



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

TEL: (508) 881-0100x7927
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Patricia Kendall, Chair
Peter Matchak, Town Planner

**Certificate of Approval
Site Plan Approval
225 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, 9.4 (Site Plan Review) of the Ashland Bylaws, the Planning Board (the "Board") held a public hearing to hear the petition of McDonald's USA, LLC. C/O Bolder Engineering represented by Daniel Allen ("Agent").

The property in question is located at 225 Pond Street 501 Pond Street, Assessors Map 26 Lot 3. The property is within the Highway Commerce Zoning District and the Pond Street Mixed Used Overlay Zoning District. The applicant is proposing to reconfigure the existing single lane, single order point drive-thru with a side-by-side configuration consisting of two lanes, two order points, two digital menu boards and two digital pre-browse boards.

The application for a Special Permit and Site Plan Review was filed with the Town of Ashland on April 5, 2022. The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on April 13, 2022 and April 20, 2022.

The Board opened the public hearing as advertised on April 28, 2022. The public hearing was continued to May 12, 2022, June 9, 2022, June 23, 2022, July 14, 2022, Aug 11, 2022, Aug 25, 2022, Sept 8, 2022, Sept 22, 2022, Oct 13, 2022, Nov 10, 2022 and December 15, 2022, the hearing was closed on December 15, 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, Anna Tesmenitsky, Catherine Jurczyk, Deepa Venkat, Marcelo Arjona, and Kevin McClean. Voting members of the Planning Board for this application were Tricia Kendall, Anna Tesmenitsky, Catherine Jurczyk, Marcelo Arjona, and Kevin McClean.

225 Pond Street
Planning Board Decision
Site Plan Approval

Documents of Record and Materials Submitted During the Public Hearing:

The Application was received and stamped at the Town Clerk's Office on April 5, 2022, and contained:

- a) Application for Special Permit and Site Plan Review filed with the Ashland Town Clerk on April 5, 2022, including abutters list.
- b) Application Memo RE: Planning Board Site Plan Review and Special Permit Application. Dated April 4, 2022.
- c) Plan set entitled "Proposed Site Plan Documents" prepared by Bohler Engineering dated 1/14/22 and revised thru 12-5-2022, signed and stamped by John Kucich No. 41530 (11 sheets including survey)

Sheet:	Description:	Plan Date:	Revision Date:
C-101	Cover Sheet	1-14-2022	12-5-2022
C-102	General Notes Sheet	1-14-2022	12-5-2022
C-201	Demolition and Erosion Control Plan	1-14-2022	12-5-2022
C-301	Site Layout Plan	1-14-2022	12-5-2022
C-401	Grading and Drainage Plan	1-14-2022	12-5-2022
C-701	Landscape Plan	1-14-2022	12-5-2022
C-701	Landscape Notes and Details	1-14-2022	12-5-2022
C-901	Detail Sheet	1-14-2022	12-5-2022
C-902	Detail Sheet	1-14-2022	12-5-2022
C-903	Detail Sheet	1-14-2022	12-5-2022
1	Boundary and Topographical Survey (Done by Others)	9-14-2021	

- a) "Stormwater Operations and Maintenance Plan" – McDonald's, 225 Pond Street, Ashland, MA 01721
- b) "WPA Form 5 – Order of Conditions" issued 8/26/2022.
- c) Peer review letter titled "Site Plan Review & Special Permit, Drive-thru service Windows 225 Pond Street (Assessors Map 26, Lot 3)" Prepared by GCG Associates, Inc. Dated June 3, 2022 – additional responses and iterations of peer review contents provided by GCG Associates outlined below
 - a. 2nd response letter – titled "Site Plan Review & Special Permit, Drive-thru service Windows 225 Pond Street (Assessors Map 26, Lot 3)" Dated October 6, 2022

225 Pond Street
Planning Board Decision
Site Plan Approval

- d) First response to GCG Peer review, prepared by Bohler Engineering, titled "Site Plan Review & Special Permit, Drive through Service Windows" dated August 2, 2022.
- e) Email from Daniel Allen of Bolder Engineering dated Aug 3, 2022. Received on Aug 4, 2022. RE: 225 Pond.
- f) Second response to GCG Peer review, prepared by Bohler Engineering, titled "Site Plan Review & Special Permit, Drive through Service Windows" dated December 5, 2022.
- g) Memo to the Planning Board from Bohler, dated Dec 9, 2022. Re: Planning Board Site Plan Review and Special Permit Memo.
- h) Email from Keith Robie, Ashland Fire Chief dated May 23, 2022. Received on May 23, 2022. RE: 225 Pond Street.
- i) Email from Scott Kallin, MassDOT Area Supervisor dated Sept 6, 2022. Received on Sept 9, 2022. RE: Ashland – McDonald's Driveway.

Requested Continuance from Applicant and filed with Ashland Town Clerk's Office:

- April 28, 2022
- June 8, 2022
- June 21, 2022
- July 12, 2022
- August 15, 2022
- Sept 7, 2022
- Sept 13, 2022
- Nov 7, 2022

Documents of Record Subject to the Following Facts, Findings and 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 9.4 (Site Plan Review) of the Ashland Zoning Bylaws:

1. Location and Use

- a. The Locus is 225 Pond Street, Assessors Map 26, Lot 3. The property is within the Highway Commerce Zoning District and the Pond Street Mixed Used Overlay Zoning District. The Locus is approximately 37,251 sq. ft. and has frontage on Pond Street (Route 126).
- b. The proposed project looks to reconfigure the existing single lane, single order point drive-thru with a side-by-side configuration consisting of two lanes, two order points, two digital menu boards and two digital pre-browse boards. The project will also reorganize the parking lot and shift the existing accessible spaces within the existing parking area.
- c. Proposed work will include the installation of a landscaping vegetation bed along the northern property line that shall create a buffer with the abutter located at 221 Pond Street.

2. Sustainability

- a. The Planning Board finds the proposed project shall add new vegetation beds that will accept and infiltrate storm water.
- b. No changes to the existing structure are proposed.

3. Site Plan Review Permit Criteria

Based on the 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: No scenic views are present on the Locus.

c. Preserve unique natural or historical features;

Finding: There are no unique natural or historical features on the Locus.

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

Finding: There are no trees being removed from the site. There is no soil removal or grade changes. The proposed changes include the addition of a landscaped vegetative bed with trees and fence along the northerly property line and reconfigured and improved vegetative beds near the building. The Applicant shall protect and preserve the existing landscaping and trees currently along the frontage of Pond Street and the southerly property line abutting Nickerson Road.

e. Maximize open space retention;

Finding: The proposed project is not decreasing open space on the site.

f. Screen objectionable features from neighboring properties and roadways;

Finding: Objectionable features will be screened. The trash / recycling facilities (including dumpsters) will be located with a newly developed 12' x 28' concrete floor enclosure. This area shall be surrounded by a 6' gray vinyl screening fence. The height of the fence shall exceed the height of the dumpsters. The Applicant shall also provide a new landscaped vegetative buffer along the northerly side property line with a 6' foot gray vinyl fence to screen the proposed digital ordering boards from the house on the abutting residential property.

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

Finding: The proposed project presents no changes to town services and infrastructure.

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.

- 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: Objectionable features have been screened by either vegetation and/or fencing as required. The flow of traffic on public ways is not changing and not impeded.

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

Finding: The use on the locus shall remain a fast food restaurant with a drive thru. The addition of second drive thru lane and digital ordering boards and digital pre-browse boards may add additional noise and visual glare to visits and abutters. The additional noise and visual impacts will be mitigated by the new vegetative landscape bed and fence along the northern property line as shown on the site plan.

- 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 site plan complies with all relevant zoning requirements for parking, loading, signage, dimensions 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 proposed work is recognized as an improvement to an existing commercial site in alignment with the redevelopment of Pond Street.

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

1. **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 the automobile traffic along Pond Street. There shall be a monitoring period of the health of the trees for two years after the completion of proposed work.
2. **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 \$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. 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 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.
3. **Stormwater Management Plan:** The Applicant shall abide by the Stormwater Management Plan, referred to as "Stormwater Operations and Maintenance Plan" – McDonald's, 225 Pond Street, Ashland, MA 01721 as approved by the Ashland Conservation Commission.

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.

General Project Conditions

Building and Site Design

1. Prior to the commencement of work as approved, the applicant must submit 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.

2. All exterior materials (i.e. fencing) shall be of high quality as represented on the approved in the site plan details.
3. Dumpsters and other rubbish/storage areas shall be enclosed and fully screened by fencing made of a quality material (i.e. gray vinyl fencing) as proposed. The screening system shall exceed the height of the dumpster.

Building Use

4. 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.
5. 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

6. Prior to the commencement of work as approved, 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).
7. Prior to the commencement of work as approved this decision shall be recorded at the Middlesex South Registry of Deeds and proof of same shall be provided to the Building Office.
8. 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.
9. Prior to the commencement of work as approved, 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.

225 Pond Street
Planning Board Decision
Site Plan Approval

10. The Applicant and its contractor shall meet with Town staff for a pre-construction meeting. At that time, a construction schedule shall be reviewed and approved by Town staff.
11. 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.
12. 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.
13. In accordance with Section 9.3.8 (Special Permit Approval) 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.
14. 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.
15. 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.
16. 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

17. During construction, the Applicant shall take all measures to protect trees and other vegetation along property borders. The Applicant shall be responsible for any damage to the critical root zones of the abutting trees on surrounding property lines.
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. If required by the town of Ashland municipal departments, the site shall be secured during construction 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. 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. The Applicant shall control construction track out 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 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 the Department of Public Works and Fire Department regulations or requirements. 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 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. Trucks shall not stand or be unloaded on Pond Street until after 9 AM Monday through Friday. The Applicant

225 Pond Street
Planning Board Decision
Site Plan Approval

shall make diligent effort to avoid interrupting commuter traffic along Pond Street.

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 the previous condition. 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. 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.

Permit Procedures

30. Prior to the commencement of work, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
31. Upon completion of all proposed work, 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.

225 Pond Street
Planning Board Decision
Site Plan Approval

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, 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 Approval Permit under Section 9.4 of the Ashland Zoning Bylaws.

Town of Ashland Planning Board

TRICIA KENDALL
Tricia Kendall, Chair

Anna Tesmenitsky
Anna Tesmenitsky, Vice Chair

Catherine J. Jurczyk
Catherine Jurczyk, Clerk

Dee
Dee Venkat, Member *Kevin McLean*

Marcelo Arjona
Marcelo Arjona, Member

Decision filed with the Town Clerk on:

Date: JANUARY 27, 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: Feb. 21, 2023

Christopher P. Sullivan
~~Cynthia T. Livingstone, Town Clerk~~
CHRISTOPHER P. SULLIVAN, DEPUTY TOWN CLERK

