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TOWN OF ASHLAND MASSACHUSETTS  
OFFICE OF  
PLANNING BOARD  
101 MAIN STREET

Preston Crow, Chairman

**Certificate of Approval - Site Plan Review  
Baypath Plaza LLC**

**310-320 Pond Street, Map 26 Lot 209 & 210  
Ashland, Massachusetts**

**October 10, 2019**

The Planning Board (the "Board") received an application on August 20, 2019 for approval of a site plan to redevelop an existing building into a restaurant use under Sections 9.4 (Site Plan Review) and Section 9.6 (Design Plan Review) of the Town of Ashland Zoning Bylaw. The property is located at 310-320 Pond Street, Map 26 Lot 209 & 210. The parcel is within the Highway Commerce Zoning District and Pond Street Mixed Use Overlay District. The applicant is Baypath Plaza LLC, 93 Grove Street, Paxton, MA 01612.

***Documents of Record***

The application packet stamped at the Town Clerk's Office August 20, 2019 contained:

- Application for Site Plan Review.
  - Set of Plans titled "Baypath Plaza, LLC" prepared by Bohler Engineering, dated August 20, 2019 holding a revision date of October 7, 2019 signed and stamped by John A. Kucich Civil No. 41530
- Set of Architectural renderings prepared by J Ferrera Associates, Inc., dated September 28, 2019
- Report for the Ashland Design Review Committee dated October 10, 2019.

Materials submitted during the discussion process:

- a) Review report from GCG Associates, Inc. Re: Site Plan Review 320 Pond Street (Assessor's Map 26, Lots #209 & 210) dated September 11, 2019.
- b) Engineering response letter from Bohler Engineering. Re: Site Plan Review 320 Pond Street (Assessor's Map 26, Lot #209 & 210) dated September 19, 2019.
- c) Review report from GCG Associates, Inc. Re: Site Plan Review 320 Pond Street (Assessor's Map 26, Lots #209 & 210) dated October 3, 2019
- d) Letter to the Planning Board from Attorney Jeffy C. Effren. Re: 320 Pond Street, Ashland Application for Site Plan Review - Baypath Plaza, LLC dated September 19, 2019, stamped by the Ashland Planning Board Office September 30, 2019.
- e) Letter to the Planning Board from Attorney Jeffy C. Effren. Re: 320 Pond Street, Ashland Application for Site Plan Review - Baypath Plaza, LLC dated October 8, 2019, stamped by the Ashland Planning Board Office October 8, 2019.
- f) Email from Nathaniel Mahonen, P.E. Bohler Engineering requesting a public hearing continuance dated September 27, 2019.

- g) Email from Nathaniel Mahonen, P.E. Bohler Engineering requesting a public hearing continuance dated September 13, 2019.
- h) Email addressed to the Planning Board from Pat Embree dated September 4, 2019.
- i) Email Addressed to the Planning Board from Anne Manning dated September 12, 2019.
- j) Email addressed to the Planning Board from Aphrodite Karpouzis dated September 25, 2019.

A public hearing was held on September 12, 2019, September 26, 2019 and October 10, 2019.

### ***Facts and Findings***

Based on the evidence presented, the Board makes the following findings:

1. The Proposed project is located at 310-320 Pond Street. The Applicant proposes to reuse the existing structure and develop a restaurant.
2. The existing structure's address is 316 Pond Street.
3. The project proposes a single story, one hundred and twenty (120) seat restaurant occupying 4,991 sq. ft., including an outdoor seating area. The parcel will include 42 parking spaces.
4. A successful project along Pond Street, Route 126 would be a catalyst to enhance the Town's economic development efforts along a main thoroughfare.
5. The Applicant will install a grease trap which would be needed for a full service restaurant and shall submit an Operation and Maintenance Plan to the Ashland Board of Health prior to construction.
6. The Applicant has requested a waiver from Ashland Zoning Bylaws Section 282 5.0.6 The proposed loading area does not meet the 12'W x 65'L x 14' H requirement. The Applicant has provide a 12' W x 40' L loading area. Therefore the Planning Board grants a waiver to Zoning Bylaw Section 282 5.0.6. Finding the layout provided approximately 45' L of loading area, which is suitable for delivery trucks of 40' in length. The Planning Board see granting said waiver does not impose any negative impacts to the development.
7. The Applicant shall to the best ability limit all delivery's using tractor trailers truck.
8. The Applicant met with the Design Review Committee several times which resulted in architectural and landscape revisions. A report was issued to the Planning Board on October 10, 2019.
9. For public safety reasons the fire department required a minimum driveway width of 20 feet. Furthermore, a sprinkler system is required to be installed within the structure when applying the new proposed use (restaurant) and occupancy load.
10. The Planning Board understand the applicant will purchase the land after an ANR plan is submitted to the Planning Board. It is assumed by the Planning Board the shopping center's owner will grant the applicant easements for access and overflow parking.
11. Snow storage and removal was discussed at length. The Applicant agreed to move snow within the permitted areas as shown on the plans.
12. The stormwater plans have been reviewed by the Planning Board's consulting engineers. At the time of this decision, the Applicant has a request to the Ashland Conservation Commission concerning stormwater review.

## **Decision**

Following presentations by the Applicant and its consultants, a review by Board members and its consultant and members of the public, the Board voted 4-0 to approve the Site Plan as substantially shown on the Plans titled "Baypath Plaza, LLC" prepared by Bohler Engineering, dated August 20, 2019 holding a revision date of September 20, 2019 signed and stamped by John A. Kucich Civil No. 41530; and the set of architectural renderings prepared by J Ferrera Associates Inc., sheets A-1 "Proposed Exterior Elevations" dated September 28, 2019.

- 1) The applicant and contractor shall meet with Town staff for a pre-construction meeting before any demolition or building permits are issued. At the pre-construction meeting the applicant shall submit a construction schedule which shall be reviewed and approved by town staff. At the pre-construction meeting a construction fencing shall be erected soon after if required by the Ashland Building Commissioner.
- 2) No land disturbance or demolition shall occur before building permits are issued.
- 3) Before any building permits are issued the Applicant shall provide the name and contact information of the contractor on site.
- 4) DPW may require drainage and sewer pipes to be camera-ed before building permits are issued. This should be determined at the pre-construction meeting.
- 5) The applicant shall provide a Licensed Site Professional on site during excavation.
- 6) Before any building permits are issued the applicant shall submit final plans and specifications to the Building and Planning Department.
- 7) The Applicant shall submit a sign permit application to the Ashland Building Commissioner respecting the Ashland Sign Bylaw.
- 8) At the time of the pre-construction meeting the Applicant's engineer shall submit a Stormwater Operation and Maintenance Plan that shall be recorded at the South Middlesex Registry of Deed.
- 9) Pond Street, State Route 126 and sidewalks shall be swept after each work day, if needed.
- 10) During construction the Applicant shall be vigilant about dust control. Water facilities to control dust shall be available on-site at all times. If dust is unable to be controlled it shall be monitored to ensure that no pollutants get airborne.
- 11) 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.
- 12) There shall be no parking or standing of vehicles along Pond Street or Spyglass Hill Drive during construction. The applicant shall make an effort to avoid interrupting residential traffic along Spyglass Hill Drive.
- 13) All delivery to the restaurant shall utilize Pond Street for ingress and egress and shall be scheduled between the hours of 7 a.m. and 10a.m. The applicant shall make an effort to avoid interrupting residential traffic along Spyglass Hill Drive.
- 14) 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. There shall be no construction activities on any Sunday or federal legal holidays. Unless required in Condition number 18 above.

- 15) 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.
- 16) All façade material i.e. siding and roofing shall be of high quality siding with color scheme as per plans or as otherwise approved by the Planning Board and Design Review Committee.
- 17) A parapet wall is to be constructed around the perimeter of the roof as currently designed. No rooftop equipment shall be visible from street level.
- 18) A sidewalk or pedestrian pathway shall be developed linking Pond Street to the restaurant entrance (This may depend on street scape construction timing.)
- 19) The dumpster shall be kept neat and orderly and locked at all times. The applicant shall schedule dumpster pick up between the hours of 7 a.m. and 7 p.m. respecting the Ashland noise bylaw.
- 20) Prior to final occupancy permits the applicant must submit recorded copies of all easements which pertain to the property.
- 21) Before a final occupancy permit is issued the Applicant shall submit an as-built plan stamped by an engineer and geo-referenced CAD files and PDF.
- 22) Before any occupancy permit is issued the Applicant shall complete an emergency contact sheet with the Ashland Public Safety Departments.
- 23) This approval and approved plan shall be recorded at the South Middlesex Registry of Deeds. A copy of the recorded documents and approved plan bearing the date of recording and the book and page number shall be delivered to both the Planning and Building Departments before any work can begin.
- 24) If this Site Plan Approval is transferred to an entity other than the applicant, this approval must be amended by the Planning Board.

In accordance with Section 9.4.14 of the Zoning Bylaw, 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. Site plan approval may, for good cause, be extended in writing by the Board upon written request of the Applicant.

Pursuant to Section 9.4.17 of the Zoning Bylaw, any appeal of this decision of the Board shall be made in accordance with G.L. c. 40A, § 17, to a court of competent jurisdiction.

**Town of Ashland Planning Board**

  
Preston F. Crow, Chair

  
Joseph D. Rubertone, Vice Chair

  
Dale M. Buchanan, Clerk

  
Philip R. Williams, Member

  
Tricia Kendall, Member

Filed with the Town Clerk on:

Date:

October 15, 2019

  
Tara M. Ward, Town Clerk

I HEREBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Tara M. Ward, Town Clerk