



**Town of Ashland
Planning Department**

101 Main St.
Ashland, MA 01721
508.881.0101
Ashlandmass.com/193/Planning

Application for Planning Board Approval/Permit

Note: Application must be complete, with a certified plot plan and all application fees to be accepted.

Property Information:

Street Address: **12 POND STREET**

Zoning District: **Commercial Highway**

Overlay District: **Pond Street Mixed Use (PSMUOD)**

Assessor's Map: **16** Lots: **180-184**

Deed Book: **46541** Page: **122**

Current Property Owner: **QYANG PHAT DIEP and KIM CHEN DIEP**

Permit/Approval Sought:

X Special Permit (\$9.3) Special Permit Amendment/Modification Design Plan Review (\$9.6)

Site Plan Review (\$9.4) Site Plan Modification Scenic Road Permit (Ch. 249 §20)

Earth Removal Permit (Ch. 242 §3) Site Alteration Special Permit (\$5.8)

Subdivision (Include Subdivision Application Form) Wireless Communication Facilities (\$6.4)

Use Type: Residential: Commercial: Industrial: Mixed Use: **X**

Applicant Information: Owner: Tenant: Prospective Purchaser: **X**

Name: **12 POND STREET REALTY TRUST**

Address: **11 PLACID ROAD NEWTON, MA 02459**

Phone: **781 589-4113**

Email: **charles_zammuto@yahoo.com**

Agent's Name: **Terrence P. Morris Esq.**

Agent's Address: **57 Elm Road, Newton, MA 02460**

Agent's Phone: **617 202-9132**

Agent's Email: **tpmorris.landuse.law@comcast.net**

Additional Information:

Are all real estate taxes and other assessments to the Town current?: **YES**

Is the parcel on a scenic road?: **NO** Is the parcel in a flood plain?: **NO**



Is the parcel within 100 feet of a wetland or 200 feet of a river: **NO**

Is this an amendment to a previously issued Special Permit? (attach approved permit): **NO**

Date structure(s) built: **1995**

Description of the Relief Sought: Special Permit for a 3-story, mixed use building with 16 dwelling units on 2 floors above ground floor non-residential use with accessory parking for 42 cars, both within the building (23) and open-air (19). All the units are 2-BR, 2-Bath units averaging 1,350 sq. ft. in size. The ground floor contains 2,970 sq. ft. of commercial space. The project is governed by the standards set forth in Section 8.8 of the zoning by-law for the PSMU Overlay District as well as the design standards and landscaping requirements for off-street parking in section 5.0 and section 5.4. According to the aforesaid parking requirements 24 spaces are required for the residential use (1.5 sp./unit) and 12 spaces are required for the commercial use (1 sp./250 sq. ft.) for a total of 36 spaces. According to the PSMUOD Dimensional Regulations in Paragraph 6.0, there is a requirement of 2000 sq. ft. of buildable lot area for each residential dwelling unit. With a 30,000 sq. ft. lot, this would permit a density of 15 dwelling units. However, under the Affordable Housing provisions in Paragraph 7.0.1.b, the Planning Board may grant a density bonus where the developer poses more than 10% affordable units. Since the applicant is proposing to provide four affordable units (25%) under the DHCD Local Initiative Program, where only 10% is required, we are seeking bonus of one unit.

What specific zoning bylaws and/or Special Permit types are relevant to this application? PSMUOD Section 8.8: Paragraphs 5.1 and 5.2 - (Dwelling units above Non-Residential uses); Par. 6.0 - Dimensional Standards (Density, Common Open Land et al); Par. 7.0 - Affordable Housing); Par. 8.0 - Parking Requirements); 9.0 - Review Standards; and Section 5.1 (Design Standards for Off-street Parking) and 5.4 (General Landscaping Requirements). _

Benefits of Project: The project meets each of the stated purposes of the PSMUOD set forth in section 9.0. Specifically it will be a unique and identifiable place and destination for residents, visitors and business affairs. It will also enhance the social and economic viability of the district by preserving property values and promoting attractiveness of the neighborhood as a place in which to live, work, visit and shop. Finally it will promote and encourage building design and alterations that are of high quality and appearance while enhancing the natural and aesthetic qualities of the neighborhood as intended when the District was created. In addition the proposed subsurface drainage system will ensure that the site will not contribute to any storm-water problems in the neighborhood.

Existing use and condition of the property and surrounding neighborhood: (Please list all nonconformities.) Most recently used as a restaurant with accessory parking for 55 stalls, 25% of which do not conform to the dimensional parking standards in the by-law with regard to size, circulation or landscaping requirements. At least 16% (9/55) of the stalls encroach on the public way (Douglas Road). There is absolutely no greenspace since one hundred percent (100%) of the site is covered with building or asphalt. The absence of impervious surface together with lack of subsurface drainage system to capture and treat storm-water runoff creates a potential hazard for abutting properties.

Attach Building Permit Denial letter if applicable. N/A

By signing below you assert this application is complete and accurate to the best of your knowledge:

Signatures:

Agent: Terrence P. Morris **Terrence P. Morris Esq.**

Applicant's Name: **Charles Zammuto**

Agent's Relationship to Applicant: **Attorney**

Firm: **Law Offices of Terrence P. Morris LLC**

Owner: _____

Owner's Name: **Qyang Phat Diep & Kim Chen Diep**

Note: If the applicant is not the owner, please have the owner sign above or submit a letter of permission with the application. **See Attached Letter**



Qyang Phat & Kim Chen Diep
197 Linwood Avenue
Newton, MA 02460

September 11, 2019

Preston F. Crow, Chair
Planning Board
Town of Ashland
101 Main Street
Ashland, MA 01721

Re: Authorization to File Special Permit Application
12 Pond Street

Dear Chairman Crow:

We are the owners of 12 Pond Street, Ashland by virtue of a deed recorded on November 25, 2005, in the Middlesex South Registry of Deeds in Book 46541, Page 122. It is our understanding you require written permission from the property owner for the filing of a special permit application where the applicant is not the owner of the subject property. Please consider this letter as having granted Mr. Charles Zammuto such permission to file the special permit application for a mixed use project on the above-referenced property.

Thank you for your time and attention in this regard.

Sincerely,

Qyang Phat Diep



Kim Chen Diep



Cc: Charles Zammuto