



Case No.: _____

**Town of Ashland
Planning Department**

101 Main St.
Ashland, MA 01721
508.881.0101

ashlandmass.com/316/Zoning-Board-of-Appeals

Application to Zoning Board of Appeals

Note: Application must be complete, with a certified plot plan and all application fees to be accepted.

1. Property Information:

Street Address: 90 WAVERLY STREET
Zoning District: CH Overlay District: _____
Assessor's Map: 14 Lot: 010.0-70 Deed Book: 79770 Page: 582
Current Property Owner*: 90 WAVERLY LLC c/o ROSA BARROSO

2. Permit/Approval Sought:

___ Special Permit (Section 9.3) ___ Amendment to Special Permit (Section 9.3) Variance (Section 9.2.2.2)
___ Appeal of Building Inspector Decision (M.G.L. Ch. 40A) ___ Comprehensive Permit (M.G.L. Ch. 40B)
Use Type: Residential: ___ Commercial: ___ Industrial: ___

3. Applicant Information: Owner: Tenant: ___ Prospective Purchaser/Tenant: ___

Name: ROSA BARROSO
Address: 43 HOLLIS ST FRAMINGHAM 01702
Phone: 774-423-8010 Email: VICTOR.MOURAOC.VIL@GMAIL.COM
Agent's Name: WILLIAM TURRELL FOR CHAPPELL ENGINEERS
Agent's Address: 201 BOSTON POST ROAD sube 101 W. MARLBOROUGH
Agent's Phone: 978 996 2851 Agent's Email: WTURRELL@CHAPPELLENGINEERS.COM

4. Additional Information:

Are all real estate taxes and other assessments to the Town current?:
Is the parcel on a scenic road?: NO
Is this an amendment to a previously issued Special Permit? (attach approved permit): NO
Date structure was built? (Buildings built before 1940 may need review by Historical Commission.): N/A
Is the property within 100 ft. of a wetland, within 200 ft. of a stream, or in a floodplain?: YES

5. Description of the Relief Sought: (Attach Letter of Denial of Building Permit.)

ZONING CHAPTER 10.0 "LOT AREA" UPLAND MINIMUM REQUIRE
AREA. EXISTING IS 22,011 SF, REQUIRED IS 40,500 SF.
RELIEF OF 20,489 SF. SEE ATTACHED REQUEST FOR VARIANCE

What specific zoning bylaws is this application associated with?: 10.0 "LOT AREA" DEFINITION

6. Justification for why the application should be approved:

LOT IS NOT SUITABLE FOR ANY OTHER USE DUE TO TOPOGRAPHY
AND EXCESSIVE COST TO MODIFY FOR OTHER USE.

7. Existing use and condition of the property and surrounding neighborhood: (Please list all relevant non-conformities.)

EXISTING LOT IS VACANT WITH SIGNIFICANT WETLAND AND
SLOPES. SURROUNDING PROPERTIES ARE BOTH COMMERCIAL AND RESIDENTIAL.
US-5.

By signing below you assert this application is complete and accurate to the best of your knowledge:

Signatures:

Applicant/Agent:  Applicant's Name: WILLIAM TIRRELL

Email Address: WTIRRELL@CHAPPELL Phone Number: 978 996 2891
ENGINEERING.COM

Agent's Relationship to Applicant: SURVEYOR Firm: CHAPPELL ENGINEERS

Owner: Rosa Barroso Owner's Name: ROSA BARROSO

*Note: If the applicant is not the owner, the owner **MUST** sign above or submit a letter of permission with the application.

Application Requirements

All applications must include a fully completed application form, all required documents, and a check for the full amount made to the Town of Ashland. Any application not complete may lead to the Zoning Board of Appeals issuing a denial without prejudice.

All applications must include:

- A letter of Denial of a Building Permit from the Building Commissioner.
- Abutters list (300') from the Ashland Assessors office (and other towns if applicable)
- A copy of the property card from the Assessors Office.
- One (1) 24x36" sized copy of the certified (signed and stamped by a registered land surveyor) Site Plan and must include a dimensional table of required and proposed setbacks.
- Sixteen (16) packets containing the following: a copy of the application, an 11x17" sized copy of the plot plan, and any supporting documentation. (Note: Make sure the 11x17" copies of the plans are readable. Feel free to consult with the Planning Department if at all unsure.)
- A .pdf copy of the submitted plans must be either handed in to the Planning Department or sent by email to planning@ashlandmass.com, and a georeferenced CAD file (MA State Plain NAD83 Feet) will be required for final approval.

Note that additional fees associated with the Public Hearing process must also be paid with a separate check, along with a copy of the abutters list. See Public Hearing Associated Costs on page 4 for details.

Criteria

The criteria for a Special Permit is either: (from Chapter 282 Section 9.3.2) "...the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." or (from Chapter 282 Section 3.3.2/3.3.3) "...only if determines that such [change of use or change of a structure] shall not be substantially more detrimental than the existing nonconforming [use or structure] to the neighborhood."

Expect to discuss the following:

- Community needs served by the proposal
- Traffic flow and safety, including parking and loading
- Adequacy of utilities and other public services
- Neighborhood character and social structures
- Impacts on the natural environment
- Potential fiscal impact, including impact on town services, tax base, and employment

The criteria for a Variance is that you need to create or extend a nonconformity due to a hardship derived from the physical conditions of the lot or else the lot can't be used. Note that the threshold for granting a variance is somewhat substantial. (See MGL Ch. 40A Section 10.)

REQUEST FOR VARIANCE
90 Waverly Street, Ashland
Map 14 -010.0-070

To Chairman Ashland Planning Board and esteemed members:

90 Waverly LLC care of Rosa Borrroso of 43 Hollis Street Framingham, being the owner of the parcel located at 90 Waverly Street in Ashland, is seeking to build a single-family residence on the parcel. The parcel is in zoning district CH. The lot area is 76,931 SF. There are substantial wetlands on the locus. The area of the upland is 22,011 square feet and the wetlands is 54,920 square feet.

Chapter 282 section 4.1.1 (Table of Dimensional Requirements) the minimum Lot Area for Zone CH is 30,000 square feet. Per section 4.1.2.6 (Notes to Table of Dimensional Requirements) states the following:

“In the CH, CD, and CV Districts: for single-family dwellings not connected to municipal water and sewer, increase minimum lot area by 50%; for two-family dwellings not connected to municipal water and sewer, increase minimum lot area by an additional 50%.”

There is no Sewer infrastructure at the locus parcel. Therefor the Minimum Lot Area is 45,000 square feet.

Furthermore, under the Lot area definition Chapter 282 Zoning section 10.0 Definitions “Lot Area” states the following:

“The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, other than any marsh, swamp or flat bordering on inland waters and other than land within utility transmission easements.”

The Minimum Upland Area for the parcel at 90 Waverly is 40,500 Square feet. The current Wetland as Delineated by Basbanes Wetland Consulting, located and plotted By Chappell Engineering and shown on plan titled “Proposed Building Plan 90A Waverly Street, Ashland, Massachusetts” and submitted herewith Shows the Upland area as 22,011 square feet or 44.5%.

Due to the soil conditions stated above and significant slopes (25’ elevation difference in approx. in 100’) it would be cost prohibitive for any other type of development.

We Hereby requests a Variance as allowed by MGL Chapter 40 section 10 for relief from the Ashland Zoning Chapter 10.0 “lot Area” of 45.5% or 20,489 square feet.

We intend on meeting all other zoning requirements.

Thank You

Rosa Barroso.



RESIDENTIAL PROPERTY RECORD CARD

2023

ASHLAND

Situs : 90 WAVERLY ST

Parcel Id: 014/010.0-0070-0000.0

Class: VACANT LAND - ACCESSORY TO C

Card: 1 of 1

Printed: June 15, 2022

Dwelling Information

Style	Year Built
Story height	Est Year Built
Attic	Roof
Exterior Walls	Foundation
Masonry Trim	SFLA

Basement

Basement	# Car Bsmt Gar
Basmt Area	Bsmt Grade
Fin Bsmt Area	Fin Bsmt Grade

BSMT Reocrm Area:

Heating & Cooling

Heating/AC	Fireplaces
Fuel Type	
System Type	

Room Detail

Bedrooms	Full Baths
Total Rooms	Half Baths
Custom Feat 1 -	Extra Fixtures
# of Custom Feat 1	Kitchen Quality
Custom Feat 2 -	Bath Quality
# of Custom Feat 2	

Adjustments

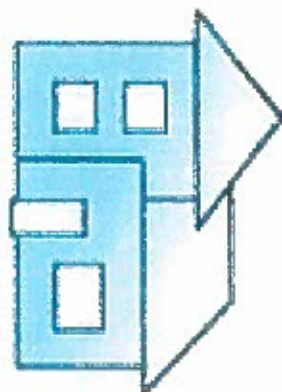
Int vs Ext	Unfinished Area
	Occupancy

Grade & Depreciation

Grade	Market Adj
Condition	Functional
CDU	Economic
Cost & Design	% Good Ovr
% Complete	RCNLD

Dwelling Computations

% Good	Economic
% Good Override	% Complete
Functional	C&D Factor



Sorry, no photo available for this record

Permits

Num	Date	ID	Amount	Type	Description	% Complete	Open/Closed	Inspection	Completed	Fee
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