



**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: **9-49 HOMER AVENUE**

Zoning District: **Commercial Highway**

Overlay District: **Ashland Downtown District**

Assessor's Map: **14** Blocks: **352-354**

Deeds: **Book: 72258 Page: 336**

Current Property Owner: **WJK Homer LLC**

**Permit/Approval Sought:**

Special Permit (§9.3)     Special Permit Amendment/Modification     Design Plan Review (§9.6)

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:     Mixed Use:

**Applicant Information:**    Owner:     Tenant:     Prospective Purchaser:

Name: **WJK Homer LLC**

Address: **400 Waverly Avenue, Newton, MA, 02458**

Phone: **781 910-5757**

Email: **wkhoory@gmail.com**

Agent's Name: **Terrence P. Morris Esq.**

Agent's Address: **57 Elm Road, Newton, MA 02460**

Agent's Phone: **617 202-9132**

Agent's Email: **tpmorris.landuse.law@comcast.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:  No

Is this an amendment to a previously issued Special Permit?:  No

Date structure(s) built?: Originally/Effectively 1968/1970; 1840/1973; 1900/1977



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

Special Permit for a 3-story, residential building with 29 dwelling units on 3 levels with accessory parking for 65 cars, both within the building (41) and open-air (24). Fifteen of the units are 2-BR, 2-Bath units and four are 1-BR units, ranging in size from 900-1100 square feet. The project is governed by the standards set forth in Section 8.5 of the zoning by-law for the ADD Special District as well as the design standards, parking, and landscaping requirements for off-street parking in section 5.0 and section 5.4. According to the aforesaid parking requirements 58 spaces are required for the residential use (2.0 sp./unit) and 53 for the commercial space (1 sp./180 sf), for a total of 111 spaces. However, according to Section 8.5.13 the number of parking spaces required shall be 75% of those stated in section 5.1 (i.e., 75% x 75% or 56.25%), reducing the minimum number of spaces to 63 (108 x 56.25). According to the ADD Dimensional Regulations in Paragraph 8.5.7, the Planning Board may vary the dimensional requirements including number of floors and height of the building, if in its opinion, such change will result in an improved design and whether the project conforms to the form-based code guidelines therein.

**What specific zoning bylaws and/or Special Permit types are relevant to this application?** ADD (Sub-Area C) Section 8.5: Paragraphs 5.2, 5.4 and 5.5 - (Purpose, Sub-Areas and Uses); Par.8.5.6 - Dimensional Standards ((# of Floors and Height); Par.8.5.11.4 - Building Design Standards (Roofs); Par. 8.5.13 - Parking Requirements); 9.3 – Special Permit (Roof); Section 9.4 (Site Plan Review); Section 9.6 (Design Plan Review) and 5.4 (General Landscaping Requirements).

**Benefits of Project:** The project meets each of the stated purposes of the ADD set forth in section 8.5. Specifically, it reflects the design characteristics depicted in the renderings for the district. The applicant has made suitable accommodations for increased parking demand and the project conforms to the form-based code guidelines in the code. It will also provide convenient and efficient pedestrian access within the district and to surrounding neighborhoods and facilities. Finally, it will provide pedestrian connectivity and appropriate transition to the Residence B (RB) district further along Alden Street.

**Existing use and condition of the property and surrounding neighborhood:** (Please list all nonconformities.) The property is located prominently in the ADD district across from the former train station and consists of 4 buildings situated on each of 3 lots. On one lot, there is a one--story commercial building at 9-11 Homer Ave and a one-story retail strip at 25 Homer both erected circa 1968. At 35 Homer Ave there is a 2½ story wood frame two-family dwelling built circa 1840, more recently altered/renovated in 1973; and at 47 Homer Ave, another 2½ story two-family dwelling built circa 1900, more recently altered/renovated in 1977.

The commercial strip is set back from the street with parking in front, amidst a “sea of asphalt”. While the 2F dwellings are allowed in the ADD, there is an incongruity with the design principles for the district. This incongruity is reflected in the flat roofs, building orientation of the commercial properties. The site is further compromised by the lack of a safe and comfortable pedestrian environment with no driveway and walkway connections.

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: Terrence P. Morris, Esq.

Applicant’s Name: WJK Homer LLC

Agent’s Relationship to Applicant: **Legal Counsel**

Firm: **Law Offices of Terrence P. Morris LLC**

Owner: \_\_\_\_\_

Owner’s Name: **Wissam Khoory, Manager**

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



## Subdivision Application Supplemental Form:

### **Approval Sought:**

\_\_\_\_ Preliminary Plan      \_\_\_\_ Definitive Plan      \_\_\_\_ Plan Modification      \_\_\_\_ Lot Line Revision  
\_\_\_\_ Approval Not Required (ANR)

Subdivision Name (if not an ANR): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Total Open Space: \_\_\_\_\_

Linear Feet of Proposed/Modified Road: \_\_\_\_\_

Are there any easements or deed restrictions on/in the development? (attach copies): \_\_\_\_\_

### **Will the development be any of the following?:**

Senior Residential Community (See Ch.282 §7.2): \_\_\_\_\_

Cluster Development (See Ch.282 §7.3): \_\_\_\_\_

Assisted Elderly Facilities (See Ch.282 §7.4): \_\_\_\_\_

Multi-family Dwelling (See Ch.282 §7.5): \_\_\_\_\_

Accessory Family Dwelling (See Ch.282 §7.6): \_\_\_\_\_

### **Additional Considerations:**

Is the project in a Flood Hazard Area? (See Ch.282 §8): \_\_\_\_\_

Was a plan submitted to the Conservation Commission?: \_\_\_\_\_ If yes, when?: \_\_\_\_\_

Will a plan be submitted?: \_\_\_\_\_ If no, signature of Conservation Agent: \_\_\_\_\_

Is the site within 500 ft. of another municipality?: \_\_\_\_\_

Does the property contain walking trails and/or trees 14" in diameter or larger?: \_\_\_\_\_

### **Additional Parties:**

Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Architect: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_



## Approval Not Required Application Supplemental Form:

The applicant wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The applicant believes that such approval is not required for the following reasons: (Circle as appropriate.)

1. The accompanying plan is not a subdivision because - plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot is shown on the plan has frontage of at least such distance as is presently required by the Code, Town of Ashland, Chapter 282 [Zoning] under Section \_\_\_\_\_ which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

a. a public way, or way which the Town Clerk certifies is maintained and used as a public way, namely:

\_\_\_\_\_, or

b. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely:

\_\_\_\_\_ on \_\_\_\_\_, and subject to the following conditions:

\_\_\_\_\_  
or, a private way in existence on \_\_\_\_\_, the date when the Subdivision Control Law became effective in the Town of Ashland having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by the Code, Town of Ashland, Chapter 282 [Zoning], Section \_\_\_\_\_, which requires \_\_\_\_\_ feet.

4. The division of the tract of land shown on the accompanying plan is not a subdivision because two (2) or more buildings, specifically \_\_\_\_\_ buildings were standing on the plan prior to \_\_\_\_\_, the date when the Subdivision Control Law went into effect in the Town of Ashland and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L)

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## Application for Approval of a Definitive Subdivision Plan



# Form C

Also can be used for a Preliminary Subdivision Plan (Form B)

The undersigned, being the applicant as defined under M.G.L. Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled:

By: \_\_\_\_\_ Dated: \_\_\_\_\_

And described as:

Located: \_\_\_\_\_

Number of lots proposed: \_\_\_\_\_ Total acreage: \_\_\_\_\_

Hereby submits said plan as a Definitive Subdivision Plan in accordance with the Rules and Regulations of the Ashland Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from: \_\_\_\_\_

By deed dated: \_\_\_\_\_ and recorded in the: \_\_\_\_\_ Registry of Deeds,  
Book: \_\_\_\_\_, Page: \_\_\_\_\_, and said Registry District of the Land Court, Certificate of  
Title No.: \_\_\_\_\_ And said land is free from encumbrances except for  
the following: \_\_\_\_\_

Did the plan evolve from a preliminary plan?: \_\_\_\_\_ Date submitted: \_\_\_\_\_

Was it approved?: \_\_\_\_\_ Date of decision: \_\_\_\_\_

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

## **Signatures:**

Applicant/Agent: \_\_\_\_\_ Applicant's Name: \_\_\_\_\_

Agent's Relationship to Applicant: \_\_\_\_\_ Firm: \_\_\_\_\_

Owner: \_\_\_\_\_ Owner's Name: \_\_\_\_\_

**Board of Health Stamp:**

## **Application Requirements**

## **All applications:**



All applications must include a fully completed application form and two checks for the full amount of the application fee and the peer review deposit the made to the Town of Ashland.

All applications must include a copy of the Assessor's Card for the property or properties in question.

Attach Building Permit Denial letter if applicable.

All other applicable taxes and fees on the property must be paid before any permits can be issued. It is strongly advised to check with the Treasurer's Office before the application process is begun.

Applications for Special Permits must include the type of permit applied for: use, Flood Plain Overlay District, environmental standards, parking, landscaping, loading requirements, adult entertainment, or any other Special Permit type.

### **Special Permit, Site Plan Review and Subdivision Approval Applications:**

All site plan review and subdivision approval applications must include ten (10) copies of the Site Plan and/or Design Plan, two (2) 24x36", and eight (8) 11x17" sizes. Please discuss with the Planning Department plans or information that may be required specific to your project. In addition, a .pdf version of the submitted plans must be either handed to the Planning Department or sent be email to [planning@ashlandmass.com](mailto:planning@ashlandmass.com). A georeferenced CAD file (NAD83) of the as-built plans are required before occupancy permits are issued.

Special Permit applicants must submit a certified abutter's list of abutters within 300' of the subject property . Abutters lists are requested from the Assessor's Office at least 10 days before the application deadline .

Please note that Definitive Subdivision Applications must include all items as required in Chapter 344 Section 8 of the town bylaws unless specifically waived by the Planning Board.

All peer review deposits must include a W-9 form if the town does not already have this on file. This is to allow us to return any remaining funds at the end of the process. Applicants may request a balance of the funds at any time.

### **Scenic Road Special Permit:**

All scenic road special permits must include three (3) copies of the plans along with an electronic copy of submitted materials.

### **Earth Removal Special Permit:**

All earth removal permits must include three (3) copies of the contour plan showing original grades and drainage, along with three (3) copies of the same at completion. The application must also include a detail of the amount and type of material to be removed, and the proposed truck route including truck size.

### **Site Alteration Special Permit:**

Site Alteration Permits must include photographs of the site, location of trees and vegetation, amount of landscaping materials, a certified plot plan, a timetable and a written narrative of the reasons for the project and how erosion will be controlled. See Chapter 282 Section 5.8 for exact requirements.



## Ashland Planning Department Fees

### Site Plan Review:

#### Industrial/Commercial:

0-2,000 ft <sup>2</sup> :	\$750
2,001-5,000 ft <sup>2</sup> :	\$1000 + peer review deposit of \$2,000
5,001-10,000 ft <sup>2</sup> :	\$2000 + peer review deposit of \$3,500
Greater than 10,000 ft <sup>2</sup> :	\$2000 + \$0.15 per ft <sup>2</sup> of Gross Floor Area + peer review deposit of \$6,000

#### Residential:

\$250 per residential unit  
+ peer review deposit of \$2,500

### Special Permit Application:

\$300\*

### Subdivision Application:

Approval Not Required:	\$250 + \$150 per additional lot created
Preliminary Plan Approval:	\$1,500 + \$150 per lot + peer review deposit of \$2,500
Definitive Plan Approval:	\$2,000* + \$500 per lot + peer review deposit of \$5,000
Modification of Prelim Plan:	\$1,500 + peer review deposit of \$1,500
Mod. of Definitive Plan:	\$1,500 + \$100 per lot + peer review deposit of \$2,500

### Other Costs:

Lot Release:	\$150 per lot
Lot Re-release:	\$50 per lot
CoUrbanize Fee:	varies (see CoUrbanize Fee Schedule)

\*: Special Permits and Definitive Subdivision Plan Approval require public hearings. There are additional fees for the following:

Legal Advertisement:	Cost (usually around \$60-80)
Abutter list:	\$2 per abutter, \$50 max (Obtained at Assessors Department)



Abutter notification: \$2 per abutter, \$50 max (Planning Department will mail notifications)



### CoUrbanize Fee Schedule

Application Type	CoUrbanize Requirement
Site Plan Review	CoUrbanize Required
Site Plan Review (Pertaining to Uses Proposed for ADD A, B, & C)	Town planner or Planning Board determines whether CoUrbanize is required
Special Permit	Town planner or Applicable Regulatory Board (PB/ZBA) determines whether CoUrbanize is required
Subdivision Permit (Cluster Included)	CoUrbanize Required
Comprehensive Permit (40B)	CoUrbanize Required
Additional Customization	Applicable Regulatory Board determines whether CoUrbanize is required

The requirement to engage the services of CoUrbanize, as listed above, only pertains to the basic CoUrbanize package, not additional customization services\*. The Town Planner and/or Planning Board will determine whether and to what extent additional customization services are required (see second chart below). Any applicant can be granted a waiver from engaging the services of CoUrbanize at the discretion of the Planning Board.

Project Type	Building Size (square feet)	Total Fee Charged By The Planning Department
Small	0 – 24,999	\$600.00
Medium	25,000 – 74,999	\$1,100.00
Large	75,000 – 149,999	\$2,500.00
Very Large	150,000 and Greater	\$3,950.00

<b>Additional Customization*</b>	
Traffic	\$1,500.00
Shadow	\$1,750.00
Parking	\$500.00
Other Impact Study	\$1,500.00