



**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  
Site Plan Approval  
399 Union Street  
Map 20, Lot 009**

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In Accordance with Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, Section 9.4 (Site Plan Review) of the Ashland Bylaws, the Planning Board (the "Board") held a public hearing to hear the petition of Retail Ashland, LLC.

The property in question is located at 399 Union Street, Assessors Map 20, Lot 9. The property is within the Industrial Zoning District. The Applicant proposes the development of a 2,618 square foot drive-thru, fast-food Starbuck's restaurant. The project proposes to provide 35 parking spaces for the restaurant use and drive-thru queuing of at least 13 cars.

The application for a Site Plan Review was filed with the Town of Ashland on August 2, 2022. The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on August 10, 2022 and August 17, 2022.

The Board opened the public hearing as advertised on August 25, 2022. The public hearing was continued to September 9, 2022, October 27, 2022, December 1, 2022, January 12, 2023, and January 26, 2023; the hearing was closed on January 26, 2023. 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 and extended on July 16, 2022 when Governor Baker signed into law An Act Relative to Extending Certain State of Emergency Accommodations. 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, Anna Tesmenitsky, Kate Jurczyk, Deepa Venkat, Marcelo Arjona, and Kevin McClean. Voting members of the Planning Board for this application were Tricia Kendall, Anna Tesmenitsky, Kate Jurczyk, Marcelo Arjona, and Kevin McClean.

***Documents of Record***

The Application was received and stamped at the Town Clerk’s Office on August 2, 2022, and contained:

- a) Application for Site Plan Review filed with the Ashland Town Clerk on August 2, 2022, including abutters list and property card.
- b) A Traffic Impact Study titled “Proposed Coffee Shop with Drive-Through Window” by McMahon Associates, Inc. and dated July 2022 (“TIS”).
- c) A 5th revised 12-Sheet Site Plan signed and stamped by JK Holmgren Engineers: Plan set entitled "Proposed Coffee Shop" prepared by JK Holmgren Engineering, dated and last revised on January 18, 2023, signed and stamped by John K. Holmgren (No. 30848) and Scott M. Faria (No. 51906) (11 sheets with survey).

Sheet:	Description:	Plan Date:	Rev. Date:
C-1	Cover Sheet	06-01-2022	01-18-2023
C-2	Existing Conditions Plan	06-01-2022	01-18-2023
C-3	Layout and Materials Plan	06-01-2022	01-18-2023
C-3A	Fire Truck Turn Plan	06-01-2022	01-18-2023
C-4	Grading & Drainage Plan	06-01-2022	01-18-2023
C-5	Utility Plan	06-01-2022	01-18-2023
C-6	Landscape & Erosion Plan	06-01-2022	01-18-2023
C-7	Detail Set	06-01-2022	01-18-2023
C-8	Detail Set	06-01-2022	01-18-2023
C-9	Detail Set	06-01-2022	01-18-2023
C-10	Detail	06-01-2022	01-18-2023
C-11	Proposed Queuing Plan	06-01-2022	01-18-2023
NA	Landscape Rendering	07-07-2022	10-13-2023

d) Elevations and Renderings

A400 Exterior Elevations 06-17-2022 09-27-2022

\*This document was submitted and received by the Planning Office on Jan 18, 2023

A4 Rendering (with mural) 01-25-2023 NA

- e) Memorandum in Support of Application for Site Plan Review with the following attached exhibits:
  - 1. Email from Douglas Scott, dated June 29, 2022;
  - 2. Proposed Queuing Plan by JK Holmgren Engineering, dated March 14, 2022;
  - 3. Site Rendering Plan by JK Holmgren Engineering, dated July 7, 2022;
  - 4. Plot Plan by JK Holmgren Engineering, dated July 7, 2022; and
  - 5. Floor and Elevation Plans by BKA Architects and undated Life Safety and Accessibility Plan showing typical seating layout.

***Materials Submitted During the Public Hearing***

- f) Ron Muller & Associates peer review letter of TIS, dated August 24, 2022.
- g) Letter, dated September 19, 2022, from McMahon Associates responding to Ron Muller & Associates peer review letter of August 24, 2022.
- h) GCG Associates, Inc. peer review letter of Site Plan, dated September 19, 2022.
- i) Revised Proposed Queuing Plan, dated September 19, 2022.
- j) Letter, dated October 7, 2022, from JK Holmgren Engineering responding to GCG peer review letter of October 7, 2022.
- a) Revised TIS by McMahon Associates, Inc., dated July 2022 and revised November 2022.
- b) Letter, dated November 14, 2022, from Ron Muller & Associates.
- c) Letter, dated November 14, 2022, from JK Holmgren Engineering further responding to GCG peer review.
- d) Letter, dated November 29, 2022, from McMahon Associates responding to Ron Muller & Associates peer review letter of November 14, 2022.
- e) Letter, dated November 30, 2022, from Jerry C. Effren describing changes to Site Plan, revision 11-29-22.
- f) Letter, dated November 22, 2022, from JK Holmgren Engineering addressing prior comments received from Planning Board.
- g) Letter, dated January 3, 2023, from GCG Associates regarding peer review.
- h) A revised Layout & Materials Plan (i.e. Sheet C-3 of the Site Plan) with a Plan Date of 06-01-22 and a Revision Date of 01-05-23 signed and stamped by JK Holmgren Engineers.
- i) A one sheet Revised Lighting Plan, titled "Lighting Proposal LO-156172-1, dated June 29, 2022 and revised September 30, 2022.
- j) Letter, dated January 5, 2023, from JK Holmgren Engineering addressing comments for GCG's January 3, 2023 letter.
- k) Ashland DRC Review Comments on 399 Union Street in reference to Committee Meeting on October 6, 2022 and November 17, 2022.

- l) Document titled Post-Construction Phase Best Management Practices Operation and Maintenance Plan & Long-Term Pollution Prevention Plan, dated September 15, 2022 from JK Holmgren to Planning Board.
- m) Email, dated January 8, 2023, from Applicant to Peter Matchak, attaching pictures Starbucks' restaurant recently constructed in Easton, which is the proto-type design for Ashland.
- n) Email, dated January 8, 2023, from Applicant to Peter Matchak, addressing employment and tax benefits of this Ashland project.
- o) Email, dated January 8, 2023, from Applicant to Peter Matchak, attaching pictures Starbucks' restaurant recently constructed at Gillette Stadium in Foxborough, which is the proto-type design for Ashland.
- p) Letter, dated January 12, 2023, from project abutter.
- q) Ashland Conservation Commission, Order of Conditions issued November 28, 2022 .
- r) Other community correspondence relative to the Project.
- s) Letter, dated January 25, 2023, from Ron Muller & Associates.
- t) Decision of Ashland Zoning Board of Appeals dated September 2, 2022, certified as final by the Ashland Town Clerk on October 5, 2022, granting a Special Permit authorizing use of Property for a fast-food restaurant with drive-thru.

***Public Hearing Continuances***

- u) Email from Jerry Effren. Re: 399 Union Street. Received Aug 30, 2022. Filed with the Ashland Town Clerk Aug 30, 2022.
- v) Email from Neal Bingham. Re: 399 Union – Starbucks. Received Sept 20, 2022. Filed with the Ashland Town Clerk Sept 21, 2022.
- w) Email from Greg Salvatore. Re: 399 Union Street. Received Oct 19, 2022. Filed with the Ashland Town Clerk Oct 19, 2022.
- x) Email from Jerry Effren. Re: Planning Board Application for Site Plan Approval. Received Oct 19, 2022. Filed with the Ashland Town Clerk Oct 19, 2022.
- y) Email from Jerry Effren. Re: 399 Union Street. Received Dec 6, 2022. Filed with the Ashland Town Clerk Dec 7, 2022.
- z) Email from Jerry Effren. Re: 399 Union Street. Received Jan 27, 2023. Filed with the Ashland Town Clerk Jan 30, 2023, 2023.

### **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.

“Site Plan” shall mean:

*A 5th revised 12-Sheet Site Plan signed and stamped by JK Holmgren Engineers, Plan set entitled "Proposed Coffee Shop" prepared by JK Holmgren Engineering, dated and last revised on January 18, 2023, signed and stamped by John K. Holmgren (No. 30848) and Scott M. Faria (No. 51906).*

### ***Facts and Findings***

Based on the evidence presented by the Applicant, the Board makes the following findings outlined in Chapter 282, Section 9.4 (Site Plan Review) of the Ashland Zoning Bylaws:

#### **1. Location and Use**

- a. The Locus is 399 Union Street, Assessors Map 20, Block 9, Lot 0. The property is within the Industrial Zoning District. The land area of the Locus is 55,504, +/- square feet and the Property has greater than 150 feet of frontage along Union Street.
- b. Currently the property has a 9,754 square foot building with a drive-thru used as a pharmacy which was constructed in 2003 and will be demolished. The proposed project is for a Starbuck’s fast-food restaurant (2618 square feet) with a drive-thru, a use permitted by special permit. The Applicant filed a special permit application for this use with the Zoning Board on July 13, 2022, and the special permit issued from the Zoning Board by the Decision of September 2, 2022, and was certified as “final” by the Town Clerk on October 5, 2022.
- c. The project originally proposed access 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”).

Working with Ron Muller and Associates, the Town's traffic engineering consultant, the Applicant provided a reconfiguration of the access and egress so that the only access to the site shall be via the North Site Driveway and egress via North Site Driveway, the East Site Driveway, and the West Site Driveway.

- d. The project originally proposed 42 parking spaces. In connection with reconfiguration of internal circulation for the parking area, the number of parking spaces was reduced to 35 spaces, which is nearly twice the requirement of the Bylaw.
- e. The proposed outdoor seating patio located on the north side of the proposed building has been designed to be both easily visible and blend into the surrounding area while being inviting to the public with accessible public access. The seating area shall be deemed safe and accessible (as determined by the Building Commissioner). As designed, the seating area will be bordered in the rear with a raised pre cast concrete curb, two (2) non illuminated bollards and a decorative fence to blend with the permanent building as much as possible. The front of the building including the outdoor seating area will be protected by bollards as show on the approved plan that shall stand 3'-6" tall and shall be anchored 3'-6" underground as shown in the construction detail.
- f. The approved site plan includes two bike racks that will be located along the front right hand side of the building. The location of the bike racks can be further identified on "Y" on the site legend on Sheet C-3.
- g. The applicant has provided to the Town of Ashland the east wall of the building for the community space for the development of a mural representing Ashland's history. Such mural shall be designed by a local artist and or school group.

## **2. Sustainability**

- a. The project will retain many of the existing plantings on the Locus. All planting materials shall conform to the latest version of the American Standard for Nursery stock (ANSI Z60.1). New plantings shall be those detailed on the Site Plan (Sheet C-6) entitled "Landscape Development Plan" prepared by JK Holmgren and the Site Rendering Plan (Sheet C-R). An additional shade tree of native species has been added near the patio. At the apex of Summer and Union Street, lawn area has been reduced and replaced with a "Pollinator Habitat."

- b. Other sustainable features, include recycled tire entry mats, natural wood and leather upholstery materials, recycled and fully recyclable furniture, LED lighting, low-flow restroom fixture and equipment such as dishwashers, recycled glass composite countertop materials, sustainably sourced wood siding, minimized use of ozone depleting refrigerants, bike racks, use of low VOC products, and low-e glazing. All sustainable features are shown on sheet A400, titled Exterior Elevations, holding a revision date of Sept 27, 2023.

### 3. Site Plan Review Permit Criteria

Based on the evidence presented by the Applicant, the Board is required to apply the criteria found in Chapter 282 Section 9.4 (Site Plan Review) of the Ashland Zoning Bylaw as it applies to the proposed uses which are set forth in Sections 3.1 (Use Regulations), as follows:

**a. Minimize use of wetlands, steep slopes, floodplains and hilltops;**

*Finding:* The Locus does not contain wetlands, steep slopes, floodplains or hilltops.

**b. Minimize obstruction of scenic views;**

*Finding:* The Locus does not contain scenic views, but it does have a view to the Kidspot Playground and the vegetated hillside beyond. The proposed building is significantly smaller than the existing building and thus allows a greater view to these areas. Neither Summer Street nor Union Street is designated a scenic road.

**c. Preserve unique natural or historical features;**

*Finding:* There are no unique natural or historical features on the Locus. However, lawn area has been reduced and replaced with a “Pollinator Habitat” at the apex of Summer and Union Street.

The Applicant grants to the Town the right to install and maintain a “Welcome to Ashland” sign to be designed and constructed by the Town.

**d. Minimize tree, vegetation and soil removal and grade changes;**

*Finding:* The Applicant has minimized the removal of soil and minimized grade changes through the siting and structure of the proposed building. The Applicant will utilize many of the exiting trees and vegetation, plant additional native species, and reduce the amount of impervious surface as per the approved Site Plan.

**e. Maximize open space retention;**

*Finding:* Applicant has maximized open space retention. The existing 9,754 square foot building will be demolished and replaced by a significantly smaller and 2,618 square foot building. The reduction in parking has resulted in an increase in pervious surface area.

**f. Screen objectionable features from neighboring properties and roadways;**

*Finding:* Objectionable features such as parking and refuse/recycling areas (including dumpsters) have been screened from the abutting residential properties through the use of fences and vegetative buffers.

**g. Consideration shall be given to the impacts of the project on town services and infrastructure;**

*Finding:* The impacts of the project on town services and infrastructure has been considered and is not detrimental to the town.

**h. Electric, telephone, cable television, gas, water, sewer drainage and other such utilities shall be underground except in the case of extreme physical and environmental constraints;**

*Finding:* All of the above mentioned items, if applicable, will be underground. Proposed underground electric, telephone and data will use conduits from the existing utility pole as per the Site Plan (Sheet C-5). The stormwater management system shall be as approved by the Ashland Conservation Commission which also requires the Applicant, its successors and assigns, adhere to an Operations and Maintenance Plan to maintain such stormwater management system in perpetuity.

**i. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect the neighbors and those using public ways from objectionable features. Such areas shall not be impede the flow of traffic on public ways;**

*Finding:* Fencing and landscaping serve screen the drive-thru area from adjoining properties. The dumpster in the existing trash enclosure area has been rotated for ease of pickups and will be screened from neighbors. Delivery will be completed by small box trucks (SU-30 vehicles, 30' feet in length). Neither delivery nor dumpster pickups will impede the flow of traffic. In regard to dumpster pick up, please refer to the General Project Conditions.

- j. When applicable, the site plan shall show measures to reduce and abate noise generated from the site that will impact surrounding properties;**

*Finding:* Fencing and landscaping at the existing drive-thru will be maintained to reduce and abate possible noise from the project.

- k. The site plan shall comply will all zoning requirements for parking, loading, signage, dimensions and environmental performance standards and all other provisions of this By-law;**

*Finding:* The Applicant obtained a special permit signed by the Zoning Board on September 2, 2022, certified by the Town Clerk as final on October 5, 2022, for the proposed restaurant and drive thru use. The Site Plan complies with relevant zoning requirements for parking, queuing of vehicles, signage, dimensional conformance, and environmental performance standards.

- l. The site plan shall be consistent with the objectives of the Comprehensive Plan and other applicable specific plans adopted by the Planning Board.**

*Finding:* The Site Plan, as amended, conforms with the Comprehensive Plan and other applicable plans.

Based upon the foregoing, the Board finds, that so long as the conditions set forth hereafter are met, the Criteria for Site Plan Approval under Ashland Bylaw will be satisfied by the application as follows:

### **Special Project Conditions**

1. **Landscaping/Pollinator Habitat:** Maintenance of the pollinator habitat at the apex of Summer and Union Street shall follow best practices to allow for its proper establishment and longevity. The Applicant shall be responsible for its continued maintenance.
2. **Landscaping/Safety:** All existing and proposed plantings within the sight triangles of all driveways shall be no more than two (2) feet in height at full maturity. Tree trunks are acceptable.
3. **Crosswalk:** The Applicant shall install rectangular rapid flashing beacons (RRFB) at the location of the proposed cross walk connecting the locus and Stone Park to foster safe pedestrian access.
4. **Sidewalks:** Along Summer Street, the existing asphalt sidewalk shall be replaced with concrete for consistency and pedestrian safety. At the driveway entrance, the concrete sidewalk shall continue across the driveway, and the driveway shall ramp up to meet the sidewalk. Outside the employee parking area, the new

- sidewalk shall move around the existing utility pole to provide minimum 36” ADA access. Along Union Street, the driveway exits shall also allow the continuation of the sidewalk and the ramping down to the street. For a detail and construction standard refer to MassDOT Construction Standards; Sidewalk through Driveways without a Curb Return. Date issued Aug 2010. Drawing Number E 107.7.0.
5. Deliveries: The Applicant shall limit all deliveries to the site to box trucks no larger than SU-30 trucks. There shall be no parking or standing of delivery trucks to the locus along Union and Summer Street making deliveries to the site.
  6. Fence/Dumpster Gate: Any portions of the existing fence across the rear of the property abutting the drive-thru which are damaged, shall be repaired or replaced to match the adjoining new fencing. If damaged and in need of repair the gates and fencing surrounding the dumpsters shall be repaired or replaced to ensure proper screening of the dumpsters in an effort to create a harmonious appearance of the project.
  7. Tree/Vegetation Protection: During construction, the Applicant shall take all measures to protect and maintain the existing and new vegetation and trees on the property to ensure screening for the neighboring residential properties and for automobile traffic. There shall be a monitoring period of the health of the trees for two years after the completion of proposed work.
  8. Inspection Fund: In accordance with MGL Chapter 44 section 53G, prior to the issuance of a Building Permit, or any project specific site work, the Applicant shall pay to the town the sum of \$2,500.00 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. All disbursements from such account shall be upon notice to the applicant. If the account depletes below a total sum of \$500.00 the Applicant shall be notified, and the Applicant will replenish the account to the sum of \$2,500. The inspection official shall produce a report to the Town Official who requested such third party inspection services in such intervals as such official requested with a copy to 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. Stormwater Management Plan: The Applicant shall abide by the Stormwater Management Plan, referred to as “Stormwater Operations and Maintenance Plan” – 399

Union Street, Ashland, MA 01721 as approved by the Ashland Conservation Commission.

10. **Mural:** The Applicant offers, and the Board accepts, that the Applicant or its successor and assigns shall give access to the Town to create a mural on the east wall of the building as depicted in the submitted revised elevation rendering, dated January 25, 2023 by BKA Architects. Said mural to be painted or installed on vinyl or other standard material for murals by the Town or its assign at a time mutually convenient to the Town and the Applicant but in any event before 12 months from the date of the occupancy permit. The Applicant further offers and the Board accepts, subject to acceptance by the Select Board, a gift of \$500 to the Town for the purpose of the creation of the mural. Once installed the Applicant shall make good faith efforts not to deface or degrade the mural installation and will permit the Town to make appropriate repairs or replacement as necessary.
11. **Hours of Operation:** General hours of operation shall be seven days a week from 5:00 AM to 8:00PM.
12. **Welcome to Ashland Sign:** The Applicant offers, and the Board accepts, that the Applicant or its successor and assigns shall give access to the Town to create, install and maintain a "Welcome to Ashland Sign" at the apex of site at the intersection of Union and Summer Street. The location can be identified on sheet C-3 of the approved site plan. Once installed the town shall make good faith efforts to maintain the sign making appropriate repairs or replacement as necessary.
13. **Traffic Issues:** Applicant will be required to pay the costs associated with addressing unreasonable traffic issues, including but not limited to Police detail, should the Town determine there are mitigations needed.

### **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 to the Inspectional Services Department. 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 those typically used in a Starbucks restaurant, the renderings submitted by Applicant, and the approved plans.
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) and site materials (ie. fencing, paving, and furniture) 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.
5. The project shall satisfy all ADA requirements.

#### **Building Use**

6. 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.
7. 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**

8. Prior to the issuance of building permits, the approved Special Permit issued by the Ashland Zoning Board of Appeals and the Order of Conditions issued by the Ashland Conservation Commission shall each be recorded at the Middlesex South Registry of Deeds. The Book and Page Numbers for each such recording shall be delivered to the Planning Board, the Conservation Commission and the Inspectional Services Department prior to the issuance of all town permits, including building permits, prior to the commencement of project specific work.
9. 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 Planning Office and Building Office. Prior to the issuance of an Occupancy Permit the Applicant must comply with section 9.4.13.4 of the Site Plan Review Bylaw.

10. 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, if and 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.
11. 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.
12. 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.
13. Unless previously completed and submitted to the Planning Office, 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 Site Plan 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 or delayed.
16. In accordance with Section 9.4.14 (Site Plan Review) of the Ashland Zoning Bylaws, Site plan 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 9.4.17 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.

### **Site Work Procedures**

18. 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.
19. 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.
20. 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**

21. 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**

22. 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.
23. During construction, the Applicant shall be vigilant concerning dust and construction track out onto Union and Summer Streets. As necessary, Union and Summer Streets 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.

24. 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.
25. There shall be no parking or standing of vehicles on Union Street. If a truck must be unloaded on Summer Street or Union 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 Union Street or Summer Street until after 9 AM Monday through Friday. The Applicant shall make diligent effort to avoid interrupting commuter traffic along Summer and Union Streets.
26. 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.
27. 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 24. 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.
28. 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.
29. 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.
30. Curbing shall be installed in accordance with the approved plan. The Applicant shall submit a detail representing curbing to the Planning Office and Department of Public Works for approval.

#### **Occupancy Permit Procedures**

31. Before a final occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
32. 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.

**Others**

33. **Applicability:** This permit and the conditions herein shall be binding upon the Applicant and its successors and assigns.
34. **Lapse:** This Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.
35. **Filing:** This Site Plan approval shall be filed with the Town Clerk.
36. **Appeal:** This decision may be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

***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 9.4 (Site Plan Review) 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 Site Plan Review will be satisfied with the following vote:

**Planning Board Vote:**

**Site Plan Review**

Vote: Approved (5-0-0)

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

(Y) Catherine Jurczyk, Clerk

(A) 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 5-0-0 vote, the Planning Board approves the Site Plan under Section 9.4 (Site Plan Review).

Catherine Jurczyk motioned to allow Tricia Kendall, Chair of the Planning Board the authority to sign said decision as presented to the Planning Board on February 9, 2023. Anna Tesmenitsky seconded the motion, Jurczyk- Y, Tesmenitsky-Y Arjona-Y, McClean-Y, and Kendall-Y, with a vote of 5-0-0.

**Town of Ashland Planning Board**

TRICIA KENDALL  
Tricia Kendall, Chair

Decision filed with the Town Clerk on:

Date: Feb. 10, 2023

Christopher P. Sullivan  
~~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: \_\_\_\_\_

\_\_\_\_\_  
Cynthia T. Livingstone, Town Clerk