

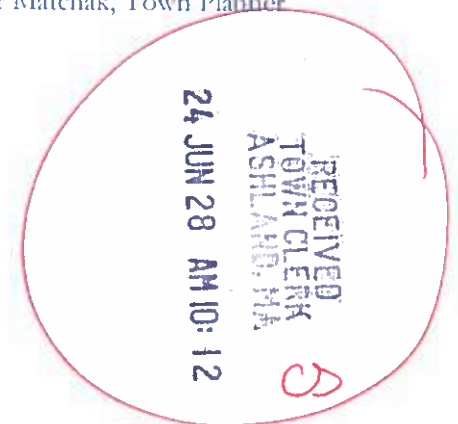


TEL: (508)881-0100x7927
FAX: (508) 881-0102

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

Patricia Kendall, Chair
Peter Matchak, Town Planner

**Certificate of Approval
Site Plan Approval
Chestnut Place Apartments
13 Joanne Drive, Ashland, MA 01721
Map 14, Lot 084**



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 TCD-233 Chestnut Place Property, LLC, 13 Joanne Drive, Ashland, MA01721.

The property in question is located known as the Chestnut Street Place Apartments, 13 Joanne Drive, Assessors Map 24, Lot 046 and is within the base zoning district Residential A. The Applicant proposes the development of solar canopies structures within the existing parking as an accessory structure to the 208 unit apartment development. All work will be within the limits of the existing parking area.

The application for a Site Plan Review was filed with the Town of Ashland on April 12, 2024. The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on April 24, 2024 and May 1, 2024.

The Board opened the public hearing as advertised on May 9, 2024. The public hearing was continued to May 23rd, June 20th and June 27th. The hearing was closed on June 27, 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 April 12, 2024 and contained:

- a) Application for Site Plan Review filed with the Ashland Town Clerk on April 12, 2024, including an abutter’s list and property card.
- b) Plan Set of Construction Documents (17 pages) titled “RENU Communities Canopy Solar, 13 Joanne Drive, Ashland, MA 01721” prepared by Invaleon Technologies Corp., 26 Parkridge Rd., Suite 1B, Haverhill, MA 01835. The approved plan set holds a revision date of June 6, 2024 and received by the Planning Office on June 24, 2024. Signed and stamped by Richard A. Volkin, Professional Engineer, No. 22282.

| Sheet: | Description: | Revision Date: | Received Date |
|--------|---------------------|----------------|---------------|
| PV-1 | Title Sheet | 6-6-2024 | 6-24-2024 |
| PV-2.1 | Site Plan | 6-6-2024 | 6-24-2024 |
| PV-2.2 | PAD Site Plan | 6-6-2024 | 6-24-2024 |
| PV-2 | Site Plan | 6-6-2024 | 6-24-2024 |
| PV-3 | Single Line Diagram | 6-6-2024 | 6-24-2024 |
| PV-4.1 | Carport Details | 6-6-2024 | 6-24-2024 |
| PV-4.2 | Carport Detail | 6-6-2024 | 6-24-2024 |
| PV-4.3 | Carport Details | 6-6-2024 | 6-24-2024 |
| PV-5 | AC Electrical Plans | 6-6-2024 | 6-24-2024 |
| PV-6 | AC Electrical Plans | 6-6-2024 | 6-24-2024 |
| PV-7 | Elevation Detail | 6-6-2024 | 6-24-2024 |
| PV-8.1 | Stringing Canopy 1 | 6-6-2024 | 6-24-2024 |
| PV-8.2 | Stringing Canopy 2 | 6-6-2024 | 6-24-2024 |
| PV-8.3 | Stringing Canopy 3 | 6-6-2024 | 6-24-2024 |
| PV-9 | Fire Truck Turning | 6-6-2024 | 6-24-2024 |
| PV-10 | SPEC Sheets | 6-6-2024 | 6-24-2024 |
| PV-11 | Carport Overlay | 6-6-2024 | 6-24-2024 |

- c) Landscaping Plan (2 pages) titled “Parking Lot Solar Canopy, 13 Joanne Drive, Ashland, MA” prepared by Allen and Major Associates, Inc. Prepared for TCD-233 Chestnut Place Property, LLC, 2 International Place, Suite 2710, Boston, MA 02110. Dated April 1, 2024 and Issued for Review on June 13, 2024.

| Sheet: | Description: | Issued for Review: |
|--------|-----------------------------|--------------------|
| L-101 | Landscape Plan | 6-13-2024 |
| L-501 | Landscape Notes and Details | 6-13-2024 |

- d) Plan & Section (1 pages) titled “Parking Lot Solar Canopy, 13 Joanne Drive, Ashland, MA” prepared by Allen and Major Associates, Inc. Prepared for TCD-233 Chestnut Place Property, LLC, 2 International Place, Suite 2710, Boston, MA

02110. Dated April 1, 2024. Signed and stamped by Jacqueline B. Trainer, Registered Landscape Architect, No. 1526.
- e) Luminaire Schedule for Canopy 1 and Canopy 2; Chestnut Street Place Apartment, Ashland, MA. Plan date April 10, 2024. Received by the Planning Board on June 24, 2024.
 - f) Planning Board Memorandum to the Design Review Committee dated June 3, 2024. Re: 13 Joanne Drive (Chestnut Place).
 - g) Memorandum to the Planning Board from the Planning Office. Re: 13 Joanne Drive Summary of Tech Review Meeting. Dated May 7, 2024.
 - h) Design Review Comments submitted to the Planning Board on June 19, 2024. RE: 13 Joanne Drive Solar Canopy, Design Review Report #1.
 - i) Email from Ashland Fire Department. Re: 13 Joanne Drive Revised SWIFT Plan. Email received on June 24, 2024.
 - j) Email from Ashland Fire Department. Re: 13 Joanne Drive Revised SWIFT Plan. Email received on June 26, 2024.
 - k) Requested Public Hearing continuance and final determination extension agreements:
 - a. Town Clerk Filed April 29, 2024
 - l) 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) and Section 9.6 (Design Plan Review) of the Ashland Zoning Bylaws:

1. Location and Use

- a. The Locus is within the existing 208 unit Chestnut Street Apartment complex, Assessors Map 14, Lot 084. The property is within the Residential "A" Zoning District.
- b. The Applicant proposes to create a 335.50 KW / 250.00 KW AC Solar Canopy System comprised of two canopy systems over the existing area as an accessory structure. All work shall be within the limits of the

existing parking lot. There shall be no proposed changes to the existing buildings.

2. Law/zoning Regulations

The Planning Board in reviewing an application of solar energy systems has reviewed and applied Mass General Law, Chapter 40 A; Section 3 to the application. M.G.L. Section 40 A; Section 3 provides subjects which zoning may not regulate and provide exemptions to certain uses.

“No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

The Planning Board in applying Chapter 40 A Section 3, finds the application can lawfully be developed and the proposed installation of the proposed solar energy system doesn't inhibit public health, safety and welfare of the residence of Chestnut Street Place Apartments.

3. Sustainability

- a. The proposed solar canopies support Ashland's move away from fossil fuels.
- b. All planting materials are non-invasive species, and 70% of the planting material is native species, as detailed on the landscaping plan. Drought tolerant shrubs and perennials are to be provided across the site to minimize irrigation / watering on the site.

4. Site Plan Review Criteria (as per Ashland Bylaw 9.4.6)

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

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

Finding: The Planning Board finds that the site does not contain wetlands, steep slopes, floodplains or hilltops. The proposed installation area is flat and almost completely covered by an asphalt parking lot with minimal vegetation.

2. Minimize obstruction of scenic views;

Finding: The Planning Board finds that no scenic views are present. General views from the residential units have been considered and are found to be acceptable.

3. *Preserve unique natural or historical features;*

Finding: The Planning Board finds no unique features on the site.

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

Finding: The Planning Board finds that the three existing trees in the project area are in poor condition and will be replaced with new trees in nearby locations outside the solar canopies. The existing vegetative areas under the canopies will be re-planted with new vegetation. The proposed project will involve no soil removal or grade changes.

5. *Maximize open space retention;*

Finding: There is no open space on the Locus, as the proposed canopies will sit within the existing impervious parking lot.

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

Finding: The Planning Board finds that the proposed solar canopies are not visible or minimally visible from the Chestnut Street roadway and from neighboring properties as they will be located behind existing buildings and a wooded setback.

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

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

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: The Planning Board finds that the utilities serving this project shall be underground.

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 Planning Board finds that the transformer and inverter bank required for the installation of the solar energy system have been located to minimize any impact and will be protected by bollards and screened by a stockade fence.

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 Planning Board finds that proposed project will not generate noise.

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 Planning Board finds that parking, loading, and signage on the site are unchanged. As the proposed canopies are over an existing impervious surface, the site plan complies with all relevant zoning requirements including dimensions and environmental performance standards.

12. 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 Planning Board finds the site plan to be consistent with all applicable plans to promote the development of green renewable energy.

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 will be satisfied as follows:

Special Project Conditions

1. If requested by residents, the Applicant will provide anti-glare film for six (6) resident windows facing the solar panels located in building 19.

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 approved by the Planning Board.

Pre-Permit Procedures

2. No land disturbance or demolition of the existing structure 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.
3. 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.
4. 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.
5. 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.
 6. In accordance with Section 9.3.8 (Special Permit) 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.
 7. 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 work.
 8. 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.
 9. This 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

10. Prior to any 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.
11. 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.
12. 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

13. During construction, the applicant shall secure all construction materials, and solar panel equipment within a locked chain-link fenced area. 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

14. 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. Water shall be available onsite to control dust at all times. If dust is unable to be controlled, the Applicant shall cover or vegetate all exposed soil surfaces.
15. During construction, the Applicant shall be vigilant concerning dust and construction track-out onto adjacent streets. As necessary, adjacent streets shall be swept and cleaned of all debris after each work day. The Applicant shall be responsible for any damage within the roadway 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 adjacent streets shall be submitted before building permits are issued.
16. The Applicant shall comply with 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.
17. There shall be no parking or standing of vehicles other than within the project site.
18. The Applicant shall at all times 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 condition regarding night work. 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.
19. 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.

Final Construction Sign Approval Procedures

20. Before Building Office final inspection, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
21. Before Building Office final inspection, 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.

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 (4-0-0)

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

(Y) Catherine Jurczyk, Clerk

(Y) Deepa Venkat, Member

(A) 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.

Town of Ashland Planning Board


Tricia Kendall, Chair


Anna Tesmenitsky, Vice Chair

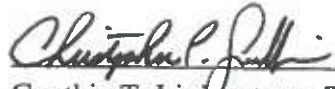

Catherine Jurczyk, Clerk


Deepa Venkat, Member

Marcelo Arjona, Member

Decision filed with the Town Clerk on:

Date: June 28, 2024


~~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