

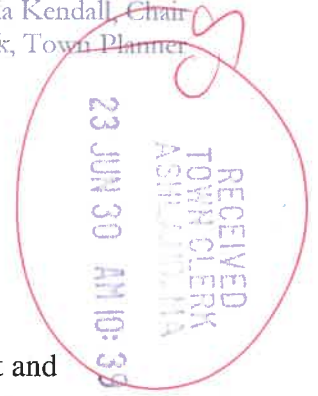


**TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET**

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FAX: (508) 881-0102

Patricia Kendall, Chair
Peter Matchak, Town Planner

**Certificate of Approval
Site Plan Modification Approval
50 Megunko Road
Map 13, Lots 139 & 141**



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 Michael McClements.

The property in question is located at 50 Megunko Road, Assessors Map 13, Lots 139 & 141 and is part of the Industrial Zoning District. The applicant has applied for site plan modification approval due to a change of use on the locus from a trucking company to an auto body shop. The site plan showed a reconfiguration of parking, fencing to separate the property from Megunko Road, and added landscaping across the front and south side of the building.

The application for a Site Plan Review was filed with the Town of Ashland on May 5, 2023. The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on May 10, 2023 and May 17, 2023.

The Board opened the public hearing as advertised on May 25, 2023. The public hearing was continued to June 8, 2023 and was held in a hybrid mode. The public hearing was then continued until June 29, and the Application was sent to the Design Review Committee for review as per zoning bylaw 9.4.5: Procedures for Site Plan Review and Design Review. The Design Review Committee reviewed the application on June 1, 2023. On June 29, the Planning Board closed the public hearing. Voting members of the Planning Board for this application were Tricia Kendall, Anna Tesmenitsky, Catherine Jurczyk, Deepa Venkat, and Marcelo Arjona.

Documents of Record

The Application was received and stamped at the Town Clerk’s Office on May 05, 2023, and contained:

- a) Application for Site Plan Review, including abutters list.

- b) Existing front and rear images of the property, no date.
- c) Proposed rendering based on site plan presented, no date.
- d) Site Plan entitled “Modified Site Plan, 50 Megunko Road, Ashland, MA” dated March 22, 2023 and revised June 5, 2023. Prepared by GLM Engineering Consultant Inc., 19 Exchange Street, Holliston, Ma 01746.
- e) Copy of the 2018 approved Site Plan 50 Megunko Road, dated August 15, 2018.

Materials Submitted During the Public Hearing

- f) Email from Becca Solomon, Ashland’s Conservation Agent dated May 18, 2023 and Received on May 18, 2023. RE: 50 Megunko, in which the Conservation Agent explains that the applicant has been granted a Stormwater Waiver under conditions.
- g) Email from Aaron Ladd, Chair of Ashland’s CPC, dated May 25, 2023. Received on May 25, 2023. RE: 50 Megunko Road Comment.
- h) Email from Joyce Hastings, Project’s Engineer, dated June 6, 2023. Received on June 6, 2023. RE: 50 Megunko Road.
- i) Design Review Report #1 Submitted to the Planning Board on June 1, 2023.

Materials Relevant to Decision

- j) Email from Doug Small, Director of DPW, date June 20, 2023. Received on June 20, 2023. RE: 50 Megunko Road – Proposed Curbing
- k) RDA from the Ashland Conservation Commission, dated September 11, 2018

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 (reference the Site Plan as of the last revision date)

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 50 Megunko Road, Assessors Map 13, Lots 139 & 141. The property is within the Industrial Zoning District. The land area of the Locus is 73,851, +/- square feet and the Property has around 160 feet of frontage along Megunko Road.
- b. The building on the property has 8,130 square feet building and is currently vacant. The project proposes Michael McClement, owner of Mike's Auto Body, to move his business from 183 Megunko Road to the locus. Motor vehicle uses are permitted by right in this district.
- c. The project proposes 35 parking spaces in the rear of the property screened by a privacy fence. The project also proposes 19 parking spaces for customers plus one truck parking space in the front of the building. The walkway from the two accessible parking space shall be accessible to ADA compliance.
- d. The applicant proposes to retro-fit the building which has an existing truck wash system installed in 2018. This is described as a closed system that includes a floor drain and water recycle system inside the building, with a gas/oil separator and sediment/oil separator installed outside the building. The oil/gas separator will require certification of working order per Special Project Condition #1. The system was installed in place of a tight tank for the floor drain, which was previously required by the Health Department for the approved Site Plan in 2017 and 2019.

2. Sustainability

- a. The Applicant will be re-establishing a lawn on the property and proposes new plantings. 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. All plantings at a minimum shall be 70% native species.

3. Site Plan Review Permit Criteria

Based on the information 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 property lies within the 100 foot wetland buffer zone of a bordering vegetated wetland and is therefore subject to the jurisdiction of

the Ashland Conservation Commission and the Department of Environmental Protection (DEP)

b. Minimize obstruction of scenic views;

Finding: No scenic views are found within the Locus. Megunko Road is not a designated scenic road.

c. Preserve unique natural or historical features;

Finding: There are no unique natural or historical features on the Locus. The project looks to reestablish the currently untended lawn in the front of the building to locate five new trees in areas not impactful to the existing septic system.

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 existing building. No significant plantings are being removed. All proposed trees and shrub plantings have been incorporated based on comments from the Design Review Committee (DRC).

e. Maximize open space retention;

Finding: Applicant will retain the open space in the front portion of the site. The existing building and parking areas are not being altered.

f. Screen objectionable features from neighboring properties and roadways;

Finding: Objectionable features such as parking and refuse/recycling area (including dumpsters) will be screened from the abutting 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 are existing onsite and shall be reused. An RDA issued by the Ashland Conservation Commission in 2018, accepted the stormwater design proposed by the applicant.

Furthermore, on March 27, 2023 the Ashland Conservation Commission granted a storm water waiver.

- 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: The existing building sits back a significant distance from the street. Fencing and landscaping serve as screening for the work areas at the back of the building. The dumpster in the existing trash enclosure area has been rotated for ease of pickups and will be screened from neighbors. Neither delivery nor dumpster pickups will impede the flow of traffic. i

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

Finding: Noise from the project has been considered and will not be detrimental to the town or surrounding neighborhood.

- 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 proposed use as an auto body shop is an allowed use when applying Section 3.0: Use Regulations of the Ashland Zoning bylaws. 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 as it is an approved use in an industrial zone.

Based upon the foregoing, the Board finds that the Criteria for Site Plan Approval under Ashland the Bylaws will be satisfied by the application under the following conditions:

Special Project Conditions

1. The existing oil and gas separator is required to meet any and all Commonwealth of Massachusetts Plumbing and Building codes and shall be inspected and certified for working order in accordance with the Ashland Building Department requirements.
2. All added signage shall be in compliance with what is established under Chapter 282: Zoning of the Ashland Bylaws.

General Project Conditions

Building and Site Design

3. 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.
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 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.

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, 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.
9. 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.
10. 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.
11. 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.
12. 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

13. 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.
14. 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.
15. 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.

Construction Procedures

16. 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.
17. The Applicant shall be vigilant concerning dust and construction track out onto Megunko Road. 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.
18. 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.
19. There shall be no parking or standing of vehicles on Megunko Road. The Applicant shall make diligent effort to avoid interrupting traffic along Megunko
20. 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.
21. 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.

Occupancy Permit Procedures

50 Megunko Road
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22. Before a final occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
23. 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.

50 Megunko Road
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 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: 50 Megunko Road

Vote: Approved (0-0-0)

VOTE: Tricia Kendall, Chair Anna Tesmenitsky, Vice Chair

Catherine Jurczyk, Clerk Deepa Venkat, Member

Marcelo Arjona, 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).

50 Megunka Road
~~399 Union Street~~
Planning Board Decision
Site Plan Approval

Town of Ashland Planning Board


Tricia Kendall, Chair



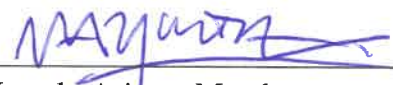
Anna Tesmenitsky, Vice Chair



Catherine Jurczyk, Clerk



Deepa Venkat, Member

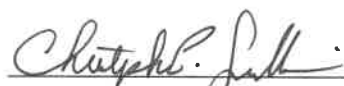


Marcelo Arjona, Member

Kevin McClean, Associate Member

Decision filed with the Town Clerk on:

Date: June 30, 2023



Cynthia T. Livingstone, Town Clerk, *Deputy*
CHRISTOPHER P. SULLIVAN

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