



**TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET**

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Patricia Kendall, Chair
Peter Matchak, Town Planner

**Certificate of Approval
Special Permit
501 Pond Street
Map 29, Lot 151**

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In Accordance with Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, 8.8 (Pond Street Mixed Use Overlay District) and 9.3 (Special Permits) of the Ashland Bylaws, the Planning Board (the "Board") held a public hearing to hear the petition of Trask, Inc.

The property in question is located at 501 Pond Street, Assessors Map 29, Lot 151. The property is within the Highway Commerce Zoning District and the Pond Street Mixed Used Overlay Zoning District. The applicant proposes the development of 120 apartment homes and approximately 6,800 square feet of retail space. The project proposes to provide 180 parking spaces for both residential and commercial use.

The application for a Special Permit was filed with the Town of Ashland on November 16, 2021. The following waivers are requested under the Special Permit: Density, Tree Plantings, Parking Space Dimensions and Loading Area. The following waiver is requested under the Site Plan Review: Stormwater Management.

The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on December 29, 2021 and January 5, 2022.

The Board opened the public hearing as advertised on January 13, 2022. The public hearing was continued to February 10, 2022, March 3, 2022, March 17, 2022 April 14, 2022, April 28, 2022, May 12, 2022, May 26, 2022, June 9, 2022, June 23, 2022, , August, 11, 2022, October 13, 2022, October 27, 2022, November 10, 2022, December 1, 2022, the hearing was closed on December 1, 2022. The Planning Board public hearing was held via video conference and was held in full compliance with Massachusetts Open Meeting guidelines as modified by Governor Charlie Baker's Emergency Order dated March 12, 2020. Agendas and meeting material were available on the Town of Ashland website. Members of the Planning Board who sat on this public meeting were Tricia Kendall, Deepa Venkat, Marcelo Arjona, Kevin McClean, and Kate Jurczyk. Voting

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 members of the Planning Board for this application were Tricia Kendall, Deepa Venkat, Marcelo Arjona, and Kevin McClean.

Documents of Record

The Application was received and stamped at the Town Clerk’s Office on November 16, 2021, and contained:

- a) Application for Special Permit and Site Plan Review filed with the Ashland Town Clerk on November 16, 2021, including abutters list and property card.
- b) A Traffic Impact and Access Study titled “Proposed Multi-Family Housing Development” by MDM Transportation Consultants, Inc and dated October 25, 2021.
- c) Plan set entitled “Pond Street Architectural – 10.26.21” prepared by Icon Architecture – Holding a revision date of 11/9/2022.
- d) Plan set entitled "Site Plan Mixed Development 501 Pond Street Ashland MA" prepared by Bruce Saluk and Associates, last revised November 16, 2022, signed and stamped by Bruce Saluk No 32375 (14 sheets including survey).

Sheet:	Description:	Plan Date:	Revision Date:
1	Cover Sheet	10-24-2021	11-16-2022
2	Existing Conditions	10-24-2021	11-16-2022
3	Layout Plan	10-24-2021	11-16-2022
4	Grading plan	10-24-2021	11-16-2022
5	Drainage Plan	10-24-2021	11-16-2022
6	Water, Sewer & Utility Plan	10-24-2021	11-16-2022
7	Truck access plan	4-26-2022	9-14-2022
8	Plan & Profiles (sewer)	7-19-2022	9-14-2022
9-13	Detail Plans	4-26-2022	9-14-2022
14	Detail Plan	9-14-2022	

Materials Submitted During the Public Hearing

- e) A 12-page Architectural Plan Set entitled “501 Pond Street” prepared by Icon Architecture, holding a revision date of 11/9/2022:

Sheet:	Description:	Plan Date:	Revision Date:
A-100	Site Plan	10/20/2022	N/A
A-101	First Floor Plan	10-26-2021	10-20-2022
A-102	Second-Fourth Floor Plan	10-26-2021	10-20-2022
A-103	Roof Plan	10-26-2021	10-20-2022
A-201	Exterior Elevations	10-26-2021	10-20-2022
A-202	Exterior Elevations	10-26-2021	10-20-2022

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A-203	Perspective from Pond St Looking North	10-26-2022	10-9-2022
A-204	Perspective front of Building	10-26-2021	11-9-2022
A-205	Perspective from Meeting House Path	N/A	10-20-2022
A-206	Perspective from North Site & Pond	N/A	10-20-2022
A-207	Perspective Overlay	N/A	10-20-2022
A-301	Building Sections	N/A	10-20-2022

- f) "Stormwater Management Report proposed 4 Story Apartment Building" with addendums 1-4 prepared by Bruce Saluk and Associates, last revised 10/12/2022.
- g) GCG Associates, Inc. peer review letter of dated November 28, 2022.
- h) Ashland DRC Review Comments on 501 Pond Street in reference to Committee Meeting on June 2, 2022 and June 16, 2022.
- i) Landscape Plan from Copley Wolff Design Group, Including
- | Sheet: Description: | Plan Date | Revision Date |
|-------------------------------|-----------|---------------|
| L-100 Landscape Plan | 6-09-2022 | 6-23-2022 |
| L-200 Landscape Planting Plan | 9-29-2022 | 6-23-2022 |
| L-201 Planting Plan Details | 6-09-2022 | N/A |
| L-300 Lighting Plan | 6-09-2022 | N.A |
- Lighting Cut Sheets – Submittal date 9/22/2022, file titled "lighting cut sheets – Copley Wolff"
- j) Updated Traffic Impact Assessment (TIA) titled "Proposed Mixed Use Multi-Family Housing Development" Prepared by MDM Transportation Consultants, Dated May 5, 2022
- k) Traffic Peer Review letter titled "Traffic Peer Review Mixed-use multifamily housing development 501 Pond Street Ashland, MA" Prepared by Ron Muller & Associates, dated August 25, 2022
- l) Response letter addressed to Ron Muller & Associates, prepared by MDM Transportation consultants, Inc. dated September 13, 2022
- m) 2nd traffic peer review letter, prepared by Ron Muller & Associates, dated September 27, 2022

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- n) Peer review letter titled “Site Plan Review & Special Permit, Mixed use Development Community 501 Pond Street” Prepared by GCG Associates, Inc. Dated June 2, 2022 – additional responses and iterations of peer review contents provided by GCG Associates outlined below
 - a. 2nd response letter – titled “2257(2nd) 501 Pond Street PSMUOD SPSP Review Ltr 08-16-2022” Dated August 16, 2022
 - b. 3rd response letter – titled “2257 (3rd) 501 Pond Street PSMUOD SPSP Review tr 10-06-2022” Dated October 06, 2022
 - c. UPDATED 3rd response letter – titled “2257 (3rd) 501 Pond Street PSMUOD SPSP Review Ltr 10-06-2022” Dated October 11, 2022
 - d. 4th response letter – titled “2257 (4th) 501 Pond Street PSUMOD, SPS Review LTF 11-28-2022” Dated November 28th, 2022
- o) First response to GCG Peer review, prepared by Bruce Saluk & Associates, titled “LTR- Peter Matchak Town Planner and Director – 072522” dated July 25, 2022
- p) Second response to GCG Peer review, prepared by Bruce Saluk & Associates, titled “LTR –Peter Matchak Town Planner and Director – 0902022” – Dated September 20, 2022
- q) Third response to GCG Peer review, prepared by Bruce Saluk & Associates titled “LTR- Peter Matchak Town Planner and Director – 101222” Dated October 12, 2022
- r) Memorandum from Applicant titled “MEMO AW school aged children report” Dated May 5, 2022
- s) Memorandum from Applicant titled “MEMO updated administrative procedures compliance” Dated May 5, 2022
- t) Memorandum from Applicant titled “MEMO real estate tax value” dated May 5, 2022
- u) Memorandum from Applicant titled “Sustainable design features” submitted May 19, 2022
- v) Memorandum from projects Council – Mark Kablack, ESQ titled “MEMO – Converse Way” Dated 7/21/2022
- w) Memorandum from Applicant titled “MEMO – parking” dated 7/21/2022
- x) Off-site sewer install estimated, provided by Haley & Ward, titled “501 Pond Street Development – Sewer installation estimate” dated July 15, 2022

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- y) Supplemental legal memorandum re: Converse Way and Loading Areas titled “legal Response letter from applicant” drafted by project council, Mark Kablack, ESQ, Dated July 29, 2022
- z) Letter (email) from Town Council – Lisa L. Mead, Mead, Talerman & Costa, LLC, titled “Converse Way Lot Area L Mead Opinion” received by Planning Board August 18, 2022
- aa) LEED BD+C: Homes and multifamily lowrise v4 scorecard for the property prepared by Icon Architecture – title “2022-11-29 501 Pond St LEED v4 Homes Checklist (002)” Dated November, 28, 2022

bb) Updated letters from the Applicant, received on the below dates

Date submitted	title
February 1, 2022	“501 Pond letter 2.1.22”
February 24, 2022	“501 Pond updated narrative”
April 4, 2022	“Plan updates 4.7.2022”
May 5, 2022	“501 pond 5.5.2022 updates”
July 21, 2022	“Plan Updates 7.21.2022”
August 4, 2022	“501 Pond 8.4.22 update to Planning Board”
September 22, 2022	“Update letter 9.22.22”
October 13, 2022	“10.13.22 update”

- cc) Request for continuance dated January 18, 2022
- dd) Request for continuance dated January 24, 2022
- ee) Request for continuance dated February 14, 2022
- ff) Request for continuance dated March 10, 2022
- gg) Request for continuance dated April 18, 2022
- hh) Request for continuance dated May 2, 2022
- ii) Request for continuance dated May 16, 2022
- jj) Request for continuance dated June 9, 2022
- kk) Request for continuance dated July 11, 2022
- ll) Request for continuance dated September 6, 2022
- mm) Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.

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Documents of Record Subject to the Following Conditions

As used herein, the term “Applicant” shall mean the Applicant, its heirs, successors and assignees and the term “Board” shall mean the Planning Board, whoever its members shall be from time to time.

Facts and Findings

Based on the evidence presented by the Applicant, the Board makes the following findings outlined in Chapter 282, Section 9.3 (Special Permits) of the Ashland Zoning Bylaws:

1. Location and Use

- a. The Locus is 501 Pond Street, Assessors Map 29, Lot 151. The property is within the Highway Commerce Zoning District and the Pond Street Mixed Used Overlay Zoning District. The Locus is approximately 4.14 acres and has frontage on Pond Street (Route 126).
- b. The Pond Street Mixed-Use Overlay District (PSMUOD) was created to promote economic development, encourage more efficient use of infrastructure, add vitality to the corridor and provide better access to employment opportunities and services by allowing high density mixed residential and commercial uses within the same building.
- c. The proposed project includes one mixed-use building consisting of 120 rental apartments and approximately 6,800 square feet of retail space. It also includes 180 parking spaces for both residential and commercial use.
- d. Of the 120 residential units, 25% (30 units total) will be affordable at 80% AMI . Of the 120 units, 66 units are 2-bedroom units and 54 units are 1-bedroom units. The building also includes approximately 5,000 square feet of amenity spaces for the residences including a leasing office, a lounge and a gym.
- e. The project originally proposed 180 parking spaces: 17 spaces are located in the Woonerf and are minimum 9' x 20', 157 spaces are 9' x 18', and 6 spaces are universally accessible. The Planning Board requested, and the Applicant provided, an enlarged delivery area in the Woonerf, reducing the Woonerf parking spaces by 1 space to 16 spaces. Aisles outside of the Woonerf are 24' wide.

2. Sustainability

- a. The proposed building meets the current criteria to be Energy Star Certified. The Applicant does not intend to pursue LEED certification due to cost. However the applicant had submitted a LEED v4 scorecard as noted in “Documents of Record “dated November 28, 2022.
- b. Electric vehicle (EV) charging stations will be provided for 9 parking spaces, as noted on the plan entitled “Site Plan Mixed Development 501 Pond Street Ashland MA” Prepared by Bruce Saulk & Associates. Conduit shall be installed to provide an additional 60 spaces (totaling 69/180 spaces) with EV charging if needed in the future (see note 7 on Drawing C1).
- c. All planting materials are non-invasive species, and 75% of the planting material is native species, as detailed on the plan entitled “Landscape plan 501 Pond Street” prepared by Copley Wolff Design Group.
- d. Bike racks in the Woonerf will allow for pedestrian access to the site.
- e. The building will have HVAC and domestic hot water utilizing electric heat pumps. The preference of the Board shall be for the Applicant to use electric heat pumps for commercial spaces and residential common areas However, gas connections are allowed for use in the commercial spaces and residential common areas in the building.
- f. The building will be built solar ready for solar panels on the roof Solar panels should be maximized within the areas shown on the referenced plan A-103 as dated 10/20/2022. No solar panels shall be built outside the designated area. The Applicant agrees that if solar panels are not installed during construction, the Applicant shall install solar panels within 2 years of receiving the final Certificate of Occupancy. Within the time period noted herein, the failure to install roof mounted solar panels shall be a violation of this permit.
- g. Other sustainable features, as detailed in the letter from Trask, Inc. dated October 24, 2022, concerning green, sustainable and climate resilient design features, include interior LED lights, Energy Star rated appliances, low flow toilets and flow restricted faucets and bath plumbing, high efficiency 2 stage heat-pump compressors, high efficiency tank-less hot water heaters, and dual pane, low-e vinyl windows.
- h. The site will provide a stop for local bus service. An eleven-foot vertical clearance and a bench for seating will allow for MetroWest Regional Transit Authority (MWRTA) services and access as noted in the letter authored by Emily Van Dewoestine, Director of Fixed Routes, Marketing and Intermodal, and submitted to the Planning Board.

3. Special Permit Criteria

Based on the evidence presented by the Applicant, the Board is required to apply the criteria found in Chapter 282 Sections 9.3.2 (Special Permits) of the Ashland Zoning Bylaws as it applies to the proposed uses which are set forth in Section 8.8.5 (Pond Street Mixed Use Overlay District Permitted Uses). The Board makes the following findings:

- a. Community needs served by the proposal;

Finding: The Planning Board finds the Applicant's proposal to develop a primarily residential building on the site serves the community's need for housing and for redevelopment of a vacant site. The commercial aspect of the building will serve the commercial corridor of Pond Street.

- b. Traffic flow and safety, including parking and loading;

Finding: The Planning Board finds that the traffic flow to and from the site is safe for residents and visitors to the Locus, as well as the adjacent neighborhoods. Parking space for delivery and mail trucks will occur in the first space abutting the lobby within the designed Woonerf, marked as "D" on the Site Plan. Parking in the Woonerf will be limited to the commercial businesses. The building management team shall regulate all tenant move-ins and move outs, ensuring they do not take place in the east parking (Woonerf) area. The Applicant will work with the MWRTA to establish a bus stop on the Locus, which will be added to all bus routes that pass the Locus.

In addition, the Planning Board recognizes ingress and egress to the abutting property holding an address of 750 Concord Street, Holliston, a mini golf facility locally known as Putts and More, will continue. Access to the abutting site was granted to the property owner (property N/F of Ronald A. Golz) and recorded with the Middlesex South Registry of Deeds as Book 22918, Page 221 and as detailed in Exhibit "A". Access to the 750 Concord Street, Holliston, MA was granted with non-exclusive easement rights were granted in "Converse Way" for all proposes in which Streets, roads and a way are commonly used.

- c. Adequacy of utilities and other public services;

Finding: The Planning Board finds utilities and other public services to be adequate for the proposed project, with the following exceptions: the Applicant shall both complete the Ledgemere Bypass sewer pipe installation and install a biological (enzyme) feed station at this location (see Special Project Conditions 2 and 3).

d. Neighborhood character and social structures;

Finding: The Pond Street corridor is predominantly commercial with some residential areas. The proposed mixed-use building will maintain the neighborhood character. The Locus is separated from the Eliot Street/Pond Street commercial node by the adjacent assisted living facility and is bordered on two sides by condominium communities. Thus, having a primarily residential building with some commercial space fits into the transitional area the Locus occupies. The Woonerf will be public/private outdoor space, which will promote activities and gatherings for the larger civic community.

As represented on the approved site plan, the Applicant shall protect and preserve the existing berm and hedge along the rear property line abutting the Ledgemere Country Condominium complex and adding additional trees where needed to complete the screening. The Applicant shall also plant and maintain vegetative screening along the property line with the parcel of 369 Pond Street (the Residence at Valley Farms).

e. Impacts on the natural environment;

Finding: The locus currently has no development or stormwater infrastructure on site. The stormwater infrastructure that will be installed with this Project will mitigate impacts on the natural environment. In addition, the site has been pre-developed with no significant natural landscape remaining. The proposed plantings, including many native plants, will benefit the natural environment of the site.

f. Potential fiscal impact, including impact on town services, tax base, and employment.

Finding: Using the Town's economic development tool, the fiscal impact of the described project is projected to be a net positive. The project is forecasted to add between 20 and 26 school age children to the Ashland school system. Using a cost of \$13,000 per student there will be an estimated cost of \$260,000 to \$338,000. Overall, the project is forecasted to add an estimated 225 new residents, which will add an estimated cost to Town services of \$100,000.

In the past fiscal year, the property taxes totaled \$20,133.09 according to Ashland town records. The unadjusted property tax from the entire Project is estimated to raise an estimated \$500,000.00 dollars. Ongoing employment from the commercial aspect of the site is anticipated to employ between 15 and 20 employees.

4. Pond Street Mixed Use Overlay District Criteria

Based on the evidence presented by the Applicant, the Board makes the following findings outlined in Chapter 282, Section 8.8.4 (PSMUOD – Development Criteria) of the Ashland Zoning Bylaws:

- 1) Adequacy of the site in relation to the size of the proposed structure

Finding: The project has been maximized to promote and support affordable housing. Twenty-five percent of the residential units will be affordable, allowing the Town to add all 120 units to the Subsidized Housing Inventory. The Locus is separated from the Eliot Street/Pond Street commercial node by the adjacent assisted living facility and is bordered on two sides by condominium communities. Thus, having a primarily residential building with some commercial space fits into the transitional area the Locus occupies.

- 2) Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;

Finding: The “Woonerf” will be created as a public/private open space and thus will be open to the public for casual gatherings or organized events. Building management will moderate the use of the space for proposed events. Future events may include food trucks parking within the Woonerf.

- 3) Suitability of the site for the proposed use:

Finding: The Locus is separated from the Eliot Street/Pond Street commercial node by the adjacent assisted living facility at 369 Pond Street, is bordered in the rear by Ledgemere County Condominium complex and is adjacent to the Spyglass Hill Condominium complex that is surrounded by steep topographical elevations. Thus, having a primarily residential building with 6,800 sq. ft. of commercial space fits into what has been identified as a transitional area.

- 4) Impact on Traffic, pedestrian flow and access for emergency vehicles:

Finding: The traffic flow to and from the site is safe for residents and visitors to the Locus, as well as the adjacent neighborhoods. Parking for delivery trucks will occur in the first space abutting the lobby, marked D on the Site Plan. Parking in the Woonerf will be limited to the commercial businesses. The building management shall manage all tenant move-ins and move outs, ensuring they do not take place in the east parking (Woonerf) areas. In accordance with the letter from the Metrowest Regional Transit Authority, the Applicant will work with the Authority to establish a bus stop on the Locus, which will be added to all bus routes that pass the Locus. Access for emergency vehicles was confirmed by the Ashland Fire Department.

5) Impact on the visual character of the neighborhood:

Finding: With the redevelopment of Pond Street, the area is in transition and looking for its identity. The Applicant has considered the neighboring site, as well as the abutting residential developments as they created the Project. The site is best suited to a residential use due to its distance from the Eliot Street/Pond Street commercial node and the surrounding residential uses.

6) Adequacy of utilities, including sewage disposal, water supply and storm water drainage.

Finding: The Applicant shall complete the Ledgemere Bypass sewer pipe installation and install of a biological (enzyme) feed station at this location (see Special Project Conditions 2 and 3).

7) Degree to which the proposed project complies with the stated purpose of this bylaw:

Finding: This Project complies with the stated purpose of this bylaw by providing high density, affordable housing in the same building as commercial uses to provide better access to employment opportunities and services. The addition of commercial and residential space on the commercial corridor will promote economic development and add vitality to the corridor. The Planning Board finds the addition of an energy efficient building with a regional bus stop is an efficient use of the infrastructure.

8) Impact of the proposal on the existing mix of structures and business in the PSMUOD;

Finding: The project aligns with the existing mix of structures in the area, providing residential density to support new and existing businesses.

5. Waivers

- a. Density: The Planning Board finds that the density bonus requested by the Applicant's proposal, noted as permissible in 8.8.7.b, to be in alliance with the goals of the district and the Town. The Planning Board thus allows increasing the unit count from 90 units with 10% affordable, to 120 units with 25% affordable (30 units total at 80% AMI).
- b. Tree Plantings: The Planning Board finds that total tree plantings exceed minimum requirements as outlined in 5.4.4 and waives the requirements for tree locations as outlined in 5.4.4 for the few instances where it cannot be met.
- c. Parking Space Dimensions: The Planning Board finds the parking space dimensions to be sufficient and grants a waiver allowing for parking spaces to

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be nine by eighteen feet (9' x 18') as noted on the approved plan rather than nine by twenty feet (9' x 20') as defined in Section 10 of the Ashland bylaws. In doing so, the Board notes the reduction of imperious paving area while adequately providing parking.

- d. Loading Area: The Planning Board finds that the 9' x 40' dedicated mail/delivery/pick-up/drop off spot to be sufficient for loading and waives the requirements for loading areas as outlined in 5.2.6 and 5.2.7. As a condition of approval, building management shall regulate all tenant move-ins and move-outs, ensuring they do not take place in the east parking (Woonerf) areas.
- e. Stormwater Management: The Planning Board finds the stormwater management system to be sufficient. As designed, it will meet or exceed TTS removal and reduce both peak rate and total volume of storm water as outlined in the bylaw. The system has been designed upon NOAA Atlas-14 rainfall standards as requested by the Ashland Conservation Commission. The Planning Board waives the requirement for nutrient removals as outlined in Chapter 343-8.1.6

Based upon the foregoing, the Board finds, that so long as the conditions set forth hereafter are met, the Criteria of the Special under Ashland Bylaw section 9.3.2 (Special Permits) and 8.8 (Pond Street Mixed Use Overlay District) will be satisfied by the application as follows:

Special Project Conditions

Relevant Conditions discussed during hearings outlined above, and as agreed to by the applicant and 3rd party reviewers, specific to the application:

1. Affordable Units: Twenty-five percent (25%) of the residential units in the permitted project shall be affordable at 80% area median income (AMI) or lower. Out of the total one hundred twenty (120) units, there shall be thirty (30) affordable units, disbursed through the building. All thirty (30) units shall meet or exceed the Department of Community Development's (DHCD) definition of "affordable units" in perpetuity. Prior to the issuance of any certificate of occupancy, the Applicant shall record a Regulatory Agreement approved by DHCD which secures the affordable units in perpetuity and provide proof of same to the Planning Office. Said units shall be created such that they will be included in the Town's subsidized housing inventory.

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2. Sewer Connection: The Applicant shall complete the Ledgemere Bypass sewer pipe installation, which can generally be described as an installation of approximately 54 linear feet of 12" diameter sewer pipe to connect the dry-sewer to the Ledgemere wastewater pump station. This installation is required to finalize the by-pass sewer installation to make it operational. The by-pass sewer is required to allow Ashland to divert wastewater, when necessary, from the Ledgemere pump station to the Brackett Road pump station. Prior to construction, all required work will be approved by the Department of Public Works. All work shall be permitted as needed by the Ashland Conservation Commission. All work shall be completed at the time of issuance of the first occupancy permit and shall be accepted by the Ashland Water and Sewer Department
3. Sewer System Feed Station: Ashland maintains a hydrogen sulfide potential reduction program through chemical feed and biological (enzyme) feed equipment at various locations within the wastewater collection system. Ashland holds a Massachusetts Water Resources Authority (MWRA) discharge permit that regulates sulfide and Biological Oxygen Demand (BOD), both contribute to the formation of hydrogen sulfide. Hydrogen sulfide can convert to sulfuric acid, that can lead to deterioration of the sewer system structure. MWRA discharge permit requires municipalities to limit the sulfide formation through mitigation, and Ashland utilizes gravity sewer cleaning, chemical feed and biological (enzyme) feed. The 501 Pond Street project is located at an extreme end of the wastewater system that will result in extended travel time of the wastewater through the Ashland collection system. Therefore, the installation of a biological (enzyme) feed station at this location is required. The installation requires a small footprint, approximately 3'x3', located at plumbing connection to the sanitary sewer in the building. Ashland DPW will require access during normal business hours to service and maintain this system.
4. Water Main: The Applicant shall work with the Ashland DPW to confirm the existence and location of the twelve-inch water main that is depicted in the approved plans within "Converse Way" connecting Ledgemere Country Condominiums to the Pond Street water main. All infrastructure shall be determined and confirmed at the time of the pre-construction meeting.
5. Water Pressure: Any upgrades needed to create appropriate water pressure to the site for fire suppression or to the resident or commercial areas of the building shall be at the Applicant's expense.
6. Tree/Berm Protection: During construction, the Applicant shall take all measures to protect and maintain the existing berm and trees on the rear property line to ensure screening for the existing Ledgemere Country Condominiums. Any tree damaged during construction shall be replaced in-kind with similar height

screening trees. There shall be a monitor period of the health of the tree for two year after the issuance of the occupancy permit.

7. **Surety Bond:** Prior to construction, the Applicant shall submit a surety bond or equivalent to the Town in the amount of \$100,000. The security shall be due at the time of the required preconstruction meeting. No building permit shall issue until said security is provided to the Town. In the event the Applicant fails to complete the project as set forth herein within 3 years or if the town finds the site has become unsuitable and is deemed hazardous the Town may access the security in order to stabilize the site and take all steps necessary to protect the health, safety and welfare of its residents.

This surety bond shall be used in the event that the site is deemed hazardous and unsafe, or is causing noticeable harm to abutters or Town of Ashland's roads, utility infrastructure, unsafe conditions to the public, materials migrating off site either through erosion or unsafe material piles and dust, etc.

The Town may, with proper notice, access said bond funds for reason to secure the site. In no way shall funds be used to further any site development or construction of the project. Bond funds may be used for security fencing, soil stabilization, erosion control measures, or removal and disposal of trash etc. The bond amount may be reduced upon partial completion of the project.

8. **Inspection Fund:** In accordance with MGL Chapter 44 section 53G, prior to the issuance of a Building Permit, any project specific site work, or scheduling of a pre-construction meeting the Applicant shall pay to the town the sum of \$7,500.00 to be held in the Town's G.L. c. 44 sec 53G accounts by the Town Treasurer which shall be used in the event the town determines it will hire a third party inspection official tasked with monitoring the project to assure compliance with this Permit and local, state and federal laws and regulations applicable to the Project. If the account depletes below a total sum of \$2,000, the Applicant shall be notified, and the Applicant will replenish the account to the sum of \$7,500. The inspection official shall produce a weekly report for the Planning Office detailing any violations of the Planning Board's Decision and completed work. The inspection official shall be under the oversight of the Ashland Department of Community Development and Health c/o Ashland Planning Office.
9. **Parking Control:** Applicant agrees that if the demand for parking spaces is more than the number of spaces built, the Applicant will assess the number of spaces being used by residents. The Applicant shall submit a parking demand study to the Planning Department and implement a permit sticker policy to limit number of permitted parking spaces allowed to residents to alleviate the overcrowding of the parking lot.

10. Energy System: The building will have HVAC and domestic hot water utilizing electric heat pumps and all residential units shall include electric cooktops. The preference of the Board shall be for the Applicant to use electric heat pumps for commercial spaces and residential common areas. However, gas connections are allowed for use in the commercial spaces and residential common areas in the building.
11. Solar Panels: The building will be built solar ready for solar panels on the roof. Solar panels should be maximized within the areas shown on the referenced plan A-103 as dated 10/20/2022. No solar panels shall be built outside the designated area. The Applicant agrees that if solar panels are not installed during construction, the Applicant shall install solar panels within 2 years of receiving the final Certificate of Occupancy. Within the time period noted herein, the failure to install roof mounted solar panels shall be a violation of this permit.
12. Stormwater Management Plan: The Applicant shall abide by the Stormwater Management Plan, referred to as "501 Pond Street Stormwater Management Plan" dated October 12, 2022 approved by the Ashland Conservation Commission.
13. Operations & Maintenance Plan: The Applicant shall abide by the Operations & Maintenance Plan as recorded at the Registry of Deeds unless amended by agreement with the Ashland Department of Public Works.
14. Public/ Private Open Space: The "Woonerf" will be created as a public/private open space and thus will be open to the public for casual gatherings or organized events. Building management will moderate the use of the space for proposed events. Future events may include food trucks parking within the Woonerf.

General Project Conditions

Building and Site Design

1. Prior to the issuance of any building permit, the applicant must submit an exterior set of drawings and details. Submission must include all façade material i.e. siding and roofing. All of the above drawings and details must be prepared by an architect. The color scheme should be representative of the approved plans; but may be modified with Planning Board approval, such approval not to be unreasonably withheld.
2. Prior to the issuance of any building permit, final construction drawings and details must be submitted to the Ashland Inspectional Services Department and shall reflect the civil drawings and architectural renderings approved by the Planning Board.

3. All exterior envelope materials (i.e. siding, roofing, and trim) shall be of high quality.
4. Dumpsters and other rubbish/storage areas shall be enclosed and fully screened by fencing made of wood or other like material. The screening system shall exceed the height of the dumpster.

Building Use

5. The Applicant shall limit the time of dumpster pick up / rubbish pick up to reasonable hours to minimize inconvenience to residents in the general area. All dumpster pick up / rubbish pick up activities shall not commence on any day before 7:00 AM and shall not occur after 6:00 PM. All activities on the site shall conform to Section 204-1: Nuisance Noise of the Ashland Bylaws.
6. Snow storage shall be on-site and shall not obstruct sight lines so as to preserve public safety. The Applicant must remove excess snow from the site as may be deemed necessary within forty-eight hours after the snowfall ends, in the interest of public safety. Snow shall not be stored on or impede access/use of sidewalks and walkways. Any and all excess snow that cannot be stored onsite in the predetermined location(s) will be trucked off site by property ownership at no cost to the Town of Ashland.

Pre-Permit Procedures

7. Prior to the issuance of building permits, the approved Stormwater Operation and Maintenance Plan shall be recorded at the Middlesex South Registry of Deeds along with an Ashland Conservation Commission's Order of Conditions (if required).
8. Prior to the issuance of building permits this decision shall be recorded at the Middlesex South Registry of Deeds and proof of same shall be provided to the Building Office.
9. No project specific land disturbance shall occur on the locus, nor shall any building permits issue, until the Applicant has first the obtained all necessary permits, to the extent required, from all municipal town departments including but not limited to the Ashland Conservation Commission, Board of Health, Department of Public Works, Ashland Water and Sewer Department and the Select Board.
10. Prior to the issuance of building permits, the Applicant shall provide the name and contact information of the contractor on site. Furthermore, the Applicant shall provide the Town of Ashland with emergency contact information for site supervision.

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11. The Applicant and its contractor shall meet with Town staff for a pre-construction meeting before any demolition or building permits are issued. At that time, a fencing schedule and a construction schedule shall be reviewed and approved by Town staff.
12. DPW requires the existing conditions of all drainage and sewer pipes to be documented by a professional engineer and video recordings prior to the issuance of building permits. Note Special Project Condition 4.
13. The Applicant shall complete phase one and phase two (if necessary) environmental testing and shall submit reports thereof to the Planning Office. If required by said report(s) and/or by the Board of Health Agent, the Applicant shall provide a Licensed Site Professional on locus during excavation.
14. If there is any inconsistency between the Planning Board's approved plans and the plans as may be approved by the Conservation Commission, the Applicant shall submit amended plans to the Planning Board for approval. Said amended plans shall be accompanied by a letter setting forth any and all changes from the originally approved plans.
15. If this Special Permit Approval is transferred to an entity other than the Applicant, this approval must be amended by the Planning Board, approval not to be unreasonably withheld.
16. In accordance with Section 9.3.8 (Special Permit) of the Ashland Zoning Bylaws, Special Permit Approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Approval may, for good cause, be extended in writing by the Planning Board upon written request from the Applicant.
17. Pursuant to Section 9.3.8 of the Ashland Zoning Bylaws, any appeal of this decision of the Board shall be made in accordance with M.G.L. Ch. 40A, Section 17, to a court of competent jurisdiction.
18. This approval decision shall be recorded at the South Middlesex Registry of Deeds. A copy of the recorded documents and approved plans bearing the date of recording and the book and page number shall be delivered to both the Planning and Inspectional Services Departments prior to the issuance of all town permits, including building permits, and the commencement of project specific work.
19. This Planning Board approval shall not be effective until the Planning Office receives documentation and or receipt from the Applicant and or an agent of the recording of said document with the Southern Middlesex Registry of Deeds in accordance with M.G.L., Ch. 40A, and Section 11.

Site Work Procedures

20. Prior to any project specific grading activities, perimeter erosion controls shall be installed in accordance with the detail contained within the approved plans of record. Sediment runoff is not permitted to leave the site. Perimeter erosion controls standards will be set by the Ashland Conservation Commission. Untreated stormwater discharge into public roadways or stormwater systems may result in fines from the Department of Public Works.
21. A rock construction entrance (RCE) shall be installed prior to any grading activities to prevent sediment track out on to public roadways. The RCE shall consist of AASHTO No. 1 rock and have a minimum depth of 8-inches. The RCE shall be a minimum of 10-ft wide and 50-ft long. All vehicles exiting the construction site on to public roadways shall travel over the rock construction entrance. The length of the RCE may be extended an additional 50-ft or a wash rack be installed if requested by the Department of Public Works or the Conservation Commission if track out persists.
22. To prevent soil erosion, all slopes within the construction site shall be adequately stabilized by temporary erosion control matting or other means until permanent stabilization is established during the post-construction phase of the project.
23. All erosion control devices on the site shall be inspected at a minimum once per week or once every other week and within 24 hours of a rain event consisting of more than 0.25 inches of rainfall. All erosion control devices shall be maintained to ensure continued functionality and prevent untreated stormwater discharges from the construction site. In the event of a failure of the perimeter controls resulting in any untreated stormwater discharges off the site, the Conservation Commission and the Department of Public Works of the Town of Ashland shall be notified immediately.

Security and Safety Procedures

24. During construction, the site shall be secured with a chain-link fence consistent with the fencing schedule required in Pre-Permit Procedures. Each evening and whenever no work is being done, the site must be locked and secured. The Applicant shall install a lock box in coordination with the Ashland Fire Department and Police Department for site access.

Construction Procedures

25. During construction the Applicant shall be vigilant about dust control. Additionally, the Applicant shall be responsible for any damage to the critical root zones of the abutting trees on surrounding property lines. At all times, water shall be available onsite to control dust. If dust is unable to be controlled, the Applicant shall cover or vegetate all exposed soil surfaces.

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Planning Board Decision
Special Permit

26. During construction, the Applicant shall be vigilant concerning dust and construction trackout onto Pond Street. As necessary, Pond Street shall be swept and cleaned of all debris after each workday. The Applicant shall be responsible for any damage within the roadway that may occur from the Applicants' construction activity and shall be properly repaired in compliance with the Department of Public Works prior to the release of occupancy. Baseline video or photographs of Pond Street shall be submitted before building permits are issued.
27. The Applicant shall comply with Department of Public Works and Fire Department regulations or requirements including the implementation of sprinklers within the building if required by the State Building and Fire Codes. Any permits and fees required by the Department of Public Works and Fire Department are separate from this approval.
28. There shall be no parking or standing of vehicles on Pond Street. If a truck must be unloaded on Pond Street, the Applicant shall contact the Ashland Police Department to determine if a detail is needed; and the truck in question shall not stand or be unloaded on Pond Street until after 9 AM Monday through Friday. The Applicant shall make diligent effort to avoid interrupting commuter traffic along Pond Street.
29. To limit interruption to traffic and local businesses, the Department of Public Works and/or the Ashland Police Department may require night work, which is outside the normal construction hours. If this is the case, approval from the Planning Board is not required; however, approval may be required from the Select Board.
30. At all times, the Applicant shall use all reasonable means to minimize inconvenience to residents in the general area. Construction activities shall not commence on any day before 7:00 AM and shall not continue beyond 7:00 PM except as may be required pursuant to Condition 26. There shall be no construction activities on any Sunday or on federal legal holidays, unless and except as may be required pursuant to the condition describing night work above. Construction activities shall include the idling of any vehicles or equipment.
31. During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust, refueling and blocking of town roads, as well as all applicable directives in the Operations & Maintenance Plan.
32. Although dewatering is not expected per initial soil testing, any material leaving the site must be tested and disposed if required by state and federal regulations.
33. Vertical granite curbing shall be installed at the radius of all entrances. The Applicant shall submit a detail representing vertical granite curbing to the Planning Office and Department of Public Works for approval.

501 Pond Street
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Occupancy Permit Procedures

34. Before a final occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
35. Before a final occupancy permit is issued for the building, the Applicant shall submit as-built plans of the project including all utilities and stormwater infrastructure. Said as-built plans shall be stamped by a licensed civil engineer. Submission of the as-built plans shall be in full size paper plan, PDF and as a geo-referenced CAD file.

Decision

Following presentations by the Applicant and its consultants, a review by the Planning Board and its consultant and members of the public, the Planning Board made a motion to approve the described application.

The Board Voted as follows:

To approve the Proposed Project on the Premises in accordance with Section 282, 8.8 (Pond Street Mixed Use Overlay District) and 9.3 (Special Permits) of the town of Ashland Zoning Bylaws, based upon the foregoing finding of fact, applicable criteria and so long as the conditions set forth above are met, the Criteria of the Special Permit within the Pond Street Mixed Use Overlay District as applied will be satisfied with the following vote:

Planning Board Vote:

Special Permit

Vote: Approved (4-0-0)

VOTE: (Y) Tricia Kendall, Chair (R) Anna Tesmenitsky, Vice Chair

(A) Catherine Jurczyk, Clerk

(Y) Deepa Venkat, Member

(Y) Marcelo Arjona, Member

(Y) Kevin McClean, Associate Member

(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.

(NA) = Associate Member no vote cast


(R) = Recused from Public Hearing


By a 4-0-0 vote, the Planning Board approves the Special Permit under Section 8.5, Pond Street Mixed Use Overlay District.

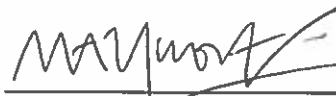
Town of Ashland Planning Board


Tricia Kendall, Chair

Anna Tesmenitsky, Vice Chair



~~Catherine Jurezyk, Clerk~~
Kevin McClean, Associate Member


Deepa Venkat, Member


Marcelo Arjona, Member

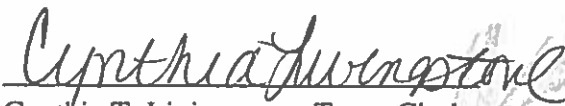
Decision filed with the Town Clerk on:

Date: 12/18/2022


~~Cynthia T. Livingstone, Town Clerk~~
Christopher P. Sullivan, Deputy Town Clerk

In accordance with Section 11 of Chapter 40A, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Ashland Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date: 12/29/2022


Cynthia T. Livingstone, Town Clerk

