



# Town of Ashland

MASSACHUSETTS

## Planning Board Meeting Minutes

Remote via Zoom Video Conferencing

March 9, 2023, at 7:15 PM

Approved May 25, 2023

Present: Tricia Kendall, Chair  
Anna Tesmenitsky, Vice-Chair  
Catherine Jurczyk, Clerk  
Marcelo Arjona, Member  
Deepa Venkat, Member  
Kevin McClean, Associate Member

Others: Peter Matchak, Town Planner  
Alvaro Esparza, Assistant Town Planner



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M A S S A C H U S E T T S

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1 **Call to Order**

2 Anna Tesmenitsky called the meeting to order at 7:15 pm and reviewed the meeting agenda. Ms.  
3 Tesmenitsky welcomed Alvaro Esparza, the new Assistant Planner. She said she would run the  
4 meeting until Tricia Kendall, the Chair, joined.

5

6 Mr. Matchak announced that the planned Executive Session would begin at 8:30. Meeting  
7 participants would be excused and invited back to the meeting afterward.

8

9 **Clerk's Report**

10 Catherine Jurczyk, the Planning Board Clerk, reported that since February 23, 2023, the board had  
11 received four email correspondences.

12

13 **Public Hearings**

14 **Scenic Road Public Hearing, Eversource Energy Maintenance Tree Pruning**

15 Mr. Matchak opened the hearing and read the public notice. He said this is an annual public hearing  
16 addressing Eversource's maintenance schedule.

17

18 Ms. Tesmenitsky noted that the scenic ways affected include Olive St., Spring St., Elliott St., Cedar St.,  
19 Fountain St., and Franklin St. She said the pruning guidelines are 10 ft. to the sides and below the  
20 wires and 15 ft. above the primary lines.

21

22 Matthew Mitchell, from Eversource, reviewed the pruning program application scope. He explained  
23 that their workers follow ANSI a300 industry standards and cut back to a lateral branch; however,  
24 some species handle this pruning better than others. Mr. Mitchell said that approximately a week  
25 before a circuit is trimmed, a notification letter with the Eversource customer service phone number  
26 is sent to residents for questions regarding the projected work. He said he would discuss with  
27 homeowners any concerns raised to reach a compromise that benefited aesthetics, electrical  
28 reliability, and public safety.

29

30 Ms. Tesmenitsky opened the meeting for public comments.

31

32 Mark Dassoni, 49 Hawthorn Rd., asked how pruning rules for scenic roads vary from town to town  
33 and the minimal tree diameter noted in the Scenic Road bylaw.

34  
35 Ms. Tesmenitsky closed the public comments.

36  
37 Ms. Jurczyk motioned to approve the Eversource Scenic Road pruning application subject to  
38 compliance with ANSI a300 standards, public notice with a specific project contact, town input on  
39 necessary traffic control details, and the applicant would include traffic control detail upon the  
40 Town’s recommendation for public safety. Ms. Venkat seconded the motion; Venkat-aye, Jurczyk-  
41 aye, Arjona-aye, and Tesmenitsky–aye; vote of 4-0-0.

42  
43 **0 Sewell Street Public Hearing for Reconsideration M.G.L Chapter 40A, Section 16**

44 Mr. Matchak opened the hearing and read the public notice. He explained that the application is for  
45 reconsidering a permit that received an unfavorable vote from the Zoning Board of Appeals (ZBA) in  
46 October 2022 for developing two duplexes, one on each lot, with four units in total. A favorable  
47 supermajority vote by the Planning Board would allow the applicant to reapply to the ZBA for a new  
48 proposed single-family home. Ms. Tesmenitsky added that the board must determine if a specific  
49 material change in the proposal is sufficient to consent to the reapplication before the two-year  
50 cooling-off period.

51  
52 The applicant’s attorney, George Connors, said the original application concerned 28,000 sq. feet of  
53 land in the Commercial Village District at the end of Sewell St., requiring 15,000 sq. feet per lot to  
54 develop two 3,600 sq. ft. duplexes under a Special Permit. The applicant requested a Variance for a  
55 13,000 sq. ft. undersized lot. The ZBA denied the Variance and the duplexes. Mr. Connor said the  
56 material change with the new proposal is for single-family homes on each lot, which would align with  
57 the neighborhood’s character, and would not require a Special Permit.

58  
59 Alan Marks, the representative from Rimark, LLC, the petitioner, said the two single-family homes  
60 would be 1400 to 1500 sq. ft. with two-car garages, less than 50% of the size of the initially proposed  
61 duplexes.

62  
63 Regarding the board’s concern that their approval could open the applicant to propose a larger  
64 single-family home on the combined lots, Mr. Matchak said that his written decision would specify  
65 the Planning Board’s approval of two modestly sized single-family homes, one on each lot.  
66 Therefore, the Planning Board’s decision would become part of the record when the applicant  
67 appeals to the ZBA.

68  
69 Ms. Tesmenitsky opened the meeting for public comments.

70  
71 Mr. Dassoni asked, and Mr. Marks responded that the single-family framed home could include a  
72 modest second story.

73  
74 Ms. Tesmenitsky motioned to grant the applicant’s request under Chapter 48, Section 16, with the  
75 material change being two single-family homes significantly different than the size of two duplexes.  
76 Ms. Jurczyk seconded the motion; Venkat-aye, Jurczyk-aye, Arjona-aye, McClean-aye, and  
77 Tesmenitsky–aye; vote of 5-0-0.

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**9-49 Homer Ave Site Plan and Special Permit – Continued from Jan 26, 2023**

Mr. Matchak reported that the 9-49 Homer Ave. applicant requested a continuance to April 13, 2023, to allow time to address the Fire Dept’s concerns regarding access. Ms. Kendall clarified that after the Technical Review, the applicant would come before the Planning Board before going to the Design Review Committee.

Ms. Jurczyk motioned to continue the 9-49 Homer Ave Site Plan and Special Permit application to Thursday, April 13, 2023, at 7:15 pm. Ms. Tesmenitsky seconded the motion; Venkat-aye, Tesmenitsky-aye, Jurczyk-aye, Arjona-aye, and Kendall-aye; vote of 5-0-0.  
Ms. Kendall joined the meeting.

**Executive Session**

At 8:30 pm, the Planning Board entered into Executive Session.

**10-60 Main St Special Permit and Site Plan Review - Continued from February 23, 2023**

Mr. Matchak explained that at the last meeting, the Planning Board discussed the potential addition of a fourth story, which the applicant would provide an update on.

The applicant’s attorney, Joe Antonellis, said that per the zoning bylaw, a fourth story is a provision that can be obtained with a Special Permit. The applicant would be required to amend the submitted Special Permit application and new publication. However, due to confusion within the bylaw concerning a fourth story when there are height limitations in the downtown district, Mr. Antonellis said that the applicant would not seek relief for a fourth story. Instead, the applicant provided a revised streetscape that would provide enough space for 188 residential units instead of the initially requested 200 units.

Scott Richardson, the project architect, reviewed and compared the renderings dated July 22, 2022, with the new elevations and the revised Site Plan that depicted the enhanced communal courtyard and the industrial mill building design.

The members supported the revised plan, incorporating more historical architectural design elements, its narrative, and the community concept. However, there was a suggestion to break up the materiality of the large building to avoid it becoming overpowering.

Ms. Kendall opened the meeting for public comments.

Mr. Dassoni commended the project team for the application of form-based code.

Helen Nickole and Joan Gonfrade supported the revised plan, rendering, and historical elements, especially if the facade included red brick material and the granite buildings were visible from downtown.

122 Ms. Kendall motioned to continue the 10-60 Main St. Special Permit and Site Plan Review public  
123 hearing until April 13, 2023. Ms. Tesmenitsky seconded the motion. Venkat-aye, Tesmenitsky-aye,  
124 Jurczyk-aye, Arjona-aye, and Kendall-aye, with a vote of 5-0-0.

125

### 126 **Discussion of Accessory Dwelling Unit Bylaw**

127 Ms. Jurczyk modified her initial proposal to change the Accessory Dwelling Unit (ADU) bylaw. Rather  
128 than making ADUs by right, simplify the bylaw by undoing the current conditions to allow the unit to  
129 be used by non-family members.

130

131 Ms. Kendall said she would need a complete understanding of the implications of modifications to  
132 the bylaw. The members favored investigating incremental changes to the bylaw that align with the  
133 intention of the proposed change. There was a suggestion to put forth the proposal at the spring  
134 Town Meeting to allow vetting by the public. However, the feeling was that the board needed to  
135 understand the changes and impacts to sponsor the proposal.

136

137 Ms. Kendall motioned not to pursue accessory dwelling units for the spring Town Meeting. Mr.  
138 Arjona seconded the motion. Venkat-aye, Tesmenitsky-nay, Jurczyk-abstain, Arjona-aye, and  
139 Kendall-aye, with a vote of 3-1-1.

140

### 141 **Planning Topics**

#### 142 **Discussion of new Pre-Application Conference with the Planning Board**

143 In addition to the pre-application process, the board discussed developing a Planning Board process  
144 timeline.

145

#### 146 **Comprehensive Plan**

147 Ms. Tesmenitsky reported over 50 applicants for the Steering Committee Precinct positions. The  
148 Project Management Group was focused on developing interview questions to vet the applicants.  
149 She said the PM Group approved the RFP for a consultant, and it would be released within the next  
150 few weeks.

151

152 Ms. Jurczyk reported that the Select Board did not vote on the Planning Board's approved process  
153 plan. Therefore Ms. Jurczyk and Ms. Tesmenitsky asked the Select Board to revisit that item.

154

#### 155 **Town Meeting Warrants**

156 No discussion.

157

#### 158 **Scenic Roads Outreach**

159 No discussion.

160

#### 161 **MBTA Communities**

162 No discussion.

163

#### 164 **Economic Impact Tool**

165 No discussion.

166  
167 **Reports from Board Members and Town Planner**  
168 **Sustainability Committee**  
169 No discussion.  
170  
171 **Design Review Committee (DRC)**  
172 No discussion.  
173  
174 **Inclusionary Zoning**  
175 No discussion.  
176  
177 **Community Preservation Committee (CPC)**  
178 No discussion.  
179  
180 **Other**  
181 Alvaro Esparza, the new Assistant Planner, introduced himself and talked about his studies in  
182 geography and community development and his professional experiences working for the City of  
183 Worcester that led him to be interested in the Assistant Town Planner position.  
184  
185 **Administrative Matters: future meetings, public hearings**  
186 **Future Date for Joint Meeting with Conservation Commission**  
187 Mr. Matchak reported that the Conservation Commission Chair would join the March 23, 2023,  
188 Planning Board meeting.  
189  
190 **Future Date for Joint Meeting with Upper Charles Trail Committee**  
191 Mr. Matchak reported that Preston Crow, the Upper Charles Trail Committee Chair, would join April  
192 27, 2023, Planning Board meeting.  
193  
194 Ms. Kendall also suggested inviting the Sustainability Committee to the April 27, 2023, meeting.  
195  
196 **Future Retreat Date**  
197 No discussion.  
198  
199 **Applications Received**  
200 No updates.  
201  
202 **Meeting Schedule**  
203 Mr. Matchak said the next meeting is scheduled for March 23, 2023. The members agreed to change  
204 the meeting from virtual to hybrid. Mr. Matchak mentioned that state law to extend virtual public  
205 meetings is pending.  
206  
207 **Topics for Future Meetings**  
208  
209 **Minutes Review**

210 The review was postponed.

211

212 ***Adjournment***

213 Ms. Kendall motioned to adjourn the meeting at 10:41 pm. Ms. Tesmenitsky seconded the motion;

214 Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, McClean-aye, and Kendall-aye, with a vote of

215 6-0-0.

216



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Marcelo Arjona, Member  
Deepa Venkat, Member  
Kevin McClean, Associate Member

Others: Peter Matchak, Town Planner  
Alvaro Esparza, Assistant Town Planner  
Adam Costa, Town Counsel





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1 **Call Executive Session to Order**

2 At 8:30 the Ashland Planning Board member Anna Tesmenitsky made a motion to entering executive  
3 session. Ms. Venkat second the motion. By roll call vote the Planning Board voted unanimously to  
4 enter into executive session. Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and Kendall-aye,  
5 with a vote of 5-0-0.

6  
7 Mr. Matchak announced the Board has entered into Executive Session and introduced Adam Costa,  
8 Town Counsel.

9  
10 The Planning Board reviewed the appeal of the Board's Site Plan Decision regarding 399 Union Street  
11 filed by the property owner and applicant Retail Ashland, LLC filed with the Ashland Town Clerk on  
12 Feb 27, 2023 and with the Land Court filed on Feb 23, 2023. The appeal was made in respect of  
13 condition #11 regulating hours of operation to 5am to 8pm for the approved Starbucks coffee shop.  
14 Retail Ashland, LLC makes the claim the condition was made in an unreasonable, arbitrary and  
15 capricious manner.

16  
17 Town Counsel, Adam Costa spoke to the Board and stated that he has reviewed all the material and  
18 has conversed with legal counsel representing Retail Ashland, LLC. Attorney Costa stated that a  
19 resolution was discussed with legal counsel for Retail Ashland, LLC. A proposed settlement to strike  
20 condition #11 from the Planning Boards decisions. Planning Board member Anna Tesmenitsky made  
21 a motion to allow Town Counsel to arrange a settlement with Retail Ashland, LLC to strike condition  
22 #11 from the decision and submit the settlement to the presiding Land Court judge. Ms. Jurczyk  
23 seconded the motion; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and Kendall-aye, with a  
24 vote of 5-0-0.

25  
26 A motion was made by Tricia Kendall to close executive session and enter back into open session  
27 continuing with other Planning Board agenda items. Ms. Tesmenitsky seconded the motion; Venkat-  
28 aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, McClean-aye, and Kendall-aye, with a vote of 5-0-0.

29  
30 The Planning Board reentered open session at 8:50 PM.