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

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ASHLAND, MA  
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Patricia Kendall, Chair  
Peter Matchak, Town Planner

**Certificate of Approval  
Site Plan Approval  
320 Pond Street  
Map 29, Lot 209**

In Accordance with Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, 9.4 (Site Plan Review) and 9.6 (Design Plan Review) of the Ashland Bylaws, the Planning Board (the “Board”) held a public hearing to hear the petition of JP Morgan Chase Bank N.A, C/O Andy Fitz, Project Expeditors Consulting.

The property in question is located at 320 Pond Street, Assessors Map 29, Lot 209. The property is within the Highway Commerce Zoning District. The applicant proposes to development on the existing site and reuse the existing building creating two commercial spaces. One of the spaces will be a Chase Bank financial institution and will operate internally within typical banking hours with a secure ATM vestibule open 24 hours a day. The overall project site is 38,333 square feet, and the adaptive site work will consist of exterior improvements, pedestrian safety, and property maintenance.

The application for a Site Plan Review was filed with the Town of Ashland on November 23, 2023. The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on November 29, 2023 and December 6, 2023.

The Board opened the public hearing as advertised on December 14, 2023. The public hearing was continued to January 25, February 8, and February 29, 2024. The hearing was closed on February 29, 2024. The public hearing process was held in-person and via video conference in full compliance with Massachusetts Open Meeting guidelines. Agendas and meeting materials were available on the Town of Ashland website. Members of the Planning Board who sat for the public meeting and voted on the application were the following:

Tricia Kendall, Chair                      Anna Tesmenitsky, Vice-Chair  
Catherine Jurczyk, Clerk              Deepa Venkat, Member              Marcelo Arjona, Member.

***Documents of Record***

The Application was received and stamped at the Town Clerk's Office on November 16, 2023, and contained:

- a) Application for Site Plan Review filed with the Ashland Town Clerk on November 16, 2023, including an abutter's list and property card.
- b) A project narrative dated November 6, 2023.
- c) Traffic and Parking Assessment Report dated November 30. Re Proposed Bank Development, 320 Pond Street. Prepared by Stonefield Engineering and Design.
- d) Plan set of architectural 2D renderings prepared by Core States – Holding a date of November 10, 2023.
  - Southwest Elevation (Main Entry)
  - Northwest Elevation (Pond Street)
  - Northeast Elevation (Side view)
  - Southeast Elevation (Rear)
- e) Plan set of architectural 3D renderings prepared by Core States – Holding a date of November 10, 2023.
  - West view from Pond Street (Revised on Jan 17, 2024)
  - North view from Pond Street Entrance
  - View from Spyglass Hill Drive Entrance
- f) Plan of Record: An eight (8) sheet plan set entitled "Site Improvement Plan, Parcel ID: 26-209-00-000, 320 Pond Street, Town of Ashland, Middlesex County, Massachusetts" prepared by Stonefield Engineering and Design. Dated October 10, 2023. Holding a revision date of February 7, 2024. Signed and stamped by Joshua H. Kline, P.E. No 53936.

Sheet:	Description:	Plan Date:	Revision Date:
C-1	Cover Sheet	10-10-2023	2-13-2024
C-2	Existing Conditions and Demolition Plan	10-10-2023	2-13-2024
C-3	Site Grading Plan	10-10-2023	2-13-2024
C-4	Lighting Plan	10-10-2023	2-13-2024
C-5	Landscaping Plan	10-10-2023	2-13-2024
C-6	Landscaping Plan	10-10-2023	2-13-2024
C-7	Construction Detail	10-10-2023	2-13-2024
C-8	Construction Detail	10-10-2023	2-13-2024

- g) Planning Board Memorandum to the Design Review Committee dated December 22, 2023.
- h) Memorandum to the Planning Board from the Planning Office. Re: Summary of Tech Review Meeting. Dated January 5, 2024.
- i) Design Review Comments submitted to the Planning Board on January 17, 2023. RE: 320 Pond Street.
- j) Design Review Comments submitted to the Planning Board on February 5, 2024. RE: 320 Pond Street.
- k) Email from the Ashland Fire Dept. Re: 320 Pond Street Dumpster Location. Dated February 5, 2024.
- l) Email from the Ashland Fire Dept. Re: 320 Pond Street Dumpster Location. Dated February 7, 2024.
- m) Email with the Applicant. Re: 320 Pond Street, Ashland: Chase Bank dated Dec 19, 2023. Filed with the Ashland Town Clerk on December 20, 2023.
- n) Request for continuance dated filed with the Ashland Town Clerk on Jan 10, 2024.
- o) Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.

### **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 9.4 (Site Plan Review) of the Ashland Zoning Bylaws:

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

- a. The Locus is 320 Pond Street, Assessors Map 29, Lot 209. The property is within the Highway Commerce Zoning District and the Pond Street Mixed Use Overlay Zoning District (the overlay zoning is not being used). The

Locus has approximately 38,333 sq. ft. (.88 acres) and frontage on Pond Street (Route 126).

- b. The proposed project shall be an adaptive reuse of the existing site and building consisting of necessary exterior improvements for Chase Bank. Work shall enhance pedestrian safety and provide typical property maintenance. Chase Bank, a financial institution, will operate internally within typical banking hours and also have a secure ATM vestibule open 24 hours a day. Exterior enhancements include landscaping, security lighting, ADA accessibility upgrades, and a new exterior trash enclosure.

## 2. Sustainability

- a. All planting materials are non-invasive species, and 75% of the planting material is native species, as detailed on the plan entitled "Landscape Plan" identified as sheet C-5 of the plan of record.
- b. Plants are watered with a drip irrigation system.
- c. A bike rack shall be installed near the pedestrian entrance to the site from Pond Street.

## 3. Site Plan Review Permit Criteria

Based on the materials presented by the Applicant, the Board is required to consider the criteria found in Chapter 282 Section 9.4.6 (Site Plan Review Criteria and Design Plan Review) of the Ashland Zoning Bylaws as they apply to the proposed use set forth in Section 3.0 (Use Regulations), as follows:

### 1. Minimize use of wetlands, steep slopes, floodplains and hilltops;

*Finding:* The site is currently developed, and the project is an adaptive reuse. Presently, the site does not contain wetlands, steep slopes, floodplains or hilltops.

### 2. Minimize obstruction of scenic views;

*Finding:* No scenic views are present.

### 3. Preserve unique natural or historical features;

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

### 4. Minimize tree, vegetation and soil removal and grade changes;

*Finding:* The project minimizes the removal of soil and shall maintain all existing grading. The proposed landscaping plan shall add vegetation to

the site while replacing plants and shrubs that have been removed or damaged due to the Pond Street Mass DOT corridor construction.

**5. Maximize open space retention;**

*Finding:* As an adaptive re-use, the project proposes no change in open space.

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

*Finding:* Objectionable features such as parking and garbage/recycling areas (including dumpsters) will be screened from neighboring properties through the use of fences and vegetative buffers.

**7. 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 are found to be non-detrimental and similar to the current use.

**8. 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 inspected and reused in their current locations.

**9. 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 dumpster has been acceptably screened from view using vegetation and fencing. There are no other unsightly uses on the site.

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

*Finding:* The proposed use as a financial institution is found to be consistent with intention of the Commercial Highway zoning district along Pond Street. The use is found to be non-detrimental to surrounding properties in terms of noise generation.

- 11. 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 has been reviewed and accepted for compliance with all relevant zoning requirements. No waiver for any bylaw provision has been requested by the Applicant.

- 12. The site plan shall be consistent with the objectives of the 2003 Ashland Comprehensive Plan and other applicable specific plans adopted by the Planning Board.**

*Finding:* The site plan is consistent with the 2003 Comprehensive Plan which identified the need for economic development and growth in the 126 corridor, and which also encouraged the improvements to the roadway now nearing completion. The site plan is also consistent with the Pond Street Revitalization document, "A Road to Ashland's Future," completed in 2014 by the Cecil Group. The report emphasizes that parcels with direct frontage and access to Pond Street should remain as commercial land uses.

Based upon the foregoing, the Board finds, that so long as the conditions set forth hereafter are met, the Criteria of the Site Plan Review under Ashland Bylaw section 9.4 (Site Plan Review) will be satisfied by the application as follows:

#### **Special Project Conditions**

Relevant conditions discussed during the hearings outlined above, and as agreed to by the Applicant and the Ashland Planning Board:

1. Grease Trap: The existing building and site has been occupied and used as a restaurant serving the local community. The site includes a grease trap approved by the Ashland Board of Health and Department of Public works and is viewed as an infrastructural asset to the site.

Therefore, after the use of the restaurant ceases, the Applicant shall work with the Board of Health and Department of Public Works to clean and inspect the grease trap and preserve it for possible future use.

2. Any future occupancy within the second commercial space shall comply with the Ashland Zoning Bylaws.

## **General Project Conditions**

### **Building and Site Design**

1. 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.
2. All exterior envelope materials (i.e. siding, roofing, and trim) shall be of high quality.
3. Dumpsters and other rubbish/storage areas shall be enclosed and fully screened as represented on the approved plan. 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 issuance of building permits, the approved Stormwater Operation and Maintenance Plan approved for the site within a Planning Board decision filed with the Ashland Town Clerk's office on Oct 15, 2019 for the application of Baypath, LLC shall be followed. The applicant shall review and inspect that the stormwater system is in working order and verify no maintenance is required. The applicant shall notify the Planning Office, Conservation Office and Department of Public Works once complete
7. 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.

8. 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.
9. 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.
10. 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.
11. In accordance with Section 9.4 (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.
13. 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.
14. 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**

15. 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.

16. 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.
17. 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**

18. During construction, the Applicant shall be vigilant about dust control, including dust and construction track out onto Pond Street. As necessary, Pond Street shall be swept and cleaned of all debris after each workday. 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.
19. The Applicant shall be responsible for any damage to off-site roadways and surfaces that may occur from the Applicant's 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.
20. 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.
21. There shall be no parking or standing of vehicles on Pond Street or other off-site locations. 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.

22. 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.
23. 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 22. 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.
24. 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.
25. Although dewatering is not expected to be needed, any material leaving the site must be tested and disposed if required by state and federal regulations.
26. If applicable, 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.

#### **Occupancy Permit Procedures**

27. Before a final occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
28. 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.

320 Pond Street / JP Morgan Chase Bank  
Planning Board Decision  
Site Plan Approval

***Decision***

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

The Board Voted as follows:

To approve the 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

(Y) Deepa Venkat, Member

(Y) 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 0-0-0 vote, the Planning Board approves the Site Plan Review under Section 9.4 of the Ashland Zoning Bylaws.

320 Pond Street / JP Morgan Chase Bank  
Planning Board Decision  
Site Plan Approval

**Town of Ashland Planning Board**

  
\_\_\_\_\_  
Tricia Kendall, Chair

  
\_\_\_\_\_  
Anna Tesmenitsky, Vice Chair

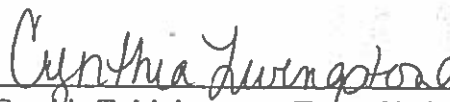
  
\_\_\_\_\_  
Catherine Jurczyk, Clerk

  
\_\_\_\_\_  
Deepa Venkat, Member

  
\_\_\_\_\_  
Marcelo Arjona, Member


Decision filed with the Town Clerk on:

Date: March 13, 2024

  
\_\_\_\_\_  
Cynthia T. Livingstone, 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: APRIL 3, 2024

  
\_\_\_\_\_  
Cynthia T. Livingstone, Town Clerk  
Christopher P. Sullivan, Deputy