING CONTINUED DATE: 12/14/2006	DECISION DRAFT BY: 12/28/2006	APPEAL DATE:
REFERRALS IN DATE: 10/12/2006	HEARING DEADLINE DATE: 11/17/2006	HEARING CLOSE DATE: 12/14/2006	FINAL SIGNING BY: 12/28/2006	APPEAL DEADLINE: 1/10/2007
FIRST ADVERTISING DATE: 10/12/2006	HEARING DATE: 10/26/2006	VOTING DATE: 12/14/2006	DECISION DATE: 12/21/2006	
SECOND ADVERTISING DATE: 10/19/2006	HEARING TIME:	VOTING DEADLINE: 1/24/2007	DECISION DEADLINE: 1/24/2007	

MEMBERS PRESENT:

VOTE:

George Russell votes to **Grant**
Paul Voss votes to **Deny**
Francis Johnson votes to **Grant**
George Kohout votes to **Grant**
Keith Wilson votes to **Grant**
Kenneth Jodrie votes to **Deny**
David Wilensky votes to **Deny**



MOTION MADE BY: George Kohout	SECONDED BY: Keith Wilson	VOTE COUNT: 3-4	DECISION: Approved with Conditions
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MINUTES OF MEETING:

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 December 21, 2006.

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.

Wendy Mazza