

# *From the Law Office of Terrence P. Morris, Esq.*

Memorandum

To: Ashland Planning Board  
From: Terrence P. Morris, Esquire  
Date: May 5, 2023  
Re: 9-49 Homer Avenue: Site Plan Approval

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Please see the responses below to the Planning Board's request for further information on the above-referenced application:

- Waivers/Relief: The mixed residential and commercial project, which is an allowed use in the Ashland Downtown District (ADD), is compliant with all the dimensional controls set forth in the zoning bylaw for the said use.
- In our initial application we were advised to include special permit relief because a portion of the roofs were flat. Ostensibly a flat roof requires a special permit. We did so that the application would not be deemed deficient in any respect. However, it is generally acknowledged that Building Design Standard was meant to discourage flat roof buildings and the visual presentation of such buildings on the streetscape. There are 2 reasons why we would suggest that special permit relief is not necessary for the flat roof elements on our building. The first is because that provision in the ordinance was intended to deal with flat roofs as the main component of the building structure. In this case, the flat roof components comprise 17% of the total roof structure. Secondly, neither of those sections are visible from the street but rather are embedded in the interior of the roofline.
- Residential Unit Count and Commercial Square Footage: the project contains 29 residential units requiring 58 parking spaces (2sp/du). There is 8550 square feet of commercial space requiring 48 spaces based on 180 SF per space (8,550/180). All of the spaces are now compliant (9'x20'), including those previously proposed as compact.
- The total number of spaces required above (106) may be reduced under the provisions in ADD-C zoning district, Section 8.5.13, which states, "*where there is a mixture of land uses on one lot, the number parking spaces required shall be only 75% of those stipulated above that is, where there is a mixture of land uses the parking requirement will be 56.25% (75% times 75%).*" Under that provision we are required to and will provide 60 parking spaces.
- Ground floor Residential Unit Fronting Elm Street: the unit on Alden Street sometimes shown as residential is actually commercial containing 800 SF which has been included in the commercial total of 8550 SF. It has always been identified as

commercial on the civil site plan. At various times it has been shown as residential on the architectural plan set due to an earlier approach that would have treated the space as swing space. It is now uniformly shown as commercial on both the architectural and civil plans.

- Loading areas: Two pickup and drop-off areas have been created on the west side of the main entrance drive immediately opposite a door with direct entrance into the residential lobby. This will provide sufficient access for both delivery and loading.
- Trash and Recycling: Separate trash and recycling rooms are shown for commercial and residential usage. Trash is to be restored in roll-off containers that will be handled by employees of the management company for the building. Trash and recycling will be scheduled for pickup twice weekly. Trash will be transported from the interior building to waiting vehicles on the entrance drive and will be accomplished during off hours such that it will not impede interior traffic flow to and from the building. Truck profile to be provided.
- Petitioner will make available three (3) 2-BR units (10%) for affordable rentals at 80% AMI. The units will be of comparable size and finishes as the market rentals and located throughout the building so as to not to be sequestered.
- Ability to Continue Downtown Improvements: The team is in the process of gathering information about the cost of doing so. We are familiar with the requirements to have utilities underground from the street onto the site and will be providing connections in that manner. However, it should be noted that going into the public way and dealing with one or more of the utilities licensed by the Commonwealth of Massachusetts about extending underground utilities is an extraordinary and costly request.