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

RECEIVED  
TOWN CLERK  
ASHLAND, MA

2019 DEC 23 AM 11:42

Preston Crow, Chairman  
Peter Matchak, Town Planner

**Certificate of Approval  
Special Permit and Site Plan Review  
12 Pond Street  
Map 16, Lots 180-184**

In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Section 9.4 Site Plan Review, Chapter 282, Section 9.6 (Design Review) and Chapter 282, Section 8.8 (Pond Street Mixed Use Overlay District), the Planning Board (the "Board") received an application for a special permit and for site and design plan review and subsequently held a public hearing for the application of 12 Pond Street Realty Trust c/o Terrence P. Morris Esq., seeking an approval for a 3-story, mixed use building consisting of sixteen (16) residential units four of which will be considered affordable. The first floor of the building will consist of commercial space totaling 4,370 sq. ft.

The subject property is located at 12 Pond Street, Assessors Map 16, Lots 180-184 and is located within the Highway Commerce Zoning District and Pond Street Mixed Use Overlay District.

The Public Hearing was held pursuant to notice published in the MetroWest Daily New and mailed to Parties of Interest.

The Board opened a public hearing on the aforesaid application on October 10, 2019, and continued the discussion to November 14, 2019 and December 12, 2019. The public hearing was closed on December 12, 2019. In addition to the public hearing before the Board, the applicant met with the Design Review Committee on October 8, 2019 and October 22, 2019.

***Documents of Record***

The application packet stamped at the Town Clerk's Office September 17, 2019 contained:

- Application for Special Permit and Site Plan Review filed with the Ashland Town Clerk on September 17, 2019.
- An eleven (11) sheet Set of Architectural Plans titled "Mixed -Use Building" prepared by JC Architect, dated March 9, 2019 holding a revision date of December 9, 2019 signed and stamped by Jim Chen. No. 87067.

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Sheet:	Description:	Plan Date	Revision Date:
L-1	Title Page	3/9/2019	NA
A-1	Proposed First Floor Plan	3/9/2019	12/9/2019
A-2	Proposed Second Floor Plan	3/9/2019	11/30/2019
A-3	Proposed Third Floor Plan	3/9/2019	11/30/2019
A-4	Proposed Roof Plan	3/9/2019	11/30/2019
A-5	Proposed Exterior Elevation	3/9/2019	11/30/2019
A-6	Proposed Exterior Elevation	3/9/2019	11/30/2019
R1-4	Perspective Rendering View Of Pond Street	3/9/2019	11/30/2019

- A six (6) sheet Set of Civil Site Plans titled "Site Plan 12 Pond Street (Tax Map 16 Blocks 180-184) Ashland, Massachusetts; August 5, 2019; 1 inch = 20 feet; prepared by Engineering Alliance, Inc. Civil Engineering & Land Planning, dated August 5, 2019 holding a revision date of December 9, 2019 signed and stamped by Richard Salvo, Civil No. 41851.

Sheet:	Description:	Plan Date:	Revision Date:
C-0	Cover Sheet	8/5/2019	12/9/2019
C-1	Existing Conditions Plan	8/5/2019	NA
C-2	Site Plan	8/5/2019	12/9/2019
C-3	Grading, Drainage, and Utility Plan	8/5/2019	12/9/2019
C-4	Landscaping	8/5/2019	12/9/2019
D-1	Construction Details	8/5/2019	NA

- Drainage Calculations and Stormwater Management Plan for the Multi-Use Building, located at 12 Pond Street, Ashland, MA. Prepared for 12 Pond Street Reality, 11 Placid Road, Newton, MA. Prepared by Engineering Alliance, Inc. Civil Engineering & Land Planning, dated August 23, 2019. Stamped by Richard Salvo, Civil No. 41851.

***Materials Submitted During the Public Hearing:***

- a) Continuance Request from Terry Morris dated October 18, 2019
- b) Bellacor Gama Sonic Polaris Black LED Solar Bollard Lamp 178000 product listing
- c) Park Warehouse bike rack product listing
- d) Veranda Dover 6 ft. H x 8 ft. W Vinyl Privacy Fence Panel Kit product listing
- e) Veranda Vinyl Fence product information
- f) The Monarque Bench product listing
- g) Mariner Textured White Outdoor Post-Mount Light Fixture product listing
- h) Black Bogner Steel Park Bench product listing
- i) Final Report from Design Review Committee, dated November 12, 2019
- j) Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.

***Facts and Findings***

Based on the evidence presented by the applicant, the Board makes the following findings outlined in Chapter 282, Section 8.8.4 (Pond Street Mixed Use Overlay District Development Criteria), Section 8.8.9 (Pond Street Mixed Use Overlay District Review Standards) and Section 9.4.6 (Site Plan Review Criteria) of the Ashland Zoning Bylaws:

1. The site falls within the Pond Street Mixed Use Overlay District, which allows mixed use development as proposed by special permit. The proposed development meets all dimensional controls, including but not limited to setback and lot size requirements for the Pond Street Mixed Use Overlay District.
2. The site is currently impervious, with the exception of a strip of landscaping along the back edge of the property. The proposed plans, which will substantially increase the open space and green space upon the site, meet or exceed the general landscaping requirements under the zoning by-law. The site will have a “pocket park” design, with outdoor seating and planting areas. The open space will be accessible to residents of the building, patrons/visitors to the commercial space, and the general public.
3. The site which has frontage along state Route 126, Greenhalge Road and Douglas Road, currently has no curb control. The proposed development will result in the removal of vehicular access/egress via Pond Street, and the installation of curb cuts on both Greenhalge Road and Douglas Road.
4. The Applicant has met with the Design Review Committee twice, and the Committee has issued a final report on the proposed development to the Planning Board. The proposed building incorporates architectural design elements common to historical development of Ashland, such as mansard roofs, and gables, which have reduced the massing of the building.
5. The site is serviced by town water and sewer. The existing impervious condition contributes to periodic flooding problems in the neighborhood. The applicant proposes to install a subsurface infiltration system, which will contain storm water on the property, allow it to recharge the underlying water table and mitigate potential flooding off site.
6. This project will promote economic development by introducing up to four businesses to the Pond Street corridor. By introducing curb control and storm water control, the development will use infrastructure efficiently. The addition of new residences and commercial spaces will add vitality to the corridor and access to employment opportunities.
7. By introducing up to four new commercial spaces to the Pond Street corridor, this project has the potential for a positive impact on the mix of businesses in the Pond Street Mixed Use Overlay District. The project has the potential for a positive impact on the existing mix of structures, as it adheres to building design present in

town, and fits the size requirements of the Pond Street Mixed Use Overlay District.

8. This project satisfies the Site Plan Review Criteria. There are no wetlands, steep slopes, floodplains, hilltops, scenic views or unique natural or historical features on the site. The site is currently developed, thus tree and vegetation removal will be minimal. Open space will be created on the site for public use. Objectionable features will be appropriately screened with fences and landscaping. Consideration has been given to the impacts on town services and infrastructure. As part of the Route 126 reconstruction with MassDOT, utilities will be underground. The site plan complies with all zoning requirements, and is consistent with plans adopted by the Planning Board.

### *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 5-0 to issue a Special Permit and voted 5-0 to grant Site Plan Approval as substantially shown on a submitted Set of Architectural Plans titled "Mixed -Use Building" prepared by JC Architect, dated March 9, 2019 holding a revision dated of December 9, 2019 signed and stamped by Jim Chen. no. 87067; a Civil Set of Engineering Plans titled "Proposed Mixed-Use Building, 12 Pond Street" prepared by Engineering Alliance, Inc, dated August 5, 2019 holding a revision date of December 9, 2019 signed and stamped by Richard Salvo, Civil No. 41851; Landscape Plan, prepared by Engineering Alliance, Inc, dated August 5, 2019 holding a revision date of December 9, 2019 signed and stamped by Mary O'Neill, Registered Landscape Architect.

### *Documents of Record Subject to the Following Conditions:*

#### Permit Conditions:

- 1) Exterior doors along the front of the proposed structure shall have the ability to be transformed into windows.
- 2) Walls between the proposed commercial space shall be non-load bearing and shall have the ability to be removed to promote single occupancy commercial or retail space.
- 3) The applicant shall install 240 volt electrical vehicle changing accommodations for each interior parking stall.
- 4) The owner of the proposed building shall limit the times 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 begin beyond 7:00 PM. All activities on the site shall conform to Section 204-1: Nuisance Noise of the Ashland Bylaws.

- 5) Within this project the applicant has proposed to create four (4) affordable units out of the allowed sixteen (16) proposed units. All four (4) units shall meet or exceed the Department of Community Development's (DHCD) definition of "affordable units," in perpetuity. All sixteen units shall qualify for inclusion on DHCD's Subsidized Housing Inventory (SHI); and the Applicant shall complete and submit such form(s), application(s) or other materials as may be required to effectuate the same.
- 6) Before any building permits are issued the Applicant shall submit final civil site plans and construction plans to the Building and Planning Department. The Planning Department may transmit these plans for final third party review and approval.
- 7) Before any building permits are issued the applicant shall submit a final Landscape Plan, prepared by a landscape architect, which is to be reviewed and approved by the Planning Board.
- 8) Before any building permits are issued the third party approved Stormwater Operation and Maintenance Plan shall be recorded at the South Middlesex Registry of Deeds along with an Ashland Conservation Commission's Order of Conditions (if required).
- 9) 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 obtained all necessary permits 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.
- 10) 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.
- 11) 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.
- 12) DPW may require the existing conditions of all drainage and sewer pipes to be documented before building permits are issued. This should be determined at the pre-construction meeting.

- 13) The applicant shall complete phase one and phase two (if necessary) environmental testing; and shall submit reports thereof to the Board. If required by said report(s) and/or by the Board of Health Agent, the Applicant shall provide a Licensed Site Professional on locus during excavation.
- 14) During construction the site shall be secured with a chain-link fence, consistent with the fencing schedule required in Condition number 8 above. 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 for site access.
- 15) Prior to any grading activities, perimeter erosion controls shall be installed around the entire construction site. Sediment runoff is not permitted to leave the site. Perimeter erosion controls include but are not limited to silt fencing, silt socks, and hay bales provided they are installed per state and manufacturer standards. Untreated stormwater discharge into public roadways or storm water systems may result in fines from the Department of Public Works.
- 16) A rock construction entrance (RCE) shall be installed prior to any grading activities to prevent sediment trackout on to public roadways. The RCE shall consist of AASHTO No. 1 rock and have a minimum depth of 8-inches. The RCE shall be a minimum of 10-ft wide and 50-ft long. All vehicles exiting the construction site on to public roadways shall travel over the rock construction entrance. The length of the RCE may be extended an additional 50-ft or a wash rack be installed if requested by the Department of Public Works or the Conservation Commission if trackout persists.
- 17) 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 to prevent soil erosion.
- 18) Soil stockpiles shall be a maximum of 20-feet high with a maximum 2:1 slope on all sides and be surrounded by temporary erosion controls within 3-ft of the base of the stockpile and downgradient of the stockpiles when not in use for more than 24 hours. Soil stockpiles shall be located at least 50 feet from any wetland, waterbody, drain inlet, or open channel. Stockpiled soil on site shall be stabilized by mulching or temporary vegetation if the stockpiles remain inactive for more than 14 days.
- 19) All erosion control devices on the site shall be inspected at a minimum once per week and within 24 hours of a rain event consisting of more than 0.1 inches of rainfall. All erosion control devices shall be maintained to ensure continued

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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.

- 20) 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 become airborne.
- 21) 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.
- 22) There shall be no parking or standing of vehicles on Pond Street. 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.
- 23) 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.
- 24) Any police detail that may be required shall be paid for by the Applicant.
- 25) 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 on federal legal holidays, unless and except as may be required pursuant to Condition number 23 above.
- 26) 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.
- 27) The Applicant shall record the Operations & Maintenance Plan as approved by the Planning Boards third party engineer with the Southern Middlesex Registry of Deeds. The Applicant shall abide by the Operations & Maintenance plan as

recorded at the Registry of Deeds unless amended by agreement with the Ashland Department of Public Works.

- 28) Although dewatering is not expected per initial soil testing, any material leaving the site must be tested and disposed of according to state and federal regulations.
- 29) The applicant shall submit a full exterior set of drawings and details and construction drawings and details. Submission shall include all façade material i.e. siding and roofing which shall be of high quality. All of the above drawings and details shall be prepared by an architect. The color scheme should be representative of the approved plans; but may be modified with Planning Board approval, such approval not to be unreasonably withheld.
- 30) Vertical Granite curbing shall be installed at the radius of all entrances and along the property and sidewalks running southeasterly along Greenhalge Road and Douglas Road. The Applicant shall submit a detail representing vertical granite curbing to the Planning Office for approval.
- 31) The sidewalk for the length of the property shall be replaced with new concrete sidewalks and detectable warning pads unless otherwise not required by Ashland DPW. (This may depend on street scape construction timing and shall be implemented with MassDOT's planned reconstruction of Pond Street.)
- 32) The utilities shall be either underground or a chase installed to accommodate electricity and cable according to utility specifications. The location shall be provided in the as-built plans.
- 33) No storage of household items, toys, tools, bicycles, laundry, garbage or the like shall be allowed on the outside of the premises or balconies. Such a restriction shall be written into all lease agreements. In addition, the Applicant shall run wire to the roof for satellite dishes. A copy of the standard lease for units at 12 Pond Street shall be provided to the Planning Department before any occupancy permits are issued. In the event that the building is converted to condominiums in the future, the above restriction shall be written into the condominium documents.
- 34) The Board has proposed and the Applicant has agreed, that it shall, within the written lease agreements, not allow home occupations within the residential units that would cause an increase in traffic along Greenhalge Road or Douglas Road.
- 35) The Applicant shall be responsible for any damage to Pond Street, Greenhalge Road and Douglas Road, curbing and sidewalks. Baseline video or photographs shall be submitted before building permits are issued.



- 36) Before a final occupancy permit is issued the Applicant shall submit an as-built plans of the development including all utilities and storm water infrastructure. Said as-built plan shall be stamped by a licensed civil engineer and include geo-referenced CAD files.
- 37) Before any occupancy permit is issued the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
- 38) 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.
- 39) This approval and approved plans 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 Building Departments before any work can begin.
- 40) If this Special Permit and Site Plan Approval is transferred to an entity other than the applicant, this approval must be amended by the Planning Board.

As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns and the term "Board" shall mean the Planning Board, whoever its members shall be from time to time.

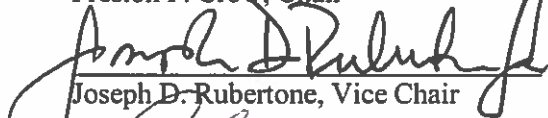
In accordance with Section 9.3.8 and Section 9.4.14 of the Zoning Bylaw, special permit and site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Special Permit and site plan approval may, for good cause, be extended in writing by the Board upon written request of the Applicant.

Pursuant to Section 9.3.8 and Section 9.4.17 of the Zoning Bylaw, 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.


This Planning Board approval shall not be effective until the Planning Office received documentation and or recite 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, Section 11.

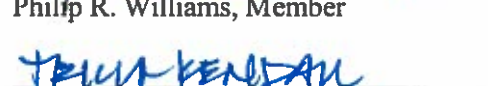
Town of Ashland Planning Board

  
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: December 23, 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