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

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ASHLAND, MA

2020 JUL -6 PM 1:56

Preston Crow, Chairman  
Peter Matchak, Town Planner

**Certificate of Approval**  
**Special Permit**  
**81 West Union Street Phase II**  
**Map 19, Lots 067**

In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Section 3.1 (Use Regulation), Section 5.8 (Site Alteration), Section 9.3 (Special Permit) the Planning Board (the "Board") received an application for two special permits and subsequently held a public hearing for the application of 81 West Union Street, LLC, c/o Peter B. Barbieri, Esquire, seeking an approval proposing the development of two new buildings totaling approximately 38,203 sq. ft., with associated parking. Both buildings are proposed to be mixed-use to include both residential and commercial uses. The Buildings are referred to as Building 1A and Building 3. Building 1A is proposed to have office and retail services on the first, second and third floors with associated commercial uses/contractor bays in the rear of the building. Building 1A shall include one (1) two (2) bedroom and two (2) three (3) bedroom residential units. Building 3 is proposed to be a mixed use building including commercial uses / contractor bays. Building 3 shall include two (2) two (2) bedroom residential units.

The subject property is located at 81 West Union Street, Assessors Map 19, Lot 067 and is located within the Highway Commerce Zoning 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 January 23, 2020, and continued the discussion to February 13, 2020, February 27, 2020, March 12, 2020, March 26, 2020, April 9, 2020, May 19, 2020, May 28, 2020 and June 11, 2020. The public hearing was closed on June 22, 2020. In addition to the public hearing before the Board, the Applicant met with the Design Review Committee on August 21, 2019, September 11, 2019, February 6, 2020 and February 20, 2020.

***Documents of Record***

The application packet stamped at the Town Clerk's Office December 19, 2019 contained:

- Application for Special Permit filed with the Ashland Town Clerk on December 19, 2019.
- An eleven (11) sheet Set of Civil Site Plans titled "Phase II Site Plan #81 West Union Street , Ashland, Massachusetts; prepared by Grady Consulting, L.L.C. dated June 13, 2019 holding a revision date of June 18, 2020 signed and stamped by Darren Grady, Civil No.40715.

Sheet:	Description:	Plan Date:	Revision Date:
1	Cover	June 13, 2019	June 18, 2020
2	Existing Conditions	June 13, 2019	June 18, 2020
3	Layout	June 13, 2019	June 18, 2020
4	Grading	June 13, 2019	June 18, 2020
5	Utilities and Drainage	June 13, 2019	June 18, 2020
6	Landscaping and Lighting	June 13, 2019	June 18, 2020
7	Details	June 13, 2019	June 18, 2020
8	Details	June 13, 2019	June 18, 2020
9	Details	June 13, 2019	June 18, 2020
10	Details	June 13, 2019	June 18, 2020
11	Details	June 13, 2019	June 18, 2020

- Stormwater Report for 81 West Union Street, Ashland, MA (Phase 2). Prepared for 81 West Union Street LLC, c/o William J. Rodenhiser, 70 Bartzak Drive, Holliston, MA 01726. Prepared by Grady Consulting, L.L.C dated June 11, 2019 holding a revision date of May 20, 2020. Stamped by Darren M. Grady, Civil No. 40715.
- HydroCAD Report grate analysis submitted June 11, 2020
- A thirteen (13) sheet Set of Architectural Plans titled "81 West Union Street, Mixed Use Building #1, Retail / Office Space / General Service / Residential", prepared by Rodenhiser Builders, 70 Bartzak Drive, Holliston, MA 01746, and dated June 19, 2020. Stamped by Donald A. Chemini, Registered Architect No. 9501.
- A thirteen (13) sheet set of Architectural Plans titled "New Building #3", prepared by Rodenhiser Builders, 70 Bartzak Drive, Holliston, MA 01746, dated June 19, 2020. Stamped by Donald A. Chemini, Registered Architect No. 9501

**Materials Submitted During the Public Hearing:**

- a) Continuance Request from Peter Barbieri dated August 26, 2019
- b) Continuance Request from Peter Barbieri dated September 26, 2019
- c) Continuance Request from Peter Barbieri dated October 9, 2019
- d) Continuance Request from Peter Barbieri dated December 12, 2019

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- e) Continuance Request from Peter Barbieri dated December 30, 2019
- f) Continuance Request from Peter Barbieri dated January 24, 2020
- g) Continuance Request from Peter Barbieri dated February 12, 2020
- h) Continuance Request from Peter Barbieri dated February 28, 2020
- i) Amended Application for Site Plan Review filed with the Ashland Town Clerk on December 19, 2019.
- j) GCG Associates letter dated July 2019
- k) Grady Consulting letter dated September 9, 2019
- l) GCG Associates letter dated October 9, 2019
- m) GCG Associates letter dated January 15, 2020
- n) Grady Consulting letter dated January 27, 2020
- o) GCG Associates letter dated February 11, 2020
- p) Email from Peter Barbieri dated October 24, 2019
- q) Building Renderings received February 19, 2020
- r) Final Report from Design Review Committee
- s) Mullins Rule Affidavit from Tricia Kendall, dated March 11, 2020
- t) Mullins Rule Affidavit from Phillip Williams, dated June 20, 2020
- u) Submitted document received from Peter Barbieri dated January 30, 2020
- v) Declaration of Restrictive Covenants dated May 11, 2006 executed by WJR, LLC, William Rodenhiser, Manager
- w) GCG Associates letter dated June 3, 2020
- x) Email from Mike Carter, P.E., P.L.S. GCG Associates Inc. dated June 3, 2020.
- y) Grady Consulting letter dated June 10, 2020
- z) GCG Associates letter dated June 18, 2020
- aa) Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.

***Facts and Findings***

1. The project proposal includes development of two new buildings totaling approximately 38,203 sq. ft., with associated parking. The first building shall be known as Building 1A, and the second building shall be known as Building 3. Both buildings are proposed to be mixed-use to include both residential and commercial uses. Building 1A is proposed to have office and retail services on the first, second and third floors with associated commercial uses/contractor bays in the rear of the building. Building 1A shall include one (1) two (2) bedroom and two (2) three (3) bedroom residential units. Building 3 is proposed to be a mixed use building including commercial uses / contractor bays. Building 3 shall include two (2) two (2) bedroom residential units.
2. The subject property is located at 81 West Union Street, Assessors Map 19, Lot 067 and is located within the Highway Commerce Zoning District and includes 378,381 square feet of area and 242.38 feet of frontage along West Union Street.

3. In 2016, Site Plan Approval was issued by the Board for the development of Phase I of 81 West Union Street within a decision dated January 25, 2017 and recorded as Book 69963 Page 109. In March of 2018, the Board approved a modification to Phase I within a decision dated March 23, 2019 and recorded as Book 70952 Page 442. In July of 2019, the Applicant, 81 West Union Street, LLC, filed applications for Design Plan Review and Site Plan Review per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, Sections 9.6 (Design Plan Review) and 9.4 (Site Plan Review) of the Ashland Bylaws for the development of Phase II of 81 West Union Street (the "Initial Applications"). Phase II proposed a development to include three new buildings totaling 26,905 sq. ft., parking, and storm water infrastructure. Building one (1) was proposed for non-medical office and retail space. The building had three stories in height and had a footprint of 5,620 sq. ft. Buildings two (2) and three (3) were proposed as contractor's facilities/landscape buildings with mezzanine space. The footprint of building two (2) was 8,580 sq. ft. Building three's (3) footprint was 12,705 sq. ft. The proposed project included the development of parking and stormwater collection system infrastructure.

Within the hearing process, the Planning Office of the Town of Ashland, while researching the 2006 Town Meeting warrant article which expanded the Highway Commerce to the locus, found reference in Planning Board minutes to a Declaration of Restrictive Covenants ("the Covenant"), dated May 11, 2006 signed and notarized by William Rodenhiser, Manager of WJR, LLC. Said Covenant was found not to have been recorded with the Southern Middlesex Registry of Deeds after the 2006 Ashland Town Meeting.

A number of hearings were held on the Initial Applications and the Initial Plans and were reviewed by Town staff, the Design Review Committee and the Town's Peer Consultant. The Town in the action of enforcing the Covenant made note to the Applicant the projects as represented in the Initial Applications requires the inclusion of residential uses as well as an application for two Special Permits. As a result, the Applicant revised the plans and submitted an amendment to the Site Plan Review Application and two Special Permits Applications, per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, Sections 3.1 (Use Regulations), Section 5.8 (Site Alteration) and Section 9.3 (Special Permits) of the Ashland Bylaws (the "Revised Applications"). The Revised Applications proposed the development of three buildings totaling 28,913 sq. ft., parking and stormwater collection system infrastructure.

All three buildings were proposed to be mixed-use and included both residential and commercial uses. Building 1 was proposed to have non-medical office and retail services on the first floor, four residential units on the second floor and four residential units on the third floor. Building 2 was proposed to be a mixed-use building, with two residential units and three general services units, including contractors' space with mezzanines. Building 3 was proposed to be a mixed-use building, with two residential units and seven general services use units, including contractors' space with mezzanines.

Hearings were held on the Revised Applications and the Revised Plans were reviewed by Town Staff, the Design Review Committee, and the Town's Peer Consultant. Questions were raised as to the Project and in particular the proximity of the buildings to the residences in front of the Property. As a result the Applicant revised the plans eliminating a building (Building 1) show on previously submitted site plans. Building 1 was closed to West Union Street and was in close proximity to the dwelling at 73 West Union Street. Building 2 represented on the previously submitted site plans additionally was relocated to the back of the site away from the residences at 73 and 69 West Union Street. The new Building identified as Building 1A is at its closest point approximately 83 feet from the nearest residence. The location of Building 1A is also at a point on the site where the building's first floor at median grade will be approximately four feet lower than the existing West Union Street roadway. The Architectural Plans were reviewed, and the Applicant made changes to the architecture of both buildings, including as agreed with the Board the use of Mansard Roofs as depicted on the Revised Plans. The revised architectural plans also include revisions to the building signage and materials of the building construction.

4. The Planning Board makes the finding that the Project and Project Plans as approved in this Decision meet all elements including the spirit of the Declaration of Restrictive Covenants dated May 11, 2006 executed by WJR, LLC, William Rodenhiser, Manager.

The Board has made the finding under item 7 of the covenant entitled, "Exterior Material" includes, "The roof of any building or accessory building shall not be flat." The Board has determined that the purpose and spirit of the restriction is to avoid flat roof buildings. The Board finds the proposed mansard roofs on both buildings meet the purpose and spirit of item number 7, while incorporating architectural elements which can be found in the surrounding neighborhood and on similar buildings throughout the town of Ashland. Therefore, the Board finds both the spirit of the Restriction Covenant, item 7 are being met.

5. 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 mixed use development on the site serves community needs for housing and commercial development within the Highway Commerce zoning district. Furthermore, the Board finds the proposed uses meets the purpose of the zoning district as adopted and outlined in the Covenant.

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 the Applicant on the submitted site plan.

The Board would like to express concerns surrounding ingress and egress of traffic including delivery vehicles to the site for the proposed mix of uses. West Union Street, Route 135 is two lane state numbered road locally identified as a commuter road. During morning and evening peak traffic hours' traffic and during morning middle school drop off and afternoon school pick up the Boards forecast traffic issues will occur with the entrance to the locus and the entrance to the Ashland Middle School complex being only 131 ft. apart. The Applicant and all future businesses should respect the proximity of the Ashland Middle school and schedule all deliveries respecting student morning and afternoon drop off and pick up times.

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. The Board finds this project fits within the existing neighborhood character and social structures by bringing a mix of commercial and residential uses to the neighborhood as outlined in the Highway Commerce zoning district and Covenant. In addition, the Applicant has used architectural features from the existing and surrounding buildings to help the new buildings merge with the neighborhood.

e. Impacts on the natural environment;

**Finding:** Impacts on the natural environment including wetlands have been avoided on the site, in accordance with decisions made by the Conservation Commission. The site does not contain steep slopes, floodplains or hilltops. There are no unique natural or historical features on the locus to be preserved.

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.

***Decision***

Following presentations by the Applicant and its consultants, a review by Board members and its consultant and members of the public;

on a motion by Dale Buchanan and a second by Tricia Kendall, the Board finds that the Application of 81 West Union, LLC filed on December 19, 2019 for a mixed use project to be located at 81 West Union Street, Ashland, and as substantially shown on a submitted Set of Civil Site Plans titled "Phase II Site Plan #81 West Union Street , Ashland, Massachusetts; prepared by Grady Consulting, L.L.C. dated June 13, 2019 holding a revision date of June 18, 2020 signed and stamped by Darren Grady, Civil No.40715. Stormwater Report for 81 West Union Street, Ashland, MA (Phase 2). Prepared for 81 West Union Street LLC, c/o William J. Rodenhiser, 70 Bartzak Drive, Holliston, MA 01726. Prepared by Grady Consulting, L.L.C dated June 11, 2019 holding a revision date of May 20, 2020. Stamped by Darren M. Grady, Civil No. 40715. Architectural Plans titled "81 West Union Street, Mixed Use Building #1, Retail / Office Space / General Service / Residential", prepared by Rodenhiser Builders, 70 Bartzak Drive, Holliston, MA 01746, and dated June 19, 2020. Stamped by Donald A. Chemini, Registered Architect No. 9501. Architectural Plans titled "New Building #3", prepared by Rodenhiser Builders, 70 Bartzak Drive, Holliston, MA 01746, dated June 19, 2020. Stamped by Donald A. Chemini, Registered Architect No. 9501, satisfies the criteria as noted so long as the conditions noted below are met and a Special Permit shall issue.

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

**Permit Conditions:** The issuance of and completion of this Special Permit shall be strictly conditioned upon the following

As used herein, the term “Applicant” shall mean the Applicant, its heirs, successors and assigns and the term “Board” shall mean the Ashland Planning Board, as authorized by, but not limited by, the provisions of the Zoning Act. G.L. c. 40A as adopted by the Town of Ashland.

- 1) The project shall be structured in conformance with the noted Documents of Record (collectively, the “Project Plans”).
- 2) As a condition for the issuance of a Certificate of Occupancy for each building, the Applicant shall gift to the Town: a public safety mitigation contribution equal to five hundred (\$500) dollars for each one thousand (1,000) gross square feet of non-residential building area permitted to be developed; at the time of issuance of each Certificate of Occupancy for each building. The Town shall use such monies to purchase/lease any required public safety equipment or for other public purposes as the Town in its discretion may elect.

Furthermore, for the issuance of a Certificate of Occupancy for each residential unit, the Applicant shall gift to the Town: a public safety mitigation contribution equal to five hundred (\$500) dollars for each residential unit at the time of issuance of each Certificate of Occupancy for each said unit. The Town shall use such monies to purchase/lease any required public safety equipment or for other public purposes as the Town in its discretion may elect.

The Applicant shall have the option of completing the installation of a sidewalk from the school property to Frankland Road instead of making said public mitigation contribution.

- 3) From the date of this Decision to the commencement of work, the Applicant is responsible for site security and site control. The applicant shall in an effort to control the release of airborne particles from the site shall cover, water or vegetating the all current stockpiles of material and barren land to mitigate the release of airborne particulates.
- 4) The Parcel shall be buffered and screened from the adjacent premises to create a barrier for the buildings and parking. The buffering or screening shall be placed at an area near the perimeter of the development. Such screening or buffering shall consist of a landscaped area, measured from the rear of the paved parking area of buildings, at least six (6) feet wide and shall create an effective visual barrier 365 days a year from ground level (to be measured at such perimeter).
- 5) The landscaping and buffering along the perimeter of the property shall include a 6-foot high cedar fence. Buffering and screening plantings shall be every 6 to 7



feet, and measure at least 7-feet high at maturity. The trees shall be planted on the Applicant's side of the fence. The fence shall be 1-foot from the property line on the Applicant's side. The fence shall continue along the entire perimeter of the property line as shown on the plan of record. Any landscaping along the abutting property line can be modified by written agreement, filed with the Planning Board, between the Applicant and the owner of the abutting properties; and shall not need a site plan modification from this Board. The landscaping shall be substantially in accordance with the landscape plan approved by the Board. All landscaping shall be maintained by the owner or association in good condition. Any tree or plant material that dies or becomes diseased within two years of installation shall be replaced in accordance with the approved Landscaping Plan. Trees shall be planted to maximize tree survival.

- 6) The landscaping and screening described in condition 4 above shall be maintained in good condition and shall be repaired or replaced by the owner or association, as quickly as possible to the condition it was in on the date its initial construction was completed, in the event it ever ceases or partially ceases to be an effective sight and sound barrier during the effective period of the decision.
- 7) The Project Plans utilize all reasonable efforts to preserve and maintain healthy plant material located on the parcel, which is outside the perimeter of the area to be utilized for development including the parking area and buffer and screening area and to replace plant material required to be removed with plant material of equivalent visual buffering quality.
- 8) The exterior of any building and accessory buildings constructed as permitted within Phase II of the development of 81 West Union Street, will be clad in wooden shingles, wooden clapboard, vinyl or aluminum siding manufactured to look like wooden clapboard or brick or other materials suitable in relation to the prevailing character of the buildings in the neighborhood. The exterior and roof of the buildings shall be as depicted on the Project Plans.
- 9) The Applicant shall be responsible for installing a perimeter construction fence no less than six (6) feet tall covered with an opaque material to minimize and control the release of airborne particles. The construction fence shall be installed before any stockpiling of material can begin. All material stockpiles shall be no higher than one foot below the top of the perimeter construction fence to ensure the stockpiles cannot be seen above the fence from abutting properties. No material stockpiles shall be closer than 15 feet from the fence line. Temporary erosion controls shall be 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 beyond the limit of work as authorized by the Ashland Conservation Commission in its Order of Conditions. Stockpiled soil on site shall be stabilized by mulching or temporary vegetation if the stockpiles remain inactive for more than 14 days.

- 10) Construction drawings and details must be submitted to the Ashland Building Office and Planning Office within the Ashland Community Development Department and shall reflect the civil drawings and architectural renderings approved as the documents of record. 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.
- 11) Prior to the issuance of an occupancy permit for any building the Applicant shall install all plantings as shown on the approved Landscaping Plan. The Applicant may delay installation of landscaping as needed for continuing construction, provided they post a bond covering the value of the delayed landscaping. 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.
- 12) Prior to the issuance of any 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.
- 13) From the dated of the decision to the time of commencement of construction activity the applicant and owner of the property shall be the reasonable party for site security and site stabilization. All local, state, and federal laws regarding noise, vibration, dust, refueling and blocking of town roads, as well as all applicable directives in the Operations & Maintenance Plan shall be enforced.
- 14) 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.
- 15) No land disturbance 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.
- 16) Prior to the issuance of any 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.

- 17) 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.
- 18) During Construction the Applicant shall supply to the Town and direct abutters a biweekly construction schedule outlining all active construction activity on the site. Furthermore, the Applicant is responsible for submitting biweekly construction reports to the town and abutters to monitor all ongoing construction activities. If construction halts or stops for an extended two week period of time the Applicant is required to submit reasoning to the Planning Office and appear in front of the Planning Board if requested.
- 19) 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.
- 20) 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.
- 21) Prior to construction and the stockpiling of material, the site shall be secured with a chain-link fence consistent with the fencing schedule required in condition 17 above. Each evening and whenever no work is being undertaken, 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.
- 22) Prior to any grading activities, perimeter erosion controls shall be installed as required by the Ashland Conservation Commission in its Order of Conditions. 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.
- 23) 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.

- 24) 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.
- 25) In the event of rock crushing on site the Applicant shall notify the Ashland Building Office and Planning Office, the Ashland Middle School and abutting neighbors 48 hours in advance of the commencement of crushing activity. During rock crushing activities the Applicant shall be vigilant of school hours to minimize disruption within classrooms. Approval of said activity shall not be reasonably withheld.
- 26) 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.
- 27) During construction the Applicant shall be vigilant about dust control. 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 to ensure no pollutants get airborne. If it is determined by the town dust is not being controlled onsite within 48 hours of notice from the town the Applicant shall cease all construction.
- 28) During construction the Applicant shall be vigilant concerning dust and construction track out onto West Union Street. As necessary, West Union 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 repaired in compliance with the Department of Public Works prior to the release of occupancy. Baseline video or photographs of West Union Street shall be submitted before building permits are issued.
- 29) 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.
- 30) 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.

- 31) There shall be no parking or standing of vehicles on West Union Street or the Ashland Middle School property. If a truck must be unloaded on West Union 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 West Union Street until after 9 AM Monday through Friday. The Applicant shall make diligent effort to avoid interrupting commuter traffic and pedestrian traffic for the nearby middle school traffic along West Union Street.
- 32) 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.
- 33) Any police detail that may be required shall be paid for by the Applicant.
- 34) 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 28 above.
- 35) 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.
- 36) Vertical granite curbing shall be installed at the radius of all entrances and along the property and sidewalks running along West Union Street as shown on the Project Plans.
- 37) The sidewalk for the length of the property shall be developed and installed with new concrete or asphalt sidewalks and detectable warning pads unless otherwise not required by Ashland DPW.
- 38) 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.
- 39) No storage of household items, toys, tools, bicycles, laundry, garbage or the like shall be allowed beyond the fence surrounding the residential area next to Building 1A nor outside of the grassed area for the residential units adjacent to Building 3, nor visible from West Union. 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 within Building 1A and Building 3 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 restrictions shall be written into the condominium documents.

- 40) The Applicant shall install 240 volt electrical vehicle charging accommodations for a total of four (4) vehicles for residents and visitors to the property as depicted on the Project Plans.
- 41) Before a final occupancy permit is issued, the Applicant shall submit as-built plans of the development including all utilities and storm water infrastructure. 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.
- 42) Before any occupancy permit is issued, the Applicant shall complete an emergency contact sheet with the Ashland Fire Department.
- 43) 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.
- 44) If this Special Permit is transferred to an entity other than the Applicant, this approval must be amended by the Planning Board.
- 45) 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.
- 46) The Applicant shall be required to pay reasonable fees of the Board's consultants for post permit reviews and documents and for site inspections as deemed necessary or appropriate. The Board may require the establishment of an escrow account to assure such payment, subject to replenishment by the Applicant. In the event the Applicant does not pay said fees said failure shall be considered a violation of this permit.
- 47) Between the commencement and the conclusion of Phase II construction process, the Applicant shall pay to the town the sum of \$7,500.00 to be held in escrow and shall be used in the event the town see fit to hire a third party inspection official tasked with monitoring the locus for violations of local, state and federal laws and regulations. The payment shall be due at the time of the required preconstruction meeting. No building permit shall issue until said payment is made. If the escrow account depletes below a total sum of \$2,000, the Applicant shall be notified and the Applicant will replenish the escrow account to the sum of \$7,500. The

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Planning Board Special Permit Decision

inspection official shall produce a weekly report for the Planning Office detailing violations of the Planning Boards Decision and completed work. The inspection official shall be under the oversight of the Ashland Department of Community Development and Health c/o Ashland Planning Office.

- 48) All work permitted by the Ashland Department of Public Works that is within the Town of Ashland road right away shall be monitored by a third party inspection official for the duration of work at the cost of the applicant. The Applicant shall be responsible contacting the Town DPW and Planning Office 48 hours in advance to organize third party inspection official.
- 49) All uses within Building 1A and Building 3 shall be in accordance with Section 3.0 Use Regulations.

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, 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.

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.

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81 West Union Street, Phase II  
Planning Board Special Permit Decision

In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Section 3.1 (Use Regulation), Section 5.8 (Site Alteration), Section 9.3 (Special Permit), the Board's vote is the following:

VOTE: APPROVED WITH PERMIT CONDITIONS (5-0-0)

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

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

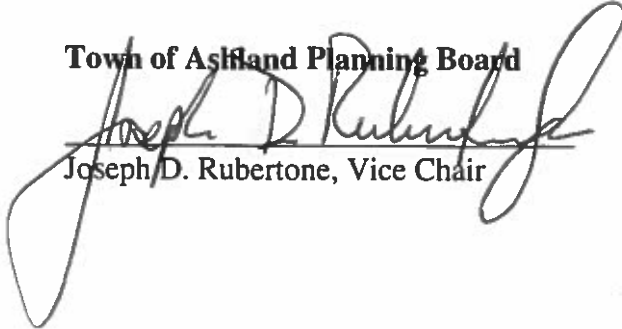
(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.

(NA)= Associate Member no vote cast

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**Town of Ashtland Planning Board**

  
Joseph D. Rubertone, Vice Chair

Filed with the Town Clerk on:

Date: July 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