



Town of Ashland , Office of the Zoning Board of Appeals

MINUTES OF MEETING

ASHLAND ZONING BOARD OF APPEALS (Hybrid)
101 Main Street, Ashland MA / Zoom Video Conferencing
August 12, 2025, 7:00 PM

Minutes Approved on: August 26, 2025

Present: John Trefethen, Chair
Brian Forestal, Member
Daniel May, Associate Member
Stuart Siegel, Associate Member (Remote)
Ryan Sullivan, Associate Member (Remote)

Absent: Nathan Band, Member

Also present: Jasmin Farinacci, Director of Planning and Economic Development
Brian Winner, Town Counsel

Call the Meeting to Order

Mr. Trefethen called the meeting to order at 7:00 PM. Mr. Trefethen announced that this meeting is being recorded and broadcast live by WACA-TV and livestreamed on Facebook. Remote participation is available using the Zoom Video Conferencing platform for convenience only. Any disruption with the Video Conferencing Platform will result in the platform being shut down, however the meeting will continue. Meetings will continue to be broadcast on WACA-TV and livestreamed on Facebook.

Mr. Trefethen announced that two items that were scheduled to on the meeting agenda this evening are not, which are a Special Permit, as well as the 40B Comprehensive Permit Request for 55 West Union.

Continuance of Public Hearing – 10-60 Main Street; 40 B Comprehensive Permit

Mr. Trefethen read the public hearing notice for the record: *The Ashland Zoning Board of Appeals will reopen a Public Hearing to hear the petition from SLV Ashland, LLC, requesting a Comprehensive Permit per M.G.L. Chapter 40B, Sections 20-23 to allow for the development of two (2) multifamily story buildings for 250 apartment units, and 337 concealed podium parking spaces. The applicant also proposed to restore and convert the northernmost mills 7,500 sq. ft. into commercial and retail space, some of it open to the public. The property in question is located*

38 *at 10-60 Main Street, Assessors Map 14, Lot 128, in the Ashland Overlay Downtown District A*
39 *(ADD-A) and Industrial base zoning.*

40
41 Geoff Engler, Applicant/Developer, SLV Ashland, explained that they have submitted two draft
42 conditions related to water/sewer which he believes confirm their commitment to doing what
43 Haley Ward asked them to do in the last peer review letter. They were also asked to prepare aerial
44 renderings; they have flown a drone and have created different vantage points. They hope to have
45 those prepared by the next hearing. Mr. Trefethen and Mr. Engler discussed the September 2nd
46 hearing close date; Mr. Engler noted that they will work in good faith with the Board if additional
47 hearings are needed.

48
49 Mr. Trefethen explained the process of bringing in three residents to be part of the Town's
50 volunteer design team, who are professional and have actual knowledge of Ashland; the residents
51 are Marcello Arjona and Glenn Travis, who are both professional architects, and Ed Hart, a
52 longtime resident and professional builder. The group met numerous times and came up with a
53 proposal that was submitted to the Zoning Board just before the last meeting; Mr. Trefethen stated
54 that it is the Zoning Board that has the authority and will ultimately make the decision on what is
55 approved, and not approved.

56
57 Mr. Trefethen inquired, and Mr. Engler responded, that the footprint and length of the building did
58 not change, however, they were asked to create more visual interest. Therefore, they redesigned
59 the side to make it more interesting and less flat. The setbacks may be slightly farther away. The
60 brick is a three-quarter brick.

62 Mr. Sullivan inquired as to the brick color, whether they tried to maintain the color of the existing
63 buildings. Mr. Engler stated they are striving to capture the color of the existing buildings; they
64 have not selected the actual brick but it will be in the reddish family. Bill Mensinger, Architect,
65 Embarc, noted that the original brick color was terracotta, they tried to maintain the brick of the
66 existing buildings with a brick that is contextual to New England, to this neighborhood; they are
67 changing the mill building material to a darker gray style brick. They defined the main building's
68 entrance by making it a bit larger and wider.

69
70 **Public Comment**

71 Carl Hakansson, resident, and Member of the Conservation Commission, and the Land
72 Stewardship Committee, speaking as a private citizen, addressed some of the questions brought
73 up by Attorney Winner during a previous meeting. Mr. Hakansson stated that he thought the
74 questions would be answered in a public forum. Mr. Hakansson inquired, and Attorney Winner
75 responded, that the questions were collected from various sources, including some of his own
76 questions.

77
78 Mr. Hakansson read one of the questions pertaining to the Conservation Commission's oversight,
79 and the answer as stated on the Town webpage. Mr. Hakansson inquired as to whether the ZBA
80 has enough information to understand what the applicant is asking the Board to waive. Mr.
81 Trefethen noted they have not yet discussed as a Board whether they have sufficient evidence to
82 grant that waiver or not; they will look at the peer review report and supplemental reports; once
83 the hearing closes they have a 40-day period in which to create a decision.

84
85 Mr. Engler stated they believe their waiver list is comprehensive and they have provided thorough
86 explanations. They plan to have their civil engineering team, architectural team and wetland
87 scientists available to help provide context or explanation for the Board's benefit.

88 Mr. Hakansson read the question and the applicant's response regarding what contaminants may
89 be brought to the surface (during construction), the remedial action plan for disposal, and the
90 Activity Use Limitation (AUL). The response included information regarding the installation of a
91 vapor barrier. Mr. Trefethen noted the Board receiving a copy of a report from the consultant
92 working with DEP pertaining to groundwater dated late July, which the Board received on Friday;
93 they will be sending it to the peer reviewer, and will see what the experts say after they review it.
94 Mr. Trefethen noted that a qualified expert will be responsible for overseeing the construction and
95 removal of any dirt or anything that is removed from the site.

96
97 Mr. Hakansson inquired, and John Kucich, PE., Bohler Engineering, replied, that a vapor barrier
98 is a membrane or barrier that goes underneath the building, that prevents any gases and vapors
99 from entering the building. It would be required per DEP, the plan is to have vapor barriers
100 installed at part of the garage to allow the vapors to come from underground and safely pass
101 through.

102
103 Mr. Engler stated they have not been cavalier in their attitude towards the contamination at the
104 site; as part of their process they are going to be cleaning the site up, which will be beneficial to
105 the Town. The work will be closely monitored by DEP. There is additional groundwater sampling
106 scheduled; they have an idea of what is in the ground, but when they are permitted they will do an
107 extensive analysis, a full pre-characterization of the site to know exactly. It will be a very
108 regimented process as they determine the soil types/level of contamination; based on those findings
109 is where the soils will be relocated to. Mr. Engler stated they need to meet DEP's requirements or
110 they do not have a project.

111
112 Mr. Hakansson stated the vapor barriers are being installed because it is a contaminated site, the
113 test walls have elevated TCE levels. Mr. Hakansson inquired of Mr. Engler whether vapor barriers
114 have been installed in any of their other developments; Mr. Engler responded that they have; vapor
115 barriers are pretty common in reuse of sites. Mr. Hakansson stated that the vapor barriers last 20
116 years.

117
118 Amanda Walsh, resident, stated that this revised plan is a big update compared to the original plan,
119 she feels it would be great to match the brick color to the brick color of the Bagel Table which is
120 directly across the street, to make the area look more cohesive. Ms. Walsh would like to see some
121 nice landscape lighting throughout.

122
123 Connie Mannell, resident, stated her opposition to the 40B process; she is in agreement with the
124 Town's Zoning Bylaws limiting buildings to 3-stories. Ms. Mannell expressed concern with the
125 proposed site being in a flood zone and the history of Nyanza.

126
127 Julie Nardone, resident, inquired as to how the developer chose this Ashland site. Mr. Trefethen
128 said there are numerous ways developers go about choosing a site. Ms. Nardone inquired, and Mr.
129 Trefethen responded, that DEP has certain authority over the site. The Board has no authority over
130 requirements that DEP may or may not make. Multiple agencies have multiple roles to play in the
131 process.

132
133 Carolyn Bell, resident, expressed her concern regarding traffic; Mr. Trefethen stated that they have
134 spent four hearings discussing traffic, they have had traffic consultants for the developer and peer
135 reviewers for the Town, working out the best traffic configurations that could be worked out. Mr.
136 Trefethen stated that increased traffic is not a basis to deny a request for a comprehensive 40B
137 project.

138
139 Robert Scherer, resident, stated that he is the representative for the MBTA Advisory Board; part
140 of the Statewide plan for the commuter rail line is to move to a 30-minute schedule, which will
141 mean trains will be coming every 15 minutes at that crossing; it is a key factor that should be looked
142 at closely. Mr. Scherer stated another key area that he believes should be looked at when justifying
143 the number of units is the economic analysis.

144
145 Mark Dassoni, resident, inquired, and Mr. Trefethen responded, that, as the Chair, he is responsible
146 for running the meeting and answering questions, fellow Board Members are free to speak up and
147 they do.

148
149 Cliff Wilson, resident, inquired as to whether there is a plan in place if the project were to be
150 abruptly stopped mid-project; Attorney Winner discussed the timelines that are laid out in the
151 construction management schedules which continue through the closeout of the project. Many
152 parties will be monitoring the progress of the construction to avoid that type of situation.

153
154 Joseph Magnani, resident and Select Board Chair, discussed hoping the brick color that is chosen
155 will be in symmetry to the surrounding buildings. Mr. Magnani inquired, and Mr. Trefethen
156 responded, that if the applicant is in agreement, the September 2nd date may be extended to allow
157 additional evidence taken; if they have all of the evidence they will close the hearing on September
158 2nd. They then have 40 days to discuss a decision; which equates to three meetings.

159
160 Mr. Magnani believes the project is going to impact the surrounding neighborhoods with the
161 additional traffic. Mr. Trefethen understands the impact, and what an important decision this is to
162 the Town, particularly compared to other 40B projects they have been involved in. Mr. Trefethen
163 stated that they will make the decision the best they can, based on the evidence that they have,
164 with guidance of counsel. Attorney Winner discussed the other side to the process that is not seen
165 by the public which includes evaluating and re-evaluating all of the information that comes
166 through, and ensuring that when they get to the end of the public hearing they have a complete and
167 accurate record for which they can go into their deliberations. Mr. Magnani stated that he hopes
168 the Board is not rushed, this project is too important to allow anything to slip through the cracks.
169 Mr. Engler stated this has been a thorough process; he does not want the Board to feel rushed
170 either, if additional hearings are needed, that can be worked out. Mr. Engler noted there has been a
171 lot of discussion surrounding the brick color; when sourcing materials, they will come back to the
172 design group and show the samples for their input.

173
174 Glenn Travis, resident and architect chosen to be on the design committee, stated that he has been
175 able to spend time with Mr. Engler and the architectural team for a number of months, going
176 through many items including the façade of the building. The design committee had strong
177 feedback regarding the materials; their feedback was well-received by the architecture team. Mr.
178 Travis stated that he believes that Mr. Engler wants to do this right for the Town. Mr. Travis has
179 spent a lot of time on this and is happy to talk further with anyone about the architectural piece.
180 Mr. Travis believes that this building, at this location, is a critical piece of architecture, and that
181 Ashland will figure out the traffic patterns as it has in the past. Mr. Travis applauds the work that
182 is being done. Mr. Trefethen thanked Mr. Travis and the other volunteers on behalf of the Board,
183 who have volunteered as peer reviewers with a local connection.

184
185 Marcia Rennie, resident, thanked the Board, volunteers and staff; she understands change, but
186 asked if there is any way to scale this back, she thinks he scale is too big.

187

188 Amanda Fleece, resident and Member of Sustainability Committee, speaking on her own behalf,
189 noted that Ashland has passed a Warrant Article to adopt Net Zero Building Codes in respect to
190 carbon emissions and energy efficiency; she encouraged the developer to ensure there are
191 sustainability accommodations in the plan.

192
193 Mr. Trefethen noted that the next meeting is scheduled for August 26th; Counsel will be on vacation
194 that week. The following meeting date is September 9th. September 2nd is the hearing closing date.
195 Mr. Engler agreed to wait for September 9th, to ensure that Counsel can attend.

196
197 Mr. Engler inquired of Attorney Winner, the possibility of leaving the hearing open in the event
198 of any new information, this would allow them the opportunity as deliberations are under way to
199 submit additional information if needed. Attorney Winner responded that if the applicant is
200 offering, it would make sense to do this, particularly if further clarification or explanation is
201 needed. The public hearing would also allow for additional public comment, Mr. Trefethen was in
202 favor of allowing the public further opportunity to ask questions or make any comments that have
203 not yet been made.

204
205 The Board unanimously agreed that it makes sense to keep the hearing open during deliberations,
206 given the complexity of the matter.

207
208 Mr. Engler will submit a letter of extension and will be back on September 9th. Mr. Engler will
209 provide additional renderings and a complete packet of updated architectural plans.

210
211 **Motion:** Mr. Forestal motioned and Mr. May seconded, to continue the hearing to September 9,
212 2025, at 7:00 PM, which passed with the following vote: 5-0-0.

213 Mr. Trefethen: Aye

214 Mr. Forestal: Aye

215 Mr. May: Aye

216 Mr. Siegel: Aye

217 Mr. Sullivan: Aye

218
219 Mr. Trefethen called for a 5-minute recess.

220
221 **Continuance of Public Hearing – 61 Waverly Street; 40 B Comprehensive Permit**
222 Mr. Trefethen read the public hearing notice for the record: *The Ashland Zoning Board of Appeals*
223 *will reopen the Public Hearing to hear the petition from The Gutierrez Company, requesting a*
224 *Comprehensive Permit per M.G.L. Chapter 40B, Sections 20-23 to allow for the development of*
225 *one (1) multifamily five-story building containing 226 apartment units, and 391 parking spaces.*
226 *The property in question is located at 61 Waverly Street, Assessors Map 15, Lot 12, in the Ashland*
227 *WMUSD “D” (Wildwood Mixed Used Special District “D”) zoning.*

228
229 Mr. Trefethen stated that this hearing was first opened on March 25, 2025. Mr. Trefethen asked
230 the applicant to provide an update.

231
232 Israel Lopez, Gutierrez Company, Applicant, explained that there are several follow-up items from
233 the previous meeting, including the closeout of Transportation and Traffic peer reviews, as well as
234 a response to the Town’s water/sewer peer reviewer. They will also review the waiver requests.

235
236 Mr. Trefethen stated they received a supplemental review from MDM Transportation and a final
237 signoff. Mr. Trefethen expressed concern regarding the location of the utility pole, being in the
238

239 middle of an island at the entrance/exit; he noted there is a slope on that hill that could pose issues
240 for drivers during winter weather conditions. The traffic here at this location is a difficult situation,
241 many neighbors have expressed concerns. Mr. Lopez responded that three large bollards will be
242 placed around the pole to protect against that situation happening; relocating the pole can be done,
243 but would require relocating all of the poles.

244
245 Mr. Forestal discussed the concern from neighbors regarding the granite cliff on the side of
246 Waverly Street where it curves. What would it take to remove that, and to allow a turning lane on
247 that side of the road, and possibly sidewalks? Mr. Lopez discussed receiving comments from the
248 Conservation Commission concerning blasting that would be done at the site. To remove the
249 granite would require a significant amount of blasting. They are trying to minimize impact to the
250 site; it would be a significant undertaking. Mr. Forestal stated that the Town has been adding
251 sidewalks to the major roadways, if this was at least prepped there could be room for sidewalks in
252 the future; he would like to know the cost to add this into their project; Mr. Lopez agreed.

253
254 Mr. Trefethen discussed the peer review report regarding Water & Sewer from Haley Ward which
255 included several recommendations, as well as a response from the Gutierrez Company dated
256 August 6, 2025. Temporary water meters and a sewer gravity line meter were recommended by
257 Haley Ward; Mr. Trefethen stated that Gutierrez responded that this would be a cost of over
258 \$851,000 that they did not feel they should be required to install. Mr. Lopez stated that they did
259 agree to perform a water analysis test; Mr. Lopez stated that their preliminary analysis suggests
260 that there is ample capacity within that sewer.

261
262 Bethany Ordnung, Haley Ward, noted that they received the response from the applicant but they
263 have not yet had a chance to evaluate the sewer calculations done by the applicant's engineer. Ms.
264 Ordnung stated they did ask them to install sewer flow meters and evaluate the actual existing flow
265 through that stretch of road. They also asked them to inspect existing sewer so that Town can
266 determine whether or not any repairs were made and potentially ask them to contribute to the
267 repairs. They were also asked to do hydrant flow tests and confirm water supply and fire flow are
268 adequate. A written response from Haley Ward will be forthcoming.

269
270 Mr. Trefethen noted an issue raised by a neighbor concerning the stormwater manhole, questioning
271 whether it was actually connected to an outlet pipe; DPW inspected it and found that the pipe is in
272 the opposite direction than what was originally thought; Evan White, DPW Engineer, confirmed
273 this to be true.

274
275 Public Comment

276 Art Johnson, resident, agreed that the utility pole in the center of the island is not a good idea with
277 the number of people that will be living there, or the fact that there will be no room for sidewalks
278 here, he feels it is going to be dangerous. Mr. Johnson expressed concern that water pressure may
279 be affected.

280
281 Paul Flaherty, resident, commented on the drainage from the catch basin in front of 63 Waverly
282 Street, that line runs to a second catch basin that is filled with dirt. Mr. Trefethen responded that
283 the DPW is aware of the condition; the responsibility for that would be adequately addressed as
284 part of the ultimate decision.

285
286 Mr. Trefethen explained they are still in the fact-gathering stage and do not want to discuss waivers
287 at this point. Mr. Trefethen stated they can discuss the water and sewer responses from Haley
288 Ward, and possibly waivers at the next meeting. Mr. Lopez will summarize their response letter.

289 **Motion:** Mr. Forestal motioned and Mr. May seconded, to continue the hearing to Tuesday,
290 August 26, 2025, at 7:00 PM, which passed with the following vote: 5-0-0.

291 Mr. Trefethen: Aye

292 Mr. Forestal: Aye

293 Mr. May: Aye

294 Mr. Siegel: Aye

295 Mr. Sullivan: Aye

296

297 **Pleasant Street – Draft decision**

298 Mr. Trefethen noted this Special Permit Request is for 167-169 Pleasant Street. The matter was
299 continued a number of times but was not prosecuted by James MacDonald, the applicant. The
300 Board agreed to deny the petition without prejudice, that was the decision that was drafted. Mr.
301 May noted not receiving the draft decision due to a new email address. The Board agreed to table
302 this matter to the next meeting on August 26th.

303

304 **Motion:** Mr. Forestal motioned and Mr. May seconded, to table this item to August 26th, which
305 passed with the following vote: 5-0-0.

306 Mr. Trefethen: Aye

307 Mr. Forestal: Aye

308 Mr. May: Aye

309 Mr. Siegel: Aye

310 Mr. Sullivan: Aye

311

312 **Meeting Minutes: July 22, 2025**

313 **Motion:** Mr. Forestal motioned and Mr. May seconded, to approve the meeting minutes as
314 submitted, which passed with the following vote: 5-0-0.

315 Mr. Trefethen: Aye

316 Mr. Forestal: Aye

317 Mr. May: Aye

318 Mr. Siegel: Aye

319 Mr. Sullivan: Aye

320

321 **Staff Updates and Administrative Matters**

322 Ms. Farinacci reported that 55 West Union was intended to be advertised for this evening but the
323 newspaper mistakenly did not run the second advertisement; they have re-advertised for the August
324 26th meeting. Ms. Farinacci was informed that the applicant’s team is not available on that night,
325 therefore Ms. Farinacci will advise the applicant to request a continuance by email, rather than
326 attend the meeting.

327

328 Mr. Trefethen noted that Associate Board Members are one-year terms that expire August 31st, as
329 well as one of the three Member terms. Susan Robie sent an email asking if they wish to be
330 reappointed; Mr. Trefethen hopes that they will agree to continue their service. The Select Board
331 will be voting at their meeting next week to reappoint. Mr. Trefethen noted his term is also expiring
332 on August 31st, he did indicate that he is willing to be reappointed; particularly as they are in the
333 midst of two active 40B projects.

334

335 **Motion:** Mr. Forestal motioned and Mr. May seconded, to adjourn the meeting, which passed with
336 the following vote: 5-0-0.

337 Mr. Trefethen: Aye

338 Mr. Forestal: Aye

339 Mr. May: Aye
340 Mr. Siegel: Aye
341 Mr. Sullivan: Aye

342

343 The meeting adjourned at 9:37 PM.

344

345 Documents Presented at the August 12, 2025 Meeting

346 1. Response to Haley Ward Water/Sewer Report from Gutierrez Company

347 dated August 6, 2025

348 2. 167-169 Pleasant Street, Draft Decision

349 3. Draft Meeting Minutes: July 22, 2025

350