

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren

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Paralegal

Margaret L. Burchard

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ASHLAND, MA

2020 APR 22 AM 10:02

25 West Union Street
Ashland, Massachusetts 01721
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April 21, 2020

Via Hand Delivery and E-Mail

Peter Matchak, Town Planner
Town of Ashland
101 Main Street
Ashland, MA 01721

Re: Application for Site Plan Review - 5 Homer Avenue, Ashland

This office represents Dr. Tej Shah relative to his acquisition of 5 Homer Avenue, Ashland. Pursuant to our recent discussions, enclosed please find the following:

1. Application for Planning Board Approval/Site Plan Review;
2. Supplemental Memorandum in Support of Application; and
3. Filing fee in the amount of \$1,025.00.

As requested, we have also submitted this day electronic copies of the foregoing. Kindly confirm that this application is on the agenda for the next Planning Board Hearing scheduled for Thursday, May 14, 2020.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren

cc. Tej Shah, DMD
Louis J. Dakoyannis, Esq.



**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: 5 Homer Avenue, Ashland, MA

Zoning District: CD Overlay District: A

Assessor's Map: 014.0 Lot: 0374 Deed Book: 71869 Page: 83

Current Property Owner: Theodoros Xanthopoulos, Trustee of the 1-5 Main Street Realty Trust

Permit/Approval Sought:

Spccial 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:

Applicant Information: Owner: Tenant: Prospective Purchaser/Tenant:

Name: Tej Shah, DMD

Address: 179 Spur Road, Dover, NH 03020

Phone: 603-973-6155 Email: tshah.dental@gmail.com

Agent's Name: Law Offices of Jerry C. Effren

Agent's Address: 25 West Union Street, Ashland, MA 01721

Agent's Phone: 508-881-4950 Agent's Email: jeffren@effren.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?: 1985



Description of the Relief Sought: (attach additional pages if needed)

Application seeks site plan review in connection with a change of use of the property from
a retail store to a professional dental office

What specific zoning bylaws and/or Special Permit types are relevant to this application?:

§ 9.4

Benefits of Project:

Existing use and condition of the property and surrounding neighborhood: (Please list all non-conformities.)

Attach Building Permit Denial letter if applicable.

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

Signatures:

Applicant/Agent:  Applicant's Name: Jerry C. Effren, Esquire

Agent's Relationship to Applicant: Attorney for Applicant Firm: Law Offices of Jerry C. Effren

Owner:  trustee Owner's Name: Theodoros Xanthopoulos, Trustee

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



PLANNING BOARD
ASHLAND, MASSACHUSETTS

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
APPLICATION FOR SITE PLAN REVIEW
5 HOMER AVENUE, ASHLAND, MA**

INTRODUCTION

Tej Shah, DMD (the “Applicant”) submits this Memorandum and attachments in support of and supplement to his Application for Site Plan Review concerning the premises located at 5 Homer Avenue, Ashland, Massachusetts (the “Premises”). (*See Exhibits A and B.*)

SUMMARY OF REQUESTS FOR RELIEF

The Applicant has submitted herewith an application under the provisions of Section 9.4 of the Bylaw for Site Plan Review (the “Application”). The Premises is located in the Downtown Commerce (CD) District and was most recently used as a market, and prior to that for a variety of retail uses. The Applicant has entered into a Purchase and Sales Agreement with the current owner of the Premises and intends to change the use to a dental office, which is an as of right use. (*See Bylaw, Table of Principal Use Regulations.*) The dental practice will be known as “Zen Family Dental.” The Applicant is not undertaking any exterior construction or floor plan enlargement of the Premises and the CD District is exempt from off-street parking requirements. (*See Bylaw § 5.1.1.*)

The modifications contemplated by Applicant for the outside of the building will be few. There are presently four (4) awnings along the public facing sides of the building. The current plan is to remove all of the awnings, including the metal framework. Thereafter, Applicant will place two (2) signs along the topmost portion of the building, one facing Homer Avenue and the other acting Main Street. (*See Exhibit E.*) Both signs will be made of aluminum with an acrylic vinyl paint and will be within the requirements of the Bylaw. The signs will be lighted by “goose neck” lights that comply with the Bylaw’s illumination standards and the windows will be appropriately tinted to provide for patient privacy.

The inside of the Premises is currently empty and will be completely revamped to accommodate a dental practice. (*See Exhibits C and D.*) The current plan is to remove all existing acoustical ceiling tiles, grid, lighting fixtures, the current HVAC, the interior walls, flooring, and

existing wiring and plumbing. Thereafter, the Premises will be fully updated in accordance with the building code, including new walls, wiring, and electrical panel, as well as a new and updated hot water heater and HVAC system. The waiting room of the dental office will have a carpet tile flooring system, while the remainder of the office will have hardwood floors.

Site Plan Review is only required under Bylaw Section 9.4.1 because the Applicant is changing the use of the Premises. The Application should be granted because the Applicant's submission meets the requirements of the Bylaw and the proposed change to a dental office use is an as of right use under the Bylaw.

SUPPORTING MATERIALS

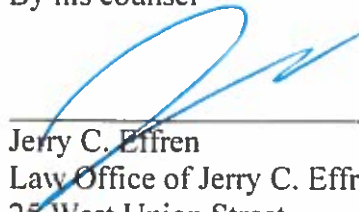
In further support of the Application, the Applicant has attached hereto following documents:

- Exhibit A Commercial Property Record Card
- Exhibit B Mortgage Inspection Plan, 5 Homer Avenue AKA 1-5 Main St, Ashland, MA, dated March 19, 2020
- Exhibit C Floor Plan, dated February 21, 2020
- Exhibit D Renderings of Dental Office Floor Space, dated February 21, 2020
- Exhibit E Rendering of Exterior Signage

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Planning Board grant Site Plan Approval, allowing the proposed change of use of the Premises to a dental office, which is an as of right use in the CD District.

APPLICANT
By his counsel



Jerry C. Effren
Law Office of Jerry C. Effren
25 West Union Street
Ashland, MA 01721
(508) 881-4950

Dated: April 16, 2020

Commercial Property Record Card

Parcel ID: 014/014.0-0374-0000.0 MAP: 014.0 BLOCK: 0374 LOT: 0000.0 Parcel Address: 5 HOMER AVE FY: 2020

PARCEL INFORMATION
 Owner: XANTHOPOULOS THEODOROS
 Address: 28 PERRY H HENDERSON DR FRAMINGHAM MA 01701
 Use-Code: 325 Sale Price: 10 Book: 71869 Road Type: T Inspect Date: 07/27/2017
 Tax Class: T Sale Date: 11/09/2018 Page: 0083 Rd Condition: P Meas Date: 07/27/2017
 Tot Fin Area: 2147 Sale Type: P Cert/Doc: M Entrance: C
 Tot Land Area: 0.070 Sale Valid: A Grantor: XANTHOPOULOS THEODOROS Water: PS Collect Id: CE
 Sewer: Resid-B/L% 0/0 Comm-B/L% 100/100 Indust-B/L% 0/0 Sewer: SW Inspect Reas: C
 Exempt-B/L% 0/0

COMMERCIAL SECTIONS/GROUPS
 Section: ID:101 Use-Code 325
 Category Grnd-Ft- Area Story Height Bldg-Class Yr-Built Eff-Yr-Built Cost Bldg
 2 2147 1.0 C 1880 1985 161700
 Groups: B-FL-A Firs Firs
 Id Cd 325 2147 1 1

LAND INFORMATION
 NBHD CODE: 333 NBHD CLASS: 1 ZONE: 30
 Seg Type Code Method Sq-Ft Acres Inllu-Y/N Value Class
 1 P 325 S 2932 0.070 N 145,472
VALUATION INFORMATION
 Current Total: 364,700 Bldg: 219,200 Land: 145,500 MktLnd: 145,500
 Prior Total: 348,400 Bldg: 207,600 Land: 140,800 MktLnd: 140,800

Photo

No Sketch Available

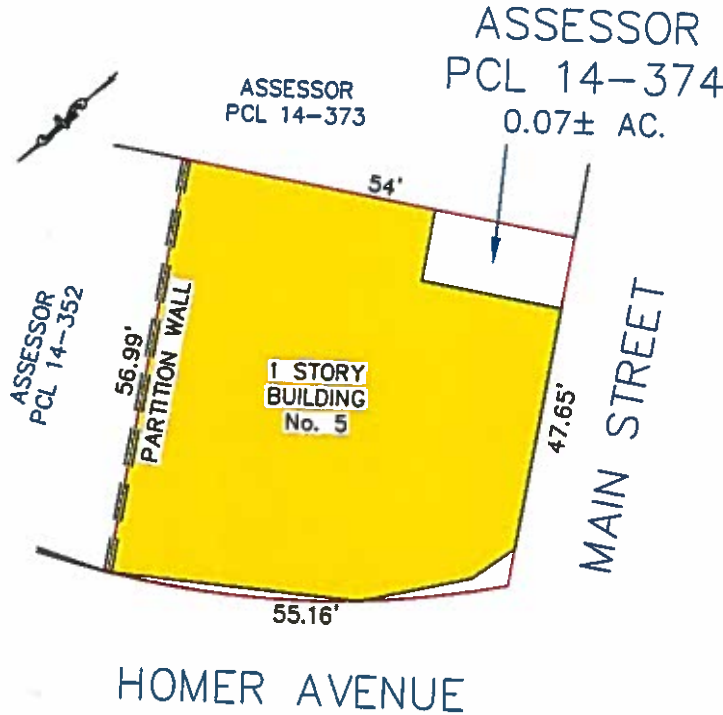
Sketch

No Picture Available

File number: 200311-15	UNREGISTERED LAND		
Attorney: LAW OFFICES OF JERRY EFFREN	Deed Book 71869	Page 83	
Lender:	Plan Book	Page	Lot(s)
Owner: THEODORUS XANTHOPOULOS, TRUSTEE	REGISTERED LAND		
	Reg. Book	Sheet	Lot(s):
Date: 3/19/2020	Certificate of Title		
Assessor's Map 14	Bk: Lot 374	Census Tract	

MORTGAGE INSPECTION PLAN
5 HOMER AVENUE AKA 1-5 MAIN ST, ASHLAND, MA

Scale: 1"=20'



CERTIFICATION

THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

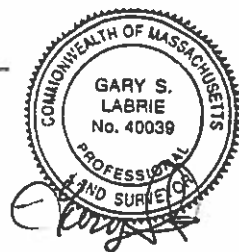
NOTE: BUILDING APPEARS TO BE CLOSE TO OR ON PROPERTY LINE. AN EXACT LOCATION WOULD REQUIRE AN INSTRUMENT SURVEY. SHARES A PARTITION WALL WITH ABUTTING PARCEL 14-352

FLOOD DETERMINATION

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25017C314F AS ZONE X DATED 07/07/2014 BY THE NATIONAL FLOOD INSURANCE PROGRAM.



Olde Stone Plot Plan Service, LLC
P.O. Box 1166
Lakeville, MA 02347-
Tel: (800) 993-3302
Fax: (800) 993-3304



PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration and may reflect different information than shown here. The land as shown is based on client furnished information only or assessor's map & occupation and may be subject to further out-sales, takings, easements and rights of way. No responsibility is extended to the landowner or surveyor, or occupant. This is merely a mortgage inspection and is not to be recorded.



**PATTERSON
DENTAL**
1031 MENDOTA HEIGHTS ROAD
MENDOTA HEIGHTS, MN

MODIFICATIONS TO THE PLAN TO ALLOW THE ARCHITECT TO PROVIDE THE NECESSARY DETAILS FOR THE CONSTRUCTION OF THE BUILDING SHALL BE THE RESPONSIBILITY OF THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL TRADES AND THE SEQUENCING OF THE CONSTRUCTION. THIS INCLUDES THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS WITH THE STRUCTURE. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL TRADES AND THE SEQUENCING OF THE CONSTRUCTION. THIS INCLUDES THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS WITH THE STRUCTURE. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL TRADES AND THE SEQUENCING OF THE CONSTRUCTION. THIS INCLUDES THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS WITH THE STRUCTURE.

DR. TEJ SHAH
LOCATION:
**5 HOMER ST.
ASHLAND, MA**

REVISION	DATE	BY	DATE



DA111

PLAN LEGEND

[Symbol]	EXISTING CONSTRUCTION
[Symbol]	NEW CONSTRUCTION
[Symbol]	REVISIONS
[Symbol]	REVISIONS
[Symbol]	REVISIONS
[Symbol]	REVISIONS



1st FLOOR PLAN
1/4" = 1'-0"

PATTERSON DENTAL
 1031 MENDOTA HEIGHTS ROAD
 MENDOTA HEIGHTS, MN

MODIFIED TO THE BEST OF HIS KNOWLEDGE TO ALLOW THE PROPER FIT AND FUNCTION OF THE EQUIPMENT SUPPLIED BY PATTERSON DENTAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT INSTALLATION AND CONNECTION OF ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CLEARANCE AND EASEMENTS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CLEARANCE AND EASEMENTS FROM THE LOCAL AUTHORITIES.

DR. TEJ SHAH
 5 HOMER ST.
 ASHLAND, MA

REV	SCOPE	DATE

NOT FOR CONSTRUCTION

SHEET NO. **DA000**



Zen Family Dental

