

CITY OF NORTHAMPTON

MASSACHUSETTS

In City Council, October 15, 2020

Upon the recommendation of the Mayor, Office of Planning & Sustainability, and Planning Board

**20.134 An Order to Appropriate Funds to Complete the Stormwater Analysis Beaver Brook Estates, Leeds**

*Whereas*, The Planning Board has retained a \$40,000 escrow as a financial performance guarantee at Beaver Brook Estates, as a special permit condition of approval to ensure the completion of this project; and

*Whereas*, the DPW staff have repeatedly requested the final calculations of a professional engineer to ascertain substantial compliance with stormwater standards and with the Stormwater Permit approved by the DPW and incorporated by Planning Board as a condition of approval of the project; and

*Whereas*, the developer of Beaver Brook has failed and refused to provide the requested documentation.

*Whereas*, As a result of the failure to provide evidence of compliance, the Planning Board has voted to refuse the return of the escrow funds; and

*Whereas*, The City will utilize these funds to hire a professional engineer to evaluate the stormwater system infiltration structures, estimate storage volumes, complete recharge calculations to determine if the systems are in compliance with the stormwater recharge standards and, to the extent that the system is non-compliant, to prepare bid contracts to compete this system to the extent necessary to bring the system into compliance; and

*Whereas*, improvements will be completed only to the extent that they can be paid for with the escrow funds, and any additional work required will be the responsibility of the condominium association and/or property owners at Beaver Brook to come into and maintain compliance with the Stormwater Permit.

**Ordered that**, Northampton City Council, authorizes the expenditure of Forty Thousand Dollars from the Escrow Account designated as Beaver Brook Nominee Trust/Patrick Melnick, Trustee to be used to meet the costs and expenses of the City to complete the stormwater assessment and compliance as specified in the approved plan and to refund remaining funds, if any.