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

Preston Crow, Chairman
Peter Matchak, Town Planner

**Certificate of Approval
Special Permit
29 and 41 Alden Street
Map 14, Lots 356 and 357**

RECEIVED
TOWN CLERK
ASHLAND, MA
MAY - 6 PM 1:53

In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Sections 8.5 (Ashland Downtown District), 9.3 (Special Permits) the Planning Board (the "Board") received an application and subsequently held a public hearing for the application of 29 & 41 Alden Street Realty Trust c/o Terrence P. Morris Esq., seeking an approval for a 4-story, residential building with 19 dwelling units on 3 floors above a ground floor lobby with accessory parking for 34 cars, both within the building (27) and open air (7). Fifteen of the units are 2-BR, 2-Bath units and four are 1-BR units, with an average size of 932 sq. ft. As submitted the application requires two Special Permits the first under Section 8.5.6 Table of Uses in the Ashland Downtown District subsection C for a multi family dwelling (3 or more dwellings), and the second Special Permit under Section 8.5.7.4 Height for Dwelling Structure in the Downtown Overlay District.

The property in question is located at 29 and 41 Alden Street, Assessors Map 14, Lots 356 and 357. The two parcels are within the Ashland Downtown District, Subsection C Zoning District.

The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News and mailed to Parties of Interest.

The Board opened a public discussion of the aforesaid application on March 12, 2020 and continued the discussion to March 26, 2020 and April 9, 2020. The public hearing was closed on April 9, 2020. In addition to the public hearing before the Board, the applicant met with the Design Review Committee on April 2, 2020. Due to the Covid-19 Massachusetts State of Emergency Planning Board public hearing were held via video conference on March 26, 2020 and April 9, 2020. Meeting were held in full compliance with Massachusetts Open Meeting guidelines as modified by Governor Charlie Baker's Emergency Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law. Agendas and meeting material were available on the Town of Ashland website.

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Documents of Record

The application packet stamped at the Town Clerk's Office on February 4, 2020 contained:

- Application for Special Permit and Site Plan Review filed with the Ashland Town Clerk on February 4, 2020.
- A six (6) sheet Set of Architectural Plans titled "Proposed Residential Development for 29-41 Alden Street, Ashland, MA" prepared by Bourque Design, dated April 9, 2020.

Sheet:	Description:	Plan Date	Revision Date:
1	Ground Floor	4/9/2020	NA
2	Second Floor Plan	4/9/2020	NA
3	Third Floor Plan	4/9/2020	NA
4	Fourth Floor Plan	4/9/2020	NA
5	Left Building Elevation	4/9/2020	NA
6	Proposed Front Building Elevation	4/9/2020	NA

- An eight (8) sheet Set of Civil Site Plans titled "Site Plan 29 & 41 Alden Street (Tax Map 16 Blocks 356 & 357) Ashland, Massachusetts; January 13, 2020; 1 inch = 20 feet; prepared by Engineering Alliance, Inc. Civil Engineering & Land Planning, signed and stamped by Richard Salvo, Civil No. 41851.

Sheet:	Description:	Plan Date:	Revision Date:
C-0	Cover Sheet	1/13/2020	4/3/2020
C-1	Existing Conditions Plan	1/13/2020	4/2/2020
C-2	Erosion Control & Demolition Plan	1/13/2020	4/2/2020
C-3	Site Layout Plan	1/13/2020	4/3/2020
C-4	Grading, Drainage & Utilities Plan	1/13/2020	4/2/2020
L-1	Landscape Plan	1/13/2020	4/3/2020
D-1	Construction Details	1/13/2020	4/2/2020

- Drainage Calculations and Stormwater Management Plan for the Multi-Family Building, located at 29 & 41 Alden Street, (Tax Map 14, Lots 356 & 357) Ashland, MA. Prepared for 29 & 41 Alden Street Realty Trust, 11 Placid Road, Newton, MA. Prepared by Engineering Alliance, Inc. Civil Engineering & Land Planning, dated January 8, 2020. Stamped by Richard Salvo, Civil No. 41851.

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Materials Submitted During the Public Hearing:

- a) Continuance Request from Terry Morris dated October 18, 2019
- b) Ground Floor Plan dated March 26, 2020
- c) Landscape Plan revised March 30, 2020
- d) GCG Associates, Inc. letter dated March 30, 2020
- e) Final Report from Design Review Committee, dated April 2, 2020
- f) 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 9.3 (Special Permit Criteria) of the Ashland Zoning Bylaws:

1. The project proposal includes development of a 4-story, residential building with 19 dwelling units on 3 floors above a ground floor lobby with accessory parking for 34 cars, both within the building (27) and open air (7). Fifteen of the units are 2-BR, 2-Bath units and four are 1-BR units, with an average size of 932 square feet.
2. The subject property is located at 29 and 41 Alden Street, Assessors Map 14, Lots 356 and 357 in the Commercial Highway Zoning District and Ashland Downtown District and includes 21,118 square feet of area and 165 feet of frontage on Alden Street.
3. Based on the evidence presented by the Applicant, the Board is required to apply the criteria found in Chapter 282 section 9.3 (Special Permits) of the Ashland Zoning Bylaw as it applies to the proposed uses which are set forth in Sections 3.1 (Use Regulations), as follows:
 - a. Community needs served by the proposal;
Finding: The Planning Board finds the Applicant's proposal to develop a residential building on the site serve community needs for housing and redevelopment within the Ashland Downtown Zoning District and meets the purpose of the zoning district as adopted and identified in the Ashland Bylaws Section 8.5.1
 - b. Traffic flow and safety, including parking and loading;
Finding: The Town of Ashland's parking requirements as set forth in section 5.1.2 Schedule of Parking Area Requirements have been met by

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the Applicant on the submitted site plan. Further, as presented and given the location of the property on a corner, there will be no adverse impacts on traffic flow and public safety.

- c. Adequacy of utilities and other public services;
Finding: Based upon the evidence presented there will be no detrimental effects on public utilities and services. There is adequate public infrastructure for water, sewer. Currently the site has no storm water infrastructure. As part of the development storm water infrastructure will be installed to capture and infiltrate water as to the local and state regulations.
- d. Neighborhood character and social structures;
Finding: Neighborhood character can be defined as the look and feel of an area, taking into account surrounding land uses, activities, and geographical features. This project fits within the existing neighborhood character and social structures by bringing more residential units to the predominantly residential neighborhood. In addition, the applicant has used architectural features from the existing and surrounding buildings and added pocket parks to help integrate the new building into the neighborhood.
- e. Impacts on the natural environment; and
Finding: Impacts on the natural environment including wetlands have been avoided on the site. The site does not contain steep slopes, floodplains or hilltops. The applicant has expressed that they will take care in protecting the CRZ (critical root zone as detailed in my diagrams) of the abutting trees on southerly and westerly property lines, to preserve the viewsheds and the climate, buffering effects and other valued ecosystem services of those trees.
- f. Potential fiscal impact, including impact on town services, tax base, and employment.
Finding: The impacts of the project on town services, tax base, and employment have been considered and are not detrimental to the town.

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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 Special Permit, Section 8.5.6 Table of Uses in the Ashland Downtown District subsection C for a multi-family dwelling (3 or more dwellings), the Board voted 4-0-1 to issue Special Permit, Section 8.5.7.4 Height for Dwelling Structure in the Downtown Overlay District subject to the following Permit Conditions without which the foregoing criteria will not be met. The Planning Board approves submitted plans substantially shown on a submitted Set of Architectural Plans titled "Proposed Residential Development for 29-41 Alden Street, Ashland, MA" prepared by Bourque Design, dated April 9, 2020, a Civil Set of Engineering Plans titled "Proposed Multi-Family Building, 29/41 Alden Street" prepared by Engineering Alliance, Inc, dated January 13, 2020 holding a revision date of March 24, 2020 signed and stamped by Richard Salvo, Civil No. 41851; Landscape Plan, prepared by Engineering Alliance, Inc, dated January 13, 2020 holding a revision date of March 30, 2020 signed and stamped by Mary O'Neill, Registered Landscape Architect.

Documents of Record Subject to the Following Conditions:

Permit Conditions:

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.

- 1) The applicant offered and the Board accepted that the applicant will provide one hundred and fifty (150) trees, 2-4 inches in caliper at breast diameter height to the Town of Ashland for planting in locations throughout Ashland deemed appropriate by the Planning Office which may defer to the Department of Public Works or other town departments. All trees shall stay healthy for no less than twelve months after date of planting or shall be replaced by the applicant. If deemed appropriate by the Planning Office the applicant shall make a payment in equivalent value to the Town of Ashland, to be used to plant trees within the community. The trees or the foregoing amount shall be delivered prior to the issuance of a certificate of occupancy permit.
- 2) The applicant has offered to develop two pocket parks with seating areas in the front of the building which shall include two interpretive historical signs documenting the buildings that were on the site and their historical significant within the community.

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- 3) The applicant shall install 240 volt electrical vehicle charging accommodations for each interior parking stall.
- 4) Prior to the issuance of building permits the Applicant shall submit a revised snow storage and removal plan and exterior lighting plan to the Planning Office for approval. The applicant shall additionally submit a revised Landscape Plans to reflect the planting and mulching details. Planning Department may transmit these plans for final third party review and approval.
- 5) Prior to the issuance of an occupancy permit the Applicant shall install all plantings as shown on the approved Landscaping Plan. The Applicant can substitute plantings only if the Planning Department in writing determines that the change is in the best interests of the neighborhood and Town of Ashland. The Applicant and future owners of the property shall be responsible for maintaining the health of all planted vegetation as approved on the Landscaping Plan.
- 6) Construction drawings and details must be submitted to the Ashland Inspectional Services Department and shall reflect the civil drawings and architectural renderings approved by the Planning Board. All façade material (i.e. siding, roofing, and trim) shall be of high quality. Final exterior detailing and materials including color shall be reviewed by the Planning Board. Approval not to be unreasonably withheld. Color scheme should be representative of the approved plans but may be modified with Planning Board approval.
- 7) Prior to the issuance of building permits the 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). 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.
- 8) 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. If a structure on the locus is slated for demolition and was built prior to January 1, 1940, Chapter 125: Demolition Delay Bylaw for Historical or Architecturally Significant Building shall apply.
- 9) 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.

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- 10) 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.
- 11) DPW may require the existing conditions of all drainage and sewer pipes to be documented by a professional engineer and video recordings prior to the issuance of building permits. This should be determined at the pre-construction meeting.
- 12) The applicant shall complete phase one and phase two (if necessary) environmental testing and shall submit reports thereof to the Planning Office. 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.
- 13) During construction, the site shall be secured with a chain-link fence consistent with the fencing schedule required in condition 10 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 and Police Department for site access.
- 14) 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.
- 15) 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.
- 16) To prevent soil erosion 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.
- 17) Soil stockpiles shall be a maximum of fifteen (15) 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 down gradient 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

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stabilized by mulching or temporary vegetation if the stockpiles remain inactive for more than 14 days.

- 18) 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 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.
- 19) During construction the Applicant shall be vigilant about dust control. Additionally, the Applicant shall be responsible for any damage to the critical root zones of the abutting trees on surrounding property line. Water shall be available onsite to control dust at all times. If dust is unable to be controlled the applicant shall cover or vegetate all exposed soil surfaces.
- 20) During construction the Applicant shall be vigilant concerning dust and construction track out onto Alden Street. As necessary, Alden Street shall be swept and cleaned of all debris after each work day. The Applicant shall be responsible for any damage within the roadway that may occur during construction and shall be properly repair's in compliance with the Department of Public Works prior to the release of occupancy. Baseline video or photographs of Alden Street shall be submitted before building permits are issued.
- 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) The owner of the proposed building shall limit the time 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 occur after 6:00 PM. All activities on the site shall conform to Section 204-1: Nuisance Noise of the Ashland Bylaws.
- 23) There shall be no parking or standing of vehicles on Alden Street. If a truck must be unloaded on Alden 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 Alden Street until after 9 AM Monday through Friday. The Applicant shall make diligent effort to avoid interrupting commuter traffic and nearby pre-school and elementary school traffic along Alden Street.

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- 24) 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.
- 25) Any police detail that may be required shall be paid for by the Applicant.
- 26) 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 22 above.
- 27) 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.
- 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) Vertical granite curbing shall be installed at the radius of all entrances and along the property and sidewalks running along Alden Street. The Applicant shall submit a detail representing vertical granite curbing to the Planning Office and Department of Public Works for approval.
- 30) The sidewalk for the length of the property shall be developed with new concrete sidewalks and detectable warning pads unless otherwise not required by Ashland DPW.
- 31) All utilities shall be either underground or conduits shall be installed to accommodate electricity and cable according in the future for utility specifications. The location shall be provided in the as-built plans.
- 32) 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 29/41 Alden 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.
- 33) Before a final occupancy permit is issued, the Applicant shall submit as-built plans of the development including all utilities and storm water infrastructure.

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Said as-built plans shall be stamped by a licensed civil engineer. Submission of the as-built plans shall be in full size paper plan, PDF and as a geo-referenced CAD files.

- 34) Before any occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
- 35) 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.
- 36) This approval decision 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 prior to the issuance of all town permits and the commencement of work.
- 37) If this Site Plan Approval is transferred to an entity other than the Applicant, this approval must be amended by the Planning Board.
- 38) In accordance with Section 9.3.8, of the Zoning Bylaw, Special Permit 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 Approval may, for good cause, be extended in writing by the Planning Board upon written request from the Applicant.
- 39) Pursuant to Section 9.3.8 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.
- 40) This Planning Board approval shall not be effective until the Planning Office receives documentation and or receipt 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.

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**Special Permit, Section 8.5.6 Table of Uses in the Ashland Downtown District
subsection C for a multi-family dwelling (3 or more dwellings)**

VOTE: APPROVED WITH PERMIT CONDITIONS (5-0)

VOTE: (Y) Preston Crow, Chair (Y) Joe Rubertone, Vice Chair

(Y) Dale Buchanan, Clerk (Y) Philip Williams (Y) Tricia Kendall

*(A) = Absent or not present during the entire hearing process and therefore not eligible
to vote.*

(NA) = Associate Member no vote cast

**Special Permit, Section 8.5.7.4 Height for Dwelling Structure in the Downtown
Overlay District**

VOTE: APPROVED WITH PERMIT CONDITIONS (4-0-1)

VOTE: (Y) Preston Crow, Chair (Y) Joe Rubertone, Vice Chair

(Y) Dale Buchanan, Clerk (Y) Philip Williams (Abstained) Tricia Kendall

*(A) = Absent or not present during the entire hearing process and therefore not eligible
to vote.*

(NA) = Associate Member no vote cast

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Town of Ashland Planning Board



Preston F. Crow, Chair

Filed with the Town Clerk on:

Date: May 6, 2020



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