



Trask Incorporated • Distinctive Luxury Homes

337 Turnpike Road, Suite 201
Southborough, MA 01772
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VIA EMAIL DELIVERY

Planning Board
Town of Ashland
101 Main Street
Ashland, MA 01721
C/O Peter Matchak

August 3rd, 2022

RE: Upcoming Planning board hearing- August 11th, 2022

Dear Chairperson Kendall,

The 501 Pond Street project is currently under review with the Ashland 3rd party consultant, along with Ashland's water and sewer review firm Haley and Ward. For the most part, the issues raised are minor engineering items, which will be reviewed and resolved through further development of the plans. The Applicant has also filed these plan sets with the Ashland Conservation Commission for both a Notice of Intent (*some buffer zone work is required*) along with a Storm Water Permit application as required under the Ashland By-Law. For the sake of clarity, **the Applicant would rather allow these boards and consultants to complete their respective reviews, and then the final plan sets can be updated and represented to the Ashland Planning Board for final review and approval at a later date.**

There are several outstanding items that are outside of the scope of the third-party review and Ashland Conservation Commission and we would like to focus on these items for discussion at our upcoming hearing on August 11, 2022

First, the 3rd party review calls out the usage of Converse Way for both access and parking and has requested that this usage be confirmed by legal counsel. To that end we have submitted on August 1, 2022, a memo from legal counsel, Mark Kablack, on our rights for the use of Converse Way. It was requested, and it is presumed that this memo was forwarded to Town Counsel for review. Assuming Town Counsel does not disagree with applicant's counsel, we consider this issue to be resolved and not open for further discussion. We request this position is reviewed at our hearing. Please see attached exhibit *CWI* for legal memo.

Second, the recent revised site layout adjusted all head on parking spaces to 9'x18' and Woonerf spaces to predominately 9'x22' (*vs 8.5'x16' and 9'x20' previously*), the main access aisles have been adjusted to 24' wide. Please see attached exhibit **P1** and **P2** which reflects our position and our traffic consultant's opinion on the adequacy, of these parking spot sizes.

Third, within the PSMUOD, there is no reference to loading areas, however, under the general town bylaws, there is reference to loading areas and loading bays. We do not have loading bays, nor do we anticipate the need for loading areas as our commercial usage is light. We do not anticipate the need for designated loading areas, as deliveries will be minimal and usually by smaller vehicles. We represent that the Planning Board acting as Special Permit Granting Authority under the PSMUOD can waive these requirements. Please see attachment **LD1** and **LD2** from legal counsel and traffic

consultant.

Finally, there are 2 open architectural items for final determination by the Planning Board:

- 1) At our last meeting, the board requested a modification to the main roof line of the center of the building, **please review the attached E1 and confirm this final elevation modification**
- 2) Next, the board requested that the trellis design be dimensioned out with a potential design change, **please see attached T1 and T2 for final details.**

Our goal for the Planning Board meeting of 8/11/22 is that these items can be finalized and incorporated into plan sets going forward to other boards for review. Thank you for this consideration.

Regards,

A handwritten signature in black ink, appearing to read "Matthew Stevens", with a large, stylized flourish above the name.

Matthew Stevens

CC: Ben Stevens, Mark Kablack



M.A. KABLACK & ASSOCIATES, P.C.

176 East Main Street, Suite 3, Westborough, MA 01581
phone 508-366-2900 fax 508-366-1089

MARK A. KABLACK
email mkablack@kablacklaw.com

MEMORANDUM

TO: Trask, Inc.

FROM: Mark A. Kablack

RE: 501 Pond Street, Ashland, MA
Site Plan Review and Special Permit
GCG Associates Inc. review letter, June 22, 2022

DATE: July 21, 2022

We have reviewed the GCG Associates Inc. review letter, dated June 22, 2022 with respect to the project at 501 Pond Street, Ashland, MA, and in particular comments regarding Converse Way.

In conjunction with our review of the project, we have prepared and reviewed a comprehensive title report, including recorded deeds, easements and plans. All references to the r.o.w. now known as Converse Way have consistently referenced the r.o.w. as a private way.

Pursuant to a Deed granted to adjoining property (property N/F of Ronald A. Golz), recorded with the Middlesex (South) Registry of Deeds at Book 22918, Page 221 (copy attached, together with the referenced plan), non-exclusive easement rights were granted in Converse Way for all purposes in which streets, roads and ways are commonly used. Under Massachusetts law, a servient estate has the right to use land subject to an easement provided that the functional use of the easement is retained and made available to the dominant estate. The servient estate may even relocate an easement, as long as the functionality of the easement is retained. See *M.P.M. Builders, LLC v. Dwyer*, 442 Mass. 87 (2004).

The Site Plan for the project has proposed two vehicular access points to Pond Street, one along the southern border, consistent with the current curb cut for Converse Way and a new access point at the northern border. The Site Plan also proposes off-street parking, curbing, landscaping and other hardscape improvements in and along Converse Way, but all such improvements have preserved access to the adjoining property, including an entrance and exit and an unobstructed travel lane width of 22.' All said improvements as shown on the Site Plan are consistent with the easement and Massachusetts law.

3D

Fafard Real Estate and Development Corp.

a corporation duly established under the laws of

and having its usual place of business at 290 Eliot Street, Ashland, Middlesex

County, Massachusetts

for consideration paid, and in full consideration of Three Hundred Seventy-five Thousand and 00/100 Dollars (\$375,000.00) grants to Ronald Golz

of 30 Rowes Wharf, Boston, MA 02110-3326

with quitclaim covenants

the land in Holliston and Ashland, Middlesex County, Massachusetts, described on Exhibit "A" attached and incorporated herein by reference

(Description and encumbrances, if any)

MSD 02/17/93 01:53:58 775 25.00

In witness whereof, the said Fafard Real Estate and Development Corp. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Howard A. Fafard its President hereto duly authorized, this 13th day of NOVEMBER in the year one thousand nine hundred and ninety-two Signed and sealed in presence of

Fafard Real Estate and Development Corp.

Howard A. Fafard

by Howard A. Fafard, President and Treasurer

TAX 1710.00
CASH 1710.00
22534015 34:01
EXCISE TAX
REC 15
MIDDLESEX SOUTH
CANCELLED
02/17/93

The Commonwealth of Massachusetts

Middlesex ss.

November 13 1992

Then personally appeared the above named HOWARD A. FAFARD and acknowledged the foregoing instrument to be the free act and deed of the Fafard Real Estate and Development Corp. before me

Glenn Everett Churchill

Notary Public - Justice of the Peace
GLENN EVERETT CHURCHILL, J.D.

My commission expires 5/07/94 19

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances claimed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

PLAN NUMBER: 00000114
114 5/1992
22912 230
2142
SEE PLAN BOOK

EXHIBIT "A"

Those certain parcels of land on Concord Street, Holliston, Massachusetts and Pond Street, Ashland, Massachusetts, numbered as Lots 2A and 2D and containing a total area of 186,971 ± square feet of land or 4.29 ± acres (4.04 ± acres in Holliston and .25 acres in Ashland) all as shown on a plan of land entitled:

"PLAN OF LAND IN HOLLISTON & ASHLAND, MASS,
Property of: Ledgemere Land Corp, Scale: 40
feet to an Inch, Date: April 14, 1992, (Latest
Revision 4/20/92), Guerrierre & Halnon, Inc.
Engineering and Land Surveying, 333 West
Street, Milford, Mass., 01757" recorded
herewith as Plan # 114 of 1992 at
Book _____ Page _____ Middlesex South
Registry of Deeds."

Lots 2A and 2D are conveyed with the right and easement to use that private way labeled as Meeting House Path, and Parcel "C" (1697 ± sf) and Parcel "E" (as 95 ± sf), all as shown on said plan, in common with others lawfully entitled thereto, for all purposes as street, roads, and ways are commonly used in the Commonwealth of Massachusetts. Grantor reserves the fee interest in the private way portion of Meeting House Path and Parcels "C" and "E".

The parcels conveyed herein are conveyed with the benefit of a buffer strip encumbering Lot 1 as shown on said plan from the "Zone Line" North to Lot 1's various boundaries with Lot 2A. Grantor reserves the right, subject to approval by the Town of Holliston Zoning Board of Appeals, to plant one (1) row of pine trees (or other type of tree of Grantor's choice) within the area of Lot 1 to the North of the "Zone Line" as shown on said Plan. Grantor may also construct an underground septic system within this area of Lot 1 to the North of the Zone Line as shown on said Plan, subject to the Holliston Zoning Board of Appeal's approval. Grantor reserves the right, subject to the approval by the Town of Holliston Zoning Board of Appeals, to construct an underground septic system within the areas of Lot 2A which lies 100' from the Zone Line as shown on said Plan.

All the above easements granted and reserved are intended to run with the land and be binding upon Grantor, Grantee, and their respective heirs, successors and assigns.

Lots 2A and 2D are conveyed subject to all easements, restrictions, and rights of way of record, if any, as the same are now in force and applicable.

The conveyance of Lot 2A and 2D are not all or substantially all, of the Grantor's assets in the Commonwealth of Massachusetts.

For title of Grantor see Deed of Baybank Harvard Trust Company dated November 9, 1979 recorded with said Deeds at Book 13641 Page 276 and Deed-in-Lieu of Foreclosure from Richard E. Terrill, Trustee of Concord Jennings Realty Trust dated Nov. 13, 1992 recorded herewith. See also Federal Bankruptcy Court Order recorded herewith. Bankruptcy Court Orders are dated April 30, 1991 and October 23, 1992 (with Exhibits). Ledgemere Land Corporation, a Massachusetts Corporation, a Massachusetts Corporation, was merged into H.A. Fafard & Sons Construction, Inc., a Massachusetts Corporation, on August 25, 1992. The name of H.A. Fafard & Sons Construction Company, Inc. was changed to Fafard Real Estate and Development Corp. on August 25, 1992. See Certificates of Merger and Name Change recorded in the Middlesex South Registry of Deeds.

Also being a portion of the Premises conveyed by Deed of Ledgemere Land Corporation to the Trustees of Concord Jennings Realty Trust dated October 28, 1988 recorded with said Deeds at Book 19501 Page 579.



Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 114 - 19.83
Rec'd. 2/17 - 19.83
at 1:53 p.m. Doc No. 774
Rec'd. BK 22769 - Page 220
Attest:
[Signature]
Registrar

REGISTRY USE ONLY

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."
[Signature]
P.L.S.
DATE



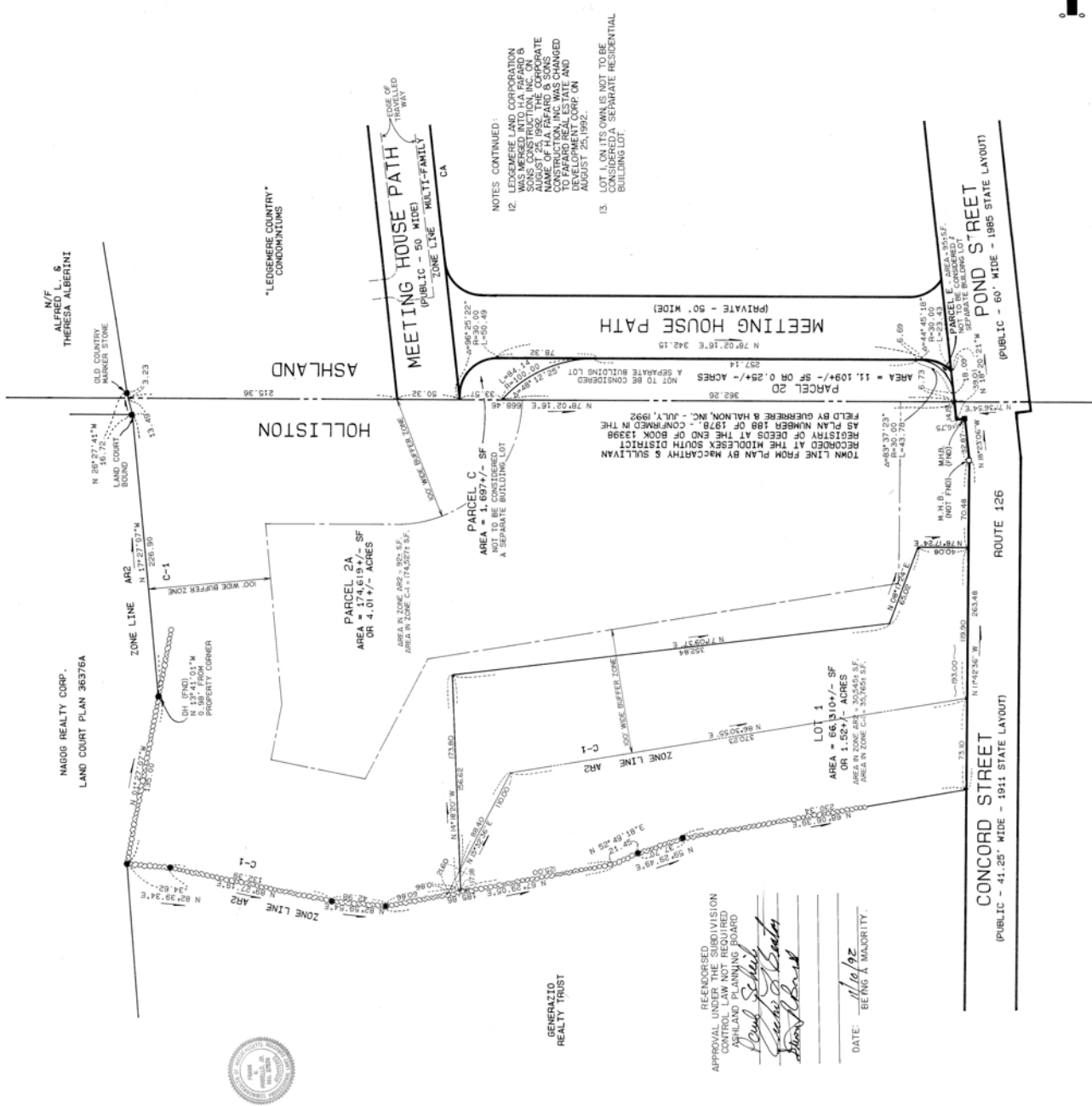
- LEGEND:
- ...ORILL HOLE
 - ...BOUND
 - ...STONE WALL

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED HOLLISTON PLANNING BOARD
[Signature]

DATE: 10/23/93
BEING A MAJORITY.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
[Signature]

DATE: 4/16/98
BEING A MAJORITY.



- NOTES:
1. THIS PLAN REFERS TO THE TOWN OF HOLLISTON ASSESSORS ATLAS, SHEET 14, BLOCK 3, LOT 3.
 2. SEE PLAN #188 OF 1978 RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTER OF DEEDS AT THE END OF BOOK 19386.
 3. SEE PLAN BY MCCARTHY & SULLIVAN FOR LEWISERIE COUNTRY - SECTION III - LEWISERIE COUNTRY - MASS.
 4. SEE PLAN BY GUERRENE AND HALNON DATED SEPTEMBER 2, 1980 ENTITLED "PLAN OF LAND IN HOLLISTON, MASS."
 5. SEE DEFINITIVE PLAN OF "TOWNLINE PHASE II" BY THE FAFARD COMPANIES, DATED SEPTEMBER 26, 1989 AND RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTER OF DEEDS AT THE END OF BOOK 19386. THIS PLAN IS TO BE APPROVED BY THE ASHLAND PLANNING BOARD.
 6. SEE LAND COURT PLAN 36376A.
 7. SEE ZONING AMENDMENT APPROVED AS PART OF THE FIRST SESSION OF THE ANNUAL TOWN MEETING.
 8. HOLLISTON ZONING - AR2 & C-1
 9. ASHLAND ZONING - CA
 10. PARCEL 2A AND PARCEL 2D TO BE COMBINED TO CREATE LOT 2. A BUILDABLE LOT HAVING AN AREA OF 165,727.77-SF OR 4.2677-ACRES.
 11. SEE SITE PLAN OF "PHASE II TOWNLINE PLAZA" BY FAFARD COMPANIES, DATED MARCH 23, 1989 AND REVISED THROUGH JUNE 14, 1991.
 12. ACCESS TO THE "PUBLIC" PORTION OF POND STREET AND THE COMMERCIAL DEVELOPMENT KNOWN AS TOWNLINE PLAZA SHALL BE LIMITED TO EMERGENCY ACCESS ONLY AS DEPICTED ON THE SITE PLAN REFERENCED IN NOTE 10 ABOVE.

PLAN OF LAND
IN
HOLLISTON & ASHLAND, MASS.
PROPERTY OF: LEWISERIE LAND CORP.
SCALE: AS SHOWN WHICH
DATE: APRIL 14, 1992

Guerriere Halnon, Inc.
REGISTRATION & LAND SURVEYING
1508 N. 17th Street, Suite 200B
FAX: (508) 473-8243

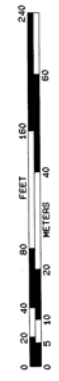


EXHIBIT P1

MEMO: Parking space size – 501 Pond St, Ashland MA

The site plan has been modified so all head on parking spaces are now 9' x 18' (*versus the previous 8.5' x 16'*) and the north, south and west aisles are now all 24' (*versus the previous 22'*). The parallel parking spaces in the Woonerf are now mostly 9' x 22' – there are 5 parallel spaces that are 9' x 20', however they abut open areas on one side of the space, providing more entrance and exit room.

The total parking provided remains at 181 spaces – 180 are required based on the unit count and size of the commercial space.

There are no specific dimensional requirements for parking in either the underlying zoning or the PSMUOD; however the parking space definition for the town remains at 9' x 20'. Note, the town does not have a compact space definition or policy, or parallel parking space definition or policy.

However, it must be noted that recent planning and zoning decisions, along with common practice in town have most spaces at 18' deep versus 20' deep. The recent approval of the adjacent Residence at Valley Farm (369 pond St) parcel included all on-site parking spaces at 9' x 18'

In addition to the above, parking spaces at the Ashland Town Hall, and Ashland High School are 18' deep as well. Our interpretation of the common practice in Ashland is that an 18' space is both commonplace and previously accepted by the planning board. Also, with the aisle widths having been increased from 22' to 24', the turning area for vehicles has increased as well.


In additions, since all head on spaces abut landscape or sidewalks, there is an effective increase in parking space depth, as vehicles can extend over the space line 12"-18" into bed areas if needed.

Finally, although larger vehicles are not excluded – given the smaller nature of these rental units (versus the typical home) we have found residents typically have smaller vehicles, as opposed to larger multiple passenger SUV type vehicles or trucks.

MEMORANDUM

DATE: August 3, 2022

TO: Mr. Matthew Stevens
Trask Development
30 Turnpike Road, Suite 8
Southborough, MA 01772

FROM: Robert J. Michaud, P.E. – Managing Principal 
Daniel A. Dumais, P.E. – Senior Project Manager

RE: **Proposed Multi-Use Residential Development – Response to Comments**
510 Pond Street, Ashland, Massachusetts

MDM Transportation Consultants, Inc. (MDM) has prepared the following responses several outstanding peer review comments as issued in a letter GCG Associates, Inc. dated June 22, 2022. To facilitate review, specific comments are paraphrased with corresponding responses.

3 – Layout Plan, C1

GCG Comment 2: “5.2.1 – Loading area for nonresidential building or use is required. Loading area should comply with Sections 5.2.6 and 5.2.7. Unless approved by the SPGA through Section 5.2.8.”

Response: Discussions with the Applicant indicate that the given the limited amount of commercial space, which is currently envisioned to include professional office space, the project Site will not require a dedicated loading area. Standard size delivery vehicles, rideshare, and uber type vehicles can utilize the surface parking spaces and larger delivery single unit vehicles/moving trucks (SU-30) will be able to stage on-site within areas to be reserved by the Applicants management team. All move-in/move out activity and delivery of larger items will be scheduled through the Applicant’s management team as required to ensure access, circulation and adequate parking are maintained on the Site.

GCG Comment 3: “The proposed standard and compact parking stalls dimensions are 9’ x 18’ with 24’ wide driving aisle and 8.5’ x 16’ with 22’ wide driving aisle, respectively which do not meet the standard parking space dimensions requirements. Ashland Zoning By-laws currently do not have a compact parking space policy. Section 10 - Parking Space definition requires minimum 9’ x 20’ parking stall dimensions. Parallel parking space as shown scaled between 17’ to 20’ length by 8’ wide, also not complying with the parking space definition. In addition, GCG recommends parallel parking space should have a minimum length of 22’.”

Response: Under the latest site plan layout revised through July 19, 2022, the parking spaces around three sides of proposed building have been revised to include 9' x 18' parking spaces separated by 24-foot aisles. The front "Woonerf" area has been updated to include parallel parking spaces that are 9' x 22' spaces for any interior parking space and 9' x 20' spaces for five (5) of the end spaces.

For standard parking spaces, the Urban Land Institute (ULI) recommends a minimum parking stall width of 8'3" to 8'6" for low turnover uses (residential) and up to 9' for high turnover uses (retail). Additionally, ULI¹ states *"Unlike width, the length of a parking space is not affected by turnover rate or user type. Currently, the recommended length of a parking space is 18 feet (5.5 meters). This recommendation is based on the design length of the design vehicles-17 feet, 3 inches (5.25 meters)-plus nine inches (23 centimeters) to account for typical distance from the bumper of a parked vehicle to the end of the stall."* For parallel parking spaces, the Manual on Uniform Traffic Control Devices (MUTCD)² and the American Association of State Highway and Transportation Officials (AASHTO)³ recommends a minimum parallel parking space width of 7 feet, a standard parallel parking space width of 8 feet wide with a length of 20 feet for end spaces and 22 to 26 feet for interior spaces.

Discussions with the Applicant indicate that many projects within the Town of Ashland have been designed and built to include 9' x 18' parking spaces including but not limited to:

- Residence at Valley Farm at 369 Pond Street – Approved by Planning Board 8/13/2014
- Ashland Woods at Ashland Woods Lane – Approved by ZBA 5/28/2013
- Waterview Lodge at 250 West Union Street – Approved by planning board 4/24/2014
- Ashland Town Hall
- Ashland High School

Upon review, the design the parking space within the main parking fields as designed at 9' x 18' with 24-foot aisles and parallel parking spaces within the "Woonerf" as designed at 9' x 20' for end spaces and 9' x 22' for interior spaces are consistent with projects recently constructed within Ashland and satisfy the industry standard parking dimension and will adequately accommodate the needs of the proposed development both for the residential user and commercial space tenants.

¹ *The Dimensions of Parking, 5th Edition*, Urban Land Institute, 2010

² *Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition*, 2010 ATSSSA/ITE/AASHTO.

³ *A Policy on Geometric Design of Highways and Streets, 7th Edition*, AASHTO, 2018.

EXHIBIT LD1



M.A. KABLACK & ASSOCIATES, P.C.

176 East Main Street, Suite 3, Westborough, MA 01581
phone 508-366-2900 fax 508-366-1089

MARK A. KABLACK
email mkablack@kablacklaw.com

July 29, 2022

Via email petermatchak@ashlandmass.com

Peter Matchak, Town Planner
Town of Ashland
101 Main Street
Ashland, MA 01721

Re: 501 Pond Street, Ashland, MA
Mixed Use Project-PSMUOD

Dear Peter:

This letter is meant to provide a legal opinion on certain matters in response to the CGC Associates, Inc., review letter dated June 22, 2022 (“CGC Review”), and supplements our legal memorandum dated July 21, 2022.

Converse Way

The first matter to be addressed is whether a portion of the project site, constituting land formerly known as Converse Way on previously recorded plans, may be calculated as part of the “buildable lot area” under the PSMUOD bylaw. Converse Way is not a street as defined in the Zoning Bylaw, and has never been improved as such. Fee ownership in the property constituting Converse Way will be conveyed to the applicant and made a part of the project site. As stated in our memorandum previously submitted to the Planning Board, the way is subject to easement rights to the adjoining property owner, which easement rights have been preserved in the project plans and integrated with the parking and access drive along the southern property boundary.

The project plans are consistent with the easement, including use of the area for parking, an access drive, landscaping and hardscaping improvements. Moreover, all of the 22,286 sq. ft. contained within the way may be considered “buildable lot area” as that term is used in the PSMUOD bylaw. While there is no definition for “buildable lot area” contained within the PSMUOD or otherwise within the Zoning Bylaw, Section 8.8.6.1.a requires 30,000 sq. ft. of “buildable lot area” in a single, contiguous site, all within the boundaries of the overlay district. The project as proposed meets all of those criteria. The only constraint imposed on the definition of “buildable lot area” is found in Section 8.8.6.1.b which provides that no portion of a street, as defined by the bylaw may be included. By omission then, “buildable lot area” may include land subject to other zoning or legal constraints, such as setback limitations, easement rights, stormwater improvements and the like. Given that Converse Way is not now nor ever has been a street as defined in the bylaw, all of the 22,286 sq. ft. can be used for purposes of calculating “buildable lot area” and density provisions that stem therefrom.

Loading Areas

The CGC Review states that loading areas are required for non-residential uses, and makes reference to Section 5.2.1 of the Zoning Bylaw. However, under the broad design and approval authority of the PSMUOD Bylaw, particularly Sections 8.8.2, “[a]ny development proposed under the PSMUOD bylaw is not subject to the regulations of the underlying district.” Therefore, Section 5.2.1 does not expressly apply to the project. There are, of course, use and dimensional standards explicitly set forth in the PSMUOD bylaw, including Section 8.8.8 (Parking Requirements), and that section includes by reference the general regulations for parking under Section 5.1 of the Zoning Bylaw, but no such provision applies to or references the underlying requirements for loading areas.

While the Planning Board has the discretionary authority under the Special Permit provisions of the PSMUOD bylaw to condition approval on the provision for loading areas, there is no requirement for such. In addition, even when loading areas are expressly required, assuming Section 5.2 (Loading Areas) applies in the same manner as Parking Requirements, the Planning Board may waive those requirements by granting a Special Permit, where the “Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit.” Given that the project has been carefully designed to accommodate parking and access for both residential and non-residential uses, together with public open space and pedestrian access (including the Woonerf plaza), accomplishing both safety and public benefit goals, loading area requirements are not appropriate in this instance.

Sincerely,

Mark A. Kablack

EXHIBIT E1

501 Pond Street

TRASK DEVELOPMENT

ARCHITECT

E-ICON
ARCHITECTURE

101 SUMMER ST BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

MARK	DATE	DESCRIPTION
1	10/26/2021	PLANNING BOARD

PROJECT NUMBER: 221061.00
DRAWN BY: MRM
CHECKED BY: MRM

SHEET TITLE

EXTERIOR ELEVATIONS

A-201



4 NORTHWEST ELEVATION
3/32" = 1'-0"



2 SOUTHEAST ELEVATION
3/32" = 1'-0"



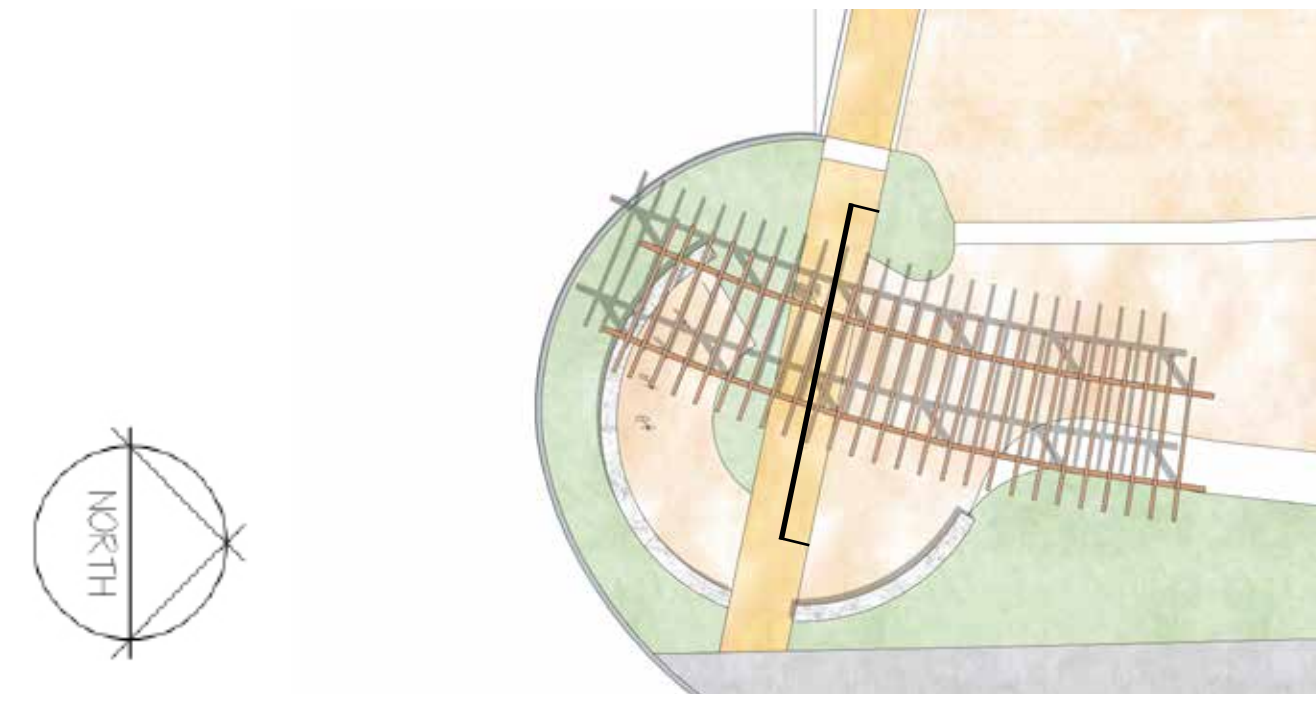
1 NORTHEAST ELEVATION
3/32" = 1'-0"

EXHIBIT T1

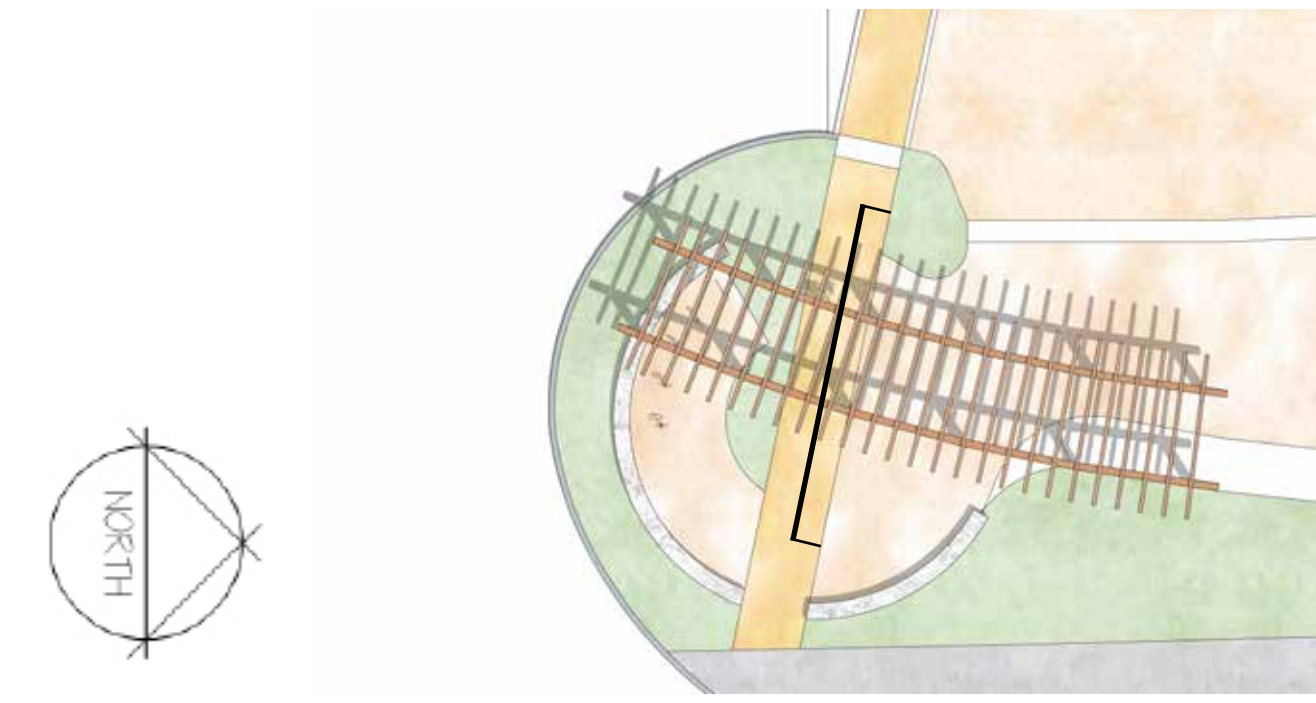
EXHIBIT T2

ARBOR - A

AS PRESENTED



ARBOR - B



ARBOR - C

