

September 12, 2017

Submitted via e-mail attachment

Dear Mr. John F. Trefethen, Chair and Zoning Board of Appeals Members,

In regards to the Public Hearing scheduled for September 12, 2017 for a Special Permit Application for 10 Waushakum Ave, Ashland we offer the following information as part of the public comment.

Comments on the Application:

- **Item 5 Description of Relief Sought** fails to also note that the rear setback of 30LF is not met because per the submitted plans, the landing and stairs in the rear reduce the setback to 24'1¾".

Per Ashland Zoning, the definition of setback is:

Setback -- The distance between a front, rear, or side lot line and the line of a building or projection thereof, measured on a line perpendicular to the lot line.

The rear landing and stairs are a projection of the building and this projection is closer to the lot line than 30' thus violating the rear setback.

Per Deadrick V. Zoning Board of Appeals of Chatham, the Appeals Court of Massachusetts has made clear that the owner of a nonconforming single-or two-family needs a variance for any reconstruction that creates new nonconformities. The submitted plans violate the rear setback, a new nonconformity compared to the existing structure, therefore, a variance would be needed to construct the proposed new structure.

Though moot because the Applicant needs a variance for the submitted project, the remaining comments address the Application to the Zoning Board of Appeals (ZBA) for a Special Permit and outline the reasons the Special Permit cannot be approved by the ZBA.

- **Item 6 Justification for why the Application should be approved** notes that most of the lots on Waushakum Avenue do not meet the minimum lot size or frontage for CH district. To be factual, nor do they meet the current minimum lot size or frontage for RB, which the remainder of the homes are in, not CH district. Every house on Waushakum Avenue, as well as the lots, were established pre-zoning. The lot size of other houses on the street has nothing to do with approving a Special Permit of a new large home on a small lot that currently has a small home. The Applicant cites 4 houses on Waushakum with lot size 5000sq foot or less, though the Ashland Property Cards show 6 homes lot size 5000 square foot or less, the average size of those homes on those lots is just 948 sq. feet. The proposed new house for which the applicant seeks a Special Permit is more than twice the size of existing homes on similar sized lots on Waushakum Ave.

The Applicant states that, "... it possess considerable beneficial impact to the neighborhood" but doesn't list a single beneficial impact. The submitted project has complete disregard for neighborhood standards. The Applicant's submission would be appropriate for a compliant 30,000 square foot lot, yet 10 Waushakum is just 15% the size of a conforming lot. On this lot that is 15% of the required size, the Applicant is proposing to build a house that is nearly 6 times as large as the existing home. A clear benefit to the community would be a small new house. The Applicant's nearly 2,000 square foot house does not fit the size and scale of the neighborhood.

Stating that the existing mobile home with its modest fixed addition is deleterious is simply a value judgment. In our 13 years in the neighborhood, not once have we ever heard someone say “I wish the mobile home wasn’t here” nor have any complaints to the Town been noted. It is a small affordable home. This has been a well-kept property without deleterious effects. In addition to being a well-kept property it adds value by being an appropriately sized home for the lot where neighbors can view both a home and a lawn as opposed to the proposed plan which would be a view of wall of house and driveway covering much of the lot. The only correct portion of the statement is that mobile homes would no longer be allowed in our neighborhood. The current home on the property is simply a pre-existing non-conforming home and is considered deleterious by the Applicant.


The ZBA is bound by Section 9.3.2 that establishes the criteria in order to grant a Special Permit, and must make a written determination proving the criteria are met. In this case, under the circumstances and plans submitted, the ZBA will be unable to offer the Special Permit because of the many negative impacts of the project in relation to the community, neighborhood and evaluation criteria.

9.3.2 Criteria 1 - “Community Needs served by the proposal”

Ashland has consistently strived for housing for all levels of income and making a structure of this size in this neighborhood is more detrimental to the neighborhood and contrary to documented community value and goal of promoting housing stock that is relatively affordable.

Examples documenting community standards on housing:

Board of Selectmen Vision Statement:



Town of Ashland
M A S S A C H U S E T T S

MISSION STATEMENT

The Ashland Board of Selectmen is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Board of Selectmen is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

VISION STATEMENT

The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.

Strategy 6.1: Adopt an infill development bylaw to encourage development of small, affordable single-family homes on substandard vacant or underutilized properties

Ashland has a number of vacant or underutilized parcels, including small and irregular parcels, some of which might be well suited to infill development. This technique is often used to provide greater housing type diversity by allowing the development of small, affordable single-family homes on substandard vacant lots interspersed in developed residential areas, thereby reducing demand to develop farmland and open space and consequently conserving land and limiting sprawl. The Town should identify areas to encourage infill development, establish criteria that these sites meet, and develop a zoning bylaw that would apply to areas that meet said criteria. In developing the bylaw, the Town should consider appropriate setbacks, minimum lot size,

58

minimum frontage, maximum lot coverage, and building height and footprint. Regulations and design guidelines should help promote the development of smaller units that by their nature require less maintenance and are less costly.

HOUSING

The health of a community's economy hinges on access to housing choices: a range of housing types, a continuum of price bands, opportunities to purchase or rent, and neighborhood settings that support different lifestyles and different stages in the life cycle. For Ashland, housing is an especially important

From Comprehensive Plan 2003, referenced in 2015 MAPC, Ashland Housing Production Plan pp46-47,

Lastly, back in 2003, the town completed a Comprehensive Plan that recognizes the need for additional affordable housing in town. It states, "Many Ashland residents cannot afford to buy a home or rent an apartment in town" (p. 1). More specifically, the plan cites Ashland's aging population and asserts the need for housing choices for those over the age of 55, as well as the

46

need for reasonably priced first-time home buying opportunities for younger households. The plan establishes the following housing goals: (1) provide a range of housing typologies and (2) work to maintain and expand housing of both tenures at a range of price points. Strategies to achieve

Our neighborhood has numerous examples of 2 and 3 generations living in the same neighborhood. Construction of a house that is contraindicated by our zoning removes opportunity to have modest size, lower priced homes available to next generations or others with modest incomes. Granting the submitted Special Permit to construct a house that is substantially larger than most of those in the neighborhood and therefore considerably higher cost violates Ashland stated objectives and removes modest priced housing from Town housing stock.

9.3.2 Criteria 2 – "Traffic Flow and safety including parking and loading"

Zoning By-Law 5.1.3 states "No off-street parking area shall be maintained within ten (10) feet of a street". The Application submitted shows parking area reaching 21 feet back from the road. The average length of a compact car is 15 feet so the construction plan does not comply with zoning nor supply adequately sized parking which is a minimum of 2 spaces per dwelling unit. The ZBA should not apply nor allow substandard requirements in our neighborhood. Clearly this will cause parking problems for the neighborhood as experienced with a nearby property on a small lot where nearly the entire front yard being turned into parking, often with cars





sticking out into the street (see example photos). The zoning requirements for parking affect both safety and neighborhood aesthetics. Granting the submitted Special Permit without required parking will have a detrimental effect on the neighborhood.

9.3.2 Criteria 3 – “Adequacy of utilities and other public services”

In 2007 and again in 2013 the Town of Ashland had such severe water shortages that we were beholden to a temporary emergency water supply from Massachusetts Water Resources

Authority (MWRA) for adequate water supply. At the Spring 2017 Annual Town Meeting, Ashland Town Government believed that the potential for future water shortages continued to be so likely and threatening to the Town, that a permanent supplemental connection to MWRA was proposed and adopted. Clearly a case has been made that Ashland lacks an adequate supply of public water. Granting of a Special Permit to build a structure larger than planned for by zoning has a very high probability of a negative impact on water supply since the number of people who could reside in the proposed structure could far surpass the number of people who would be able to live in the current 336 square foot home, thus likely having a much greater water usage.

9.3.2 Criteria 4 – “Neighborhood character and social structures”

In Item 6 of the Application, the applicant suggests that the proposed structure is in keeping with the residential character of the street. It is not. The average of the single family homes on Waushakum Ave. is 1227 square feet. The average home size on the 6 comparably sized lots is 948 square feet. Building this almost-2000 square foot home that is more than twice the size of homes on similarly sized lots on Waushakum Avenue and substantially larger than the average of all 15 single family homes on Waushakum Avenue is not in keeping with the character of the street nor neighborhood. There is not one single family home in the neighborhood that is 2.5 stories and out of 55 Ashland single family homes on the same side of Route 126, only 5 are larger than the proposed new structure. This house would be larger than 91% of all the 55 homes in the neighborhood. Yet the lot is smaller than 76% of those lots. In other words the house would be in the top 10% largest houses sitting on a lot in the smallest quarter of all our substandard lots. The size and scale of the proposed house is not consistent with the density established by zoning nor with the neighborhood character. Allowing this Special Permit for building an oversized house on an undersized lot can only be construed as detrimental to the neighborhood, if not the entire town. Given that Ashland zoning details the requirements, we have no expectation of enduring this change in density to our neighborhood.

Where	Lot Size	Number of Properties	Average House Size	Proposed house size compared to average
Waushakum Ave.	< 5000	6	948 sq ft	109% larger
Waushakum Ave.	all single family lots	15	1227 sq ft	61% larger

9.3.2 Criteria 5 - "Impacts on the natural environment"

Increasing the impervious surface has a substantial impact on the hydrology and potentially on water quality. Per the Metropolitan Area Planning Council (MAPC) website:

The recent rapid growth and development of many communities has resulted in an increase in impervious surfaces, which significantly and adversely impacts surface and ground water, coastal waterbodies, and the safety of transportation infrastructure. As additional land is developed, the volume and rate of pollutants in stormwater entering storm sewers, rivers, streams, and reservoirs will continue to increase. Sustainable and preemptive efforts must be made now to prevent future flooding, bank erosion, and scouring.

It is well documented that rise in impervious surfaces has negative environmental impacts and the proposed project at 10 Waushakum increases significantly the impervious surface compared to the current home and driveway.

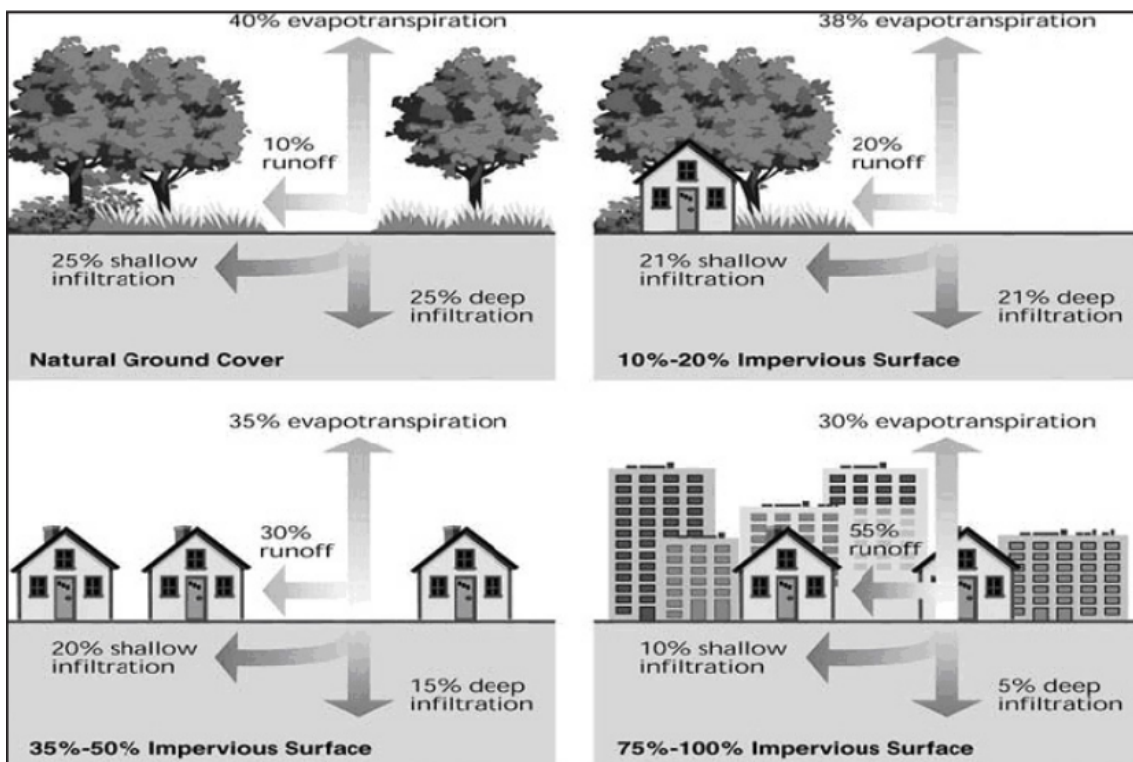


Figure 1: Changes in site hydrology with increasing impervious cover (US EPA)

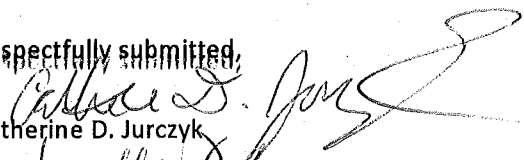
The increased density and lot coverage would cause a detrimental impact to the natural environment, the extent of which has not been determined.

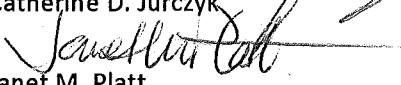
9.3.2 Criteria 6 – "Potential fiscal impact, including impact on town services, tax base and employment"

Residential property has a negative fiscal impact on the Town budget as residential services as a whole cost more than received in taxes per property. Therefore, allowing a much larger home than currently exists, that can readily house many more people has an even greater negative fiscal impact.

Our findings are that the ZBA will be unable grant the Special Permit because based on established criteria there is overwhelming documentation that the adverse affects of the proposal will outweigh any beneficial impact. **The decision cannot be based on whether the applicant is a nice family, or the house is new, or the size and scale isn't large compared to other neighborhoods. The decision must be based on the six criteria listed in the zoning bylaws, and this application falls short in every criteria. To issue a Special Permit for the submitted project would completely disregard the zoning and the dramatic impact such a project would have on our neighborhood.**

Respectfully submitted,


Catherine D. Jurczyk


Janet M. Platt

11 Rodman Road
Ashland, MA

Attachment:

- PDF file copies of Ashland property card records