



**Town of Ashland**  
**Planning Department**  
 101 Main St.  
 Ashland, MA 01721  
 508.881.0101  
 Ashlandmass.com/193/Planning

**Application for Planning Board Approval/Permit**

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

**Property Information:**

Street Address: 399 Union Street  
 Zoning District: Industrial Overlay District: \_\_\_\_\_  
 Assessor's Map: 20 Lot: 9 Deed Book: 32052 Page: 194  
 Current Property Owner: Retail Ashland LLC

**Permit/Approval Sought:**

\_\_\_ Special Permit (§9.3) \_\_\_ Special Permit Amendment/Modification \_\_\_ Design Plan Review (§9.6)  
x Site Plan Review (§9.4) \_\_\_ Site Plan Modification \_\_\_ Scenic Road Permit (Ch. 249 §20)  
 \_\_\_ Earth Removal Permit (Ch. 242 §3) \_\_\_ Site Alteration Special Permit (§5.8)  
 \_\_\_ Subdivision (Include Subdivision Application Form) \_\_\_ Wireless Communication Facilities (§6.4)  
 Use Type: Residential: \_\_\_ Commercial: \_\_\_ Industrial: x Mixed Use: \_\_\_

**Applicant Information:**

Owner: x Tenant: \_\_\_ Prospective Purchaser/Tenant: \_\_\_  
 Name: Retail Ashland LLC  
 Address: Salvatore Capital Partners, 858 Washington Street, Suite 309, Dedham MA 02026  
 Phone: (781)329-3000 Email: gsalvatore@salvatorecapital.com  
 Agent's Name: Jerry C. Effren Esq.  
 Agent's Address: The Law Offices of Jerry C. Effren, 25 West Union Street, Ashland MA 01721  
 Agent's Phone: (508)881-4950 Agent's Email: jeffren@effren.net

**Additional Information:**

Are all real estate taxes and other assessments to the Town current?: yes  
 Is the parcel on a scenic road?: no Is the parcel in a flood plain?: no  
 Is the parcel within 100 feet of a wetland or 200 feet of a river: yes  
 Is this an amendment to a previously issued Special Permit? (attach approved permit): no  
 Date structure(s) built?: 2003



**Description of the Relief Sought:** (attach additional pages if needed)

Applicant seeks a Site Plan approval for a drive-thru fast-food Starbucks restaurant to be constructed on the premises.

What specific zoning bylaws and/or Special Permit types are relevant to this application?:

**Benefits of Project:**

Memorandum in Support of Planning Board Application.

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

Pharmacy use with a drive-thru.

Attach Building Permit Denial letter if applicable.

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

**Signatures:**

Applicant/Agent: [Signature] Applicant's Name: Jerry C. Effren

Agent's Relationship to Applicant: Attorney Firm: The Law Offices of Jerry C. Effren

Owner: Retail Ashland LLC Owner's Name: Greg Salvatore

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



**MEMORANDUM IN SUPPORT OF  
APPLICATION FOR SITE PLAN REVIEW**

**Property:** 399 Union Street, Ashland, MA  
**Applicant:** Greg Salvatore d/b/a Retail Ashland, LLC.

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**Summary of Relief Requested**

Applicant Greg Salvatore (“Applicant”) seeks approval of Site Plan Review from the Town of Ashland Planning Board for the property located at 399 Union Street, Ashland, MA (“Property”). Based upon the Plan as submitted, it has been determined that there is no requirement for any Planning Board special permit. As filed, the Site Plan conforms in all respects to the Zoning By-Law and no requests for waivers have been made at the outset. (See *Site Plan, filed separately.*) The Applicant is seeking approvals with conditions specifically related to the project.

**The Subject Property**

The subject property is located in the Industrial Zoning District at 399 Union Street, Ashland, MA. (See *Plot Plan, attached as Exhibit 4.*) The land area of the parcel is 55,504, +/- square feet and the Property has greater than 150 feet of frontage along Union Street. Use of the Property as a fast-food restaurant with a drive-thru in the Industrial Zoning District is permitted by special permit, the application for which was filed by the Applicant with the Zoning Board on July 13, 2022. Currently the property has a 9,754 square foot building used as a pharmacy which was constructed in 2003 and will be demolished. The access to the Property is currently provided via three driveways, one full access and ingress driveway on Summer Street (the “North Site Driveway”), one full access and egress driveway on Union Street (Route 135) that contains one entry and one exit lane for left and right turns (the “East Site Driveway”), and one right-turn exit only driveway on Union Street (the “West Site Driveway”). The driveway access and egress will essentially be the same as existed for more than two decades with slight modifications to maximize safety and efficiency. (*Site Plan, Sheets C-2 and C-3.*)

**The Legality of the Proposed Use**

Applicant is proposing to construct upon the Property a 2,575 square foot building for use as a Starbucks Restaurant with a drive-thru. A determination of permitted use is in the first instance interpreted by the Building Inspector/Zoning Enforcement Officer. The Law Offices of Jerry C. Effren requested an opinion from the Building Inspector/Zoning Officer, Douglas Scott, regarding the use. On June 29, 2022, Douglas Scott confirmed that the new Starbucks restaurant was consistent with the zoning in the Industrial District under Table of Principal Use Regulations, set forth in subsection 3.0 of the Bylaw, but indicated that a Special Permit through the Zoning Board of Appeals for the fast-food restaurant with drive-thru is required. Standard procedure for any fast-food project with a drive-thru in that Zone is by special permit with the Board of Appeals. (See *Email, dated June 29, 2022, attached as Exhibit 1.*)

Following receipt of the June 29, 2022 correspondence, an application for Special Permit for a restaurant with drive-Thru was filed with the Zoning Board of Appeals. The Applicant anticipates that its first meeting with the Zoning Board will take place on August 9, 2022.

## Project Description

The Applicant's current proposal is for a significantly reduced building footprint of a 2,575 square foot building for a Starbucks Restaurant. (*Site Plan, Sheets C-2 and C-3.*) With the reduction in the size of the building footprint, this Starbucks will no longer need the parking special permit the pharmacy uses required as there is more than sufficient proposed parking for the restaurant under the Bylaw. There will be 46 seats indoors and 28 seats for an outside seating area, as well as a drive-thru. (*Site Plan, Sheet C-3; Floor and Elevation Plans, and plan of typical Starbucks seating layout, attached as Exhibit 5.*) The reduction in the proposed building's square footage has allowed the Applicant to increase the number of available parking spaces and design a project that will allow for safe and efficient circulation of vehicles on the Property without need for a parking special permit. (*See Queuing Plan, attached as Exhibit 2; Traffic Impact Study ("TIS"), pp. 25-26, filed separately; Site Plan.*) The driveway access and egress will essentially be the same as existed for more than two decades with slight modifications to maximize safety and efficiency. (*Site Plan, Sheets C-2 and C-3.*) Historically, Starbucks has served coffee drinks and hot and cold breakfast and lunch items on a Monday through Sunday basis, which is anticipated for this new location.

## Traffic

The Applicant's traffic consultant assessed potential impacts to the nearby roadways based on trip generation data published in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. (*See TIS, p. 16.*) As set forth in the TIS, access to the Property is currently provided via three driveways, one full access and egress driveway on Summer Street (the "North Site Driveway"), one full access and egress driveway on Union Street (Route 135) that contains one entry and one exit lane for left and right turns (the "East Site Driveway"), and one right-turn exit only driveway on Union Street (the "West Site Driveway").

With this design, the traffic engineer has concluded that during the weekday morning peak hour period, a total of 215 additional vehicle trips (109 entering and 106 exiting) are estimated to be using the proposed Starbucks restaurant compared to the existing Pharmacy trips. (*TIS, p. 16, Table 1.*) The weekday afternoon peak hour period is estimated to generate a total of only 38 additional vehicle trips (16 entering and 22 exiting) using the Starbucks as compared to the Pharmacy use. (*TIS, p. 16, Table 1.*) Not all of these trips, however, are considered "new" trips as a significant portion will be "pass-by" trips of vehicles already using the roadways. Therefore, the total traffic volume analyzed by McMahon is reduced by the "by-pass" trips, from which McMahon has concluded that during the weekday morning peak hour period, a total of 110 new vehicle trips (57 entering and 53 exiting) and, during the weekday afternoon peak hour period, a total of 44 additional trips (22 entering and 22 exiting). (*TIS, p. 17, Table 2.*)

Based on the ITE Trip Generation methodology, the proposed Starbucks restaurant with drive-thru window service is not shown to have a significant impact on the overall traffic operations or the safety of the study area roadways and intersections.

## Parking

There is more than sufficient parking to accommodate the restaurant, which will also aid in limiting the impact vehicles entering the Property may have on traffic. Here, there will be a total of 74 seats (46 inside and 28 on the outside patio) which requires 19 spaces under the

Bylaw. The plan allows for 41 spaces which is essentially double the required amount. (*Site Plan, Sheet C-3.*) It is also notable that Starbucks has a well-developed mobile ordering system under which customers are able to order (and pay) before they arrive at the restaurant, which allows Starbucks' employees to prepare those mobile orders before customers arrive and should result in faster turnover of parking spaces.

### **Landscaping**

Proposed landscape features, including the location and description of screening, fencing and plantings meet the requirements under the Bylaws. Any grade changes are in keeping with the general appearance of neighboring developed areas and are related harmoniously to the terrain and the use. (*Site Plan, Sheet C-6; Colorized Site Rendering Plan, attached as Exhibit 3.*)

### **Water**

The site plan shows adequate measure to prevent pollution of surface or ground water, to minimize erosion and sedimentation and to prevent changes in groundwater levels. The new construction will result in a net decrease of impervious surface. (*Site Plan, Sheet C-4.*) Drainage has been designed so that runoff shall not be increased in rate or volume, groundwater recharge is maximized, and neighboring properties will not be adversely affected. (*Site Plan, C-4.*)

### **Signage**

The plan provides for adequate signage including building signage, directional signage, and drive-thru menu and pre-menu signage which all conform to the requirements under the Bylaws and Starbucks' specifications. Such signage will improve site circulation and safety.

### **Conclusion**

The proposed structure is a significantly reduced and sensible in size, is consistent with the nature and character of the neighborhood and meets Starbucks franchise specifications for the new model. The proposed project will be a positive impact on the Ashland community, constitutes a suitable development and is in compliance with the Zoning Bylaw's site plan review criteria. The business will provide value to Ashland residents as well as serve the needs of residents and create many jobs, as well as provide commercial tax benefits to the Town.

For the foregoing reasons, the Applicant respectfully requests that the Planning Board approve the Site Plan for the subject Property on such conditions as the board deems appropriate.

Retail Ashland, LLC.  
By his attorney,

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