



Town of Ashland, *Planning Board*

Memorandum

Date: August 23, 2022
To: Ashland Planning Board
From: Ashland Planning Department
Re: Background on 10-60 Main Street

Dear Ashland Planning Board,

An application for the redevelopment of Ashland Mills at 10-60 Main Street will be before the Board this Thursday, August 25, 2022.

Exploration of a 40R District

The owner of the Mill first approached the Town about creating a 40R district for the site in 2020, or perhaps 2019. 40R districts encourage housing development that aligns with smart growth principles, and generally require cooperation between a Town and the developer due to zoning changes and benefits the State provides to the Town. In January 2021, the Planning Board joined a meeting of the Select Board to hear a presentation of the proposed project. After this meeting, Michael Herbert created a working group to discuss how to best integrate public input into the project, as well as help guide the creation of the 40R zoning district. The working group (which included Tricia Kendall and Deepa Venkat) met multiple times in 2021, and offered input to the owner regarding the site plan and design. In November 2021, the owner decided against pursuing a 40R district, instead planning on applying for a special permit with the Planning Board. The working group's last meeting with the owner was March 2022, where the group discussed the changes to the design that the owner had made based on discussions with the group, as well as the fact that the project would move forward as a special permit. The January 2021 and March 2022 presentations can be found [here](#).

Simultaneously, in the winter/spring of 2021, the Select Board engaged a third party reviewer to evaluate the fiscal and economic impact of the proposed redevelopment. This report can be found [here](#).

Public Forums

On May 24 and June 8, 2022, on-line public forums were held for the owner and architect to solicit resident feedback on the proposed project. These were organized by Michael Herbert and Tricia Kendall, but facilitated by an outside moderator. The recording (and notes) from the first session can be accessed [here](#) (unfortunately, the recording from the second session was faulty).



Additional Municipal Permitting

In April 2022, the owner applied for a demo permit, which triggered a demo delay process from the Historical Commission due to the historical nature of the buildings. The Historical Commission found the three older granite buildings (10, 20, and 30 Main Street) as well as the newer brick building (40 Main Street) to be of architectural and/or historical significance. Therefore, on June 7th, 2022 the Historical Commission voted to evoke the nine month demolition permit. The nine delay will expire on March 7th, 2023.

This project will also need to go before the Conservation Commission for a Notice of Intent (NOI) and Request for Determination of Applicability (RDA) due to the proximity of wetland, the Sudbury River and floodplain. The proposed project will include storm water permitting through the Conservation Commission.

Ashland Downtown District Special Permit Findings

This project is applying for special permits under the Ashland Downtown District and the Floodplain Overlay District. The ADD requires the following mandatory findings:

8.5.14 Mandatory Findings. When a Special Permit is required, the Planning Board shall not issue a Special Permit unless without exception it shall find that the proposed use and development:

Is in harmony with the purpose and intent of this Bylaw;

- 1. Is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity that have functional or visual relationship to the proposed use;*
- 2. Includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in reports from town boards and agencies, reports from consultants, and public hearings;*
- 3. Will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development;*
- 4. Will provide adequate provision for pedestrian traffic; and*
- 5. Will comply with all requirements of all applicable requirements of this By-law.*

The Board is also tasked with considering the following performance standards:

8.5.8 Performance Standards; Criteria. The ADD application and required plans shall meet the general performance criteria set forth in the regulations and design guidelines adopted pursuant



to this Bylaw, including but not limited to Section 9.4 of this Zoning Bylaw. In addition, the Planning Board shall consider the criteria set forth in Section 8.5.14 and 9.3.2 of this Zoning Bylaw following general criteria, where relevant, before issuing a permit for development within the ADD.

1. Suitability of the site for the proposed use(s);
2. Impact on traffic and pedestrian flow and safety and access for emergency vehicles;
3. Adequacy of pedestrian access to buildings and between public spaces;
4. Impact on the visual character of the ADD and surrounding neighborhood;
5. Adequacy of utilities, including sewage disposal, water supply and stormwater drainage.

The Floodplain Overlay District requires the following mandatory findings:

8.1.4 Special Permit. No structure or building shall be erected, constructed, substantially improved, reconstructed or otherwise created or moved and no earth or other materials dumped, filled, excavated or transferred unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to other provisions of this chapter) if the application is compliant with the following provisions:

1. *The proposed use shall comply in all respects to the provisions of the underlying district in which the land is located.*
2. *Within ten (10) days of the receipt of the application, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, Board of Health and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days have elapsed.*
3. *All encroachments, including fill, new construction and substantial improvements to existing structures, and other development are prohibited in the floodway unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.*
4. *The Board may specify such additional requirement and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.*

In addition, the Planning Office has received a few emails concerning the Planning Board's ability to hear the application of 10-60 Main Street within the nine month demo delay evoked by the Ashland Historical Commission on June 7th. Please see the attached email correspondence with Lisa Mead, Town Counsel dated Aug 10th, 2022. In brief, Town Counsel states the following; "the Planning Board nor the Planning Director have any authority to prohibit an



application from being made and permit process from commencing and running while a demolition delay is running”.

For information purposes an overview of the history of the property from the Mass Historical Commission is available [here](#).

Please contact both Emma and me requesting any additional information.



Peter Matchak <pmatchak@ashlandmass.com>

Additional Question on Demo Delay

3 messages

Peter Matchak <pmatchak@ashlandmass.com>
To: Lisa Mead <lisa@mtclawyers.com>

Wed, Aug 10, 2022 at 10:34 AM

Lisa,

Can you please answer the following question from Tricia Kendall?

One question on **10-50 Main** (not needed for Thursday). Although **"There is no prohibition on seeking permits during the delay period,"** does the Town Planner/Planning Board have the right or power to deny an application and/or delay the beginning of the public hearing until the 9 month demolition delay is complete?

Pete

**Peter Matchak***Town Planner / Director of Planning***Town of Ashland**

a: 101 Main Street, Ashland MA 01721

p: (508)881-0100 x 7927

f: 508-881-0162



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Lisa Mead <lisa@mtclawyers.com>
To: Peter Matchak <pmatchak@ashlandmass.com>

Wed, Aug 10, 2022 at 10:40 AM

Peter;

No, the planning board nor the planning director have the authority to prohibit an application from being made and the permit process commencing and running while a demolition delay is running.

Unlike the wetlands protection law, G. L. c 130, which specifically provides that the Conservation Commission can require applicants to seek all other permits prior to filing for an NOI, there is no such authority for planning board relative to site plan review or the special permit process.

I would caution the Town for attempting to delay a valid permit process as they may risk a constructive approval of any application properly filed for review under Site Plan Review or Special Permit.

Lisa

Lisa L. Mead

[she/her/hers]



Mead, Talerman & Costa LLC

30 Green St

Newburyport MA 01950

978 463 7700 ext 101

978 463 7747 (fax)

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Peter Matchak <pmatchak@ashlandmass.com>
To: Tricia Kendall <tkendall@ashlandmass.com>

Wed, Aug 10, 2022 at 10:42 AM

Please see email from Lisa. The Board nor I have the power to delay or halt an application due to the demo delay.



Peter Matchak
Town Planner / Director of Planning
Town of Ashland
a: 101 Main Street, Ashland MA 01721
p: (508)881-0100 x 7927
f: 508-881-0162



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