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**Middlesex South Registry of Deeds**  
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**TOWN OF ASHLAND MASSACHUSETTS  
OFFICE OF  
PLANNING BOARD  
101 MAIN STREET**

Preston Crow, Chairman  
Peter Matchak, Town Planner

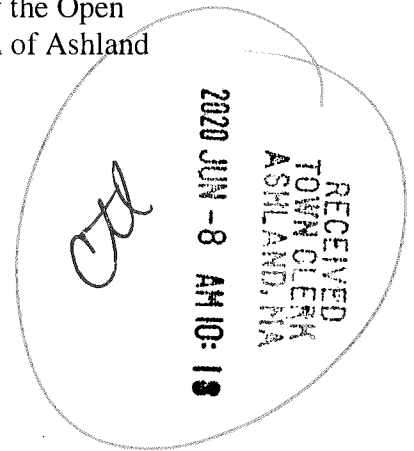
**Certificate of Approval  
Site Plan Review  
5 Homer Ave.  
Map 14, Lot 374**

In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Sections 9.4 (Site Plan Review) the Planning Board (the "Board") received an application and subsequently held a public hearing for the application of Tej Shah, DMD c/o Jerry Effren Esq., seeking an approval for a change in use of the property identified from a retail store to a professional dentist office. As submitted the application requires Site Plan Approval.

The property in question is located at 5 Homer Ave., Assessors Map 14, Lot 374. The one parcel is 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 Planning Board opened a public discussion of the aforesaid application on May 14, 2020 and continued the discussion to May 28 2020. The public hearing was closed May 28, 2020. In addition to the public hearing before the Board, the applicant met with the Design Review Committee on May 7, 2020 and May 21, 2020. Due to the Covid-19 Massachusetts State of Emergency, Planning Board public hearing were held via video conference on May 14, 2020 and May 28, 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 April 22, 2020 contained:

- Application for Site Plan Review filed with the Ashland Town Clerk on April 22, 2020.
- Supplemental Memorandum in Support of the Applicant for Site Plan Review 5 Homer Ave, dated April 16, 2020. Submitted by the Applicants counsel Jerry C. Effren.
- Exhibit A: Town of Ashland Assessors Property Record Card for 5 Homer Ave.
- Exhibit B: Mortgage Inspection Plan 5 Homer Ave, Ashland Ma, AKA 1-5 Main Street. Dated March 19, 2020. Stamped by Professional Engineer Gary S. Labrie number 40039.
- Exhibit C and D: A three (3) sheet Set of Floor Plans and Renderings prepared for Dr. Tej Shaw, prepared by Patterson Dental, 1031 Mendota Heights Road, Mendota Hights, MN.

Sheet:	Description:	Revision Date:	Issuance Date:
DA111	Floor Plan	NA	2/21/2020
DA002	Details	NA	2/21/2020
DA111	Spacing Plan	10/19/2020	2/21/2020

- Exhibit E: Signage

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

- a) Letter from Abutter Mr. and Mrs. Roberts, 223 Main Street, dated May 7, 2020.
- b) Final Report from Design Review Committee, dated May 25, 2020.
- c) Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.

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***Facts and Findings***

Based on the evidence presented by the applicant, the Board makes the following findings outlined in Chapter 282, Section 9.4.6 (Site Plan Review Criteria) of the Ashland Zoning Bylaws:

1. The project proposal includes the change of use in an existing building located at 5 Homer Ave. at the corner of Main Street. The applicant proposed to open a dental office which shall include five (5) patient chairs.
2. The subject property is located at 5 Homer Ave., Assessors Map 14, Lot 374 in Ashland Downtown District subsect C and includes 0.07 acres of land area, with of area and 102.81 ± feet of frontage along Main Street and Homer Street.
3. The Applicant has met with the Design Review Committee, and the Committee has issued a final report on the proposed development to the Planning Board.
4. Based on the evidence presented by the applicant, the Board is required to apply the criteria found in Chapter 282 section 9.4 (Site Plan Review) 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. Minimize use of wetlands, steep slopes, floodplains and hilltops;  
 Finding: The locus being reviewed by the Planning Board has no wetlands on site. The site does not contain steep slopes, floodplains or hilltops.
  - b. Minimize obstruction of scenic views;  
 Finding: The building under review is located at the corner of Main Street Homer Street a predominate intersection within the Ashland Downtown Historical District. The Applicant will maintain the existing and historically appropriate brick façade.
  - c. Preserve unique natural or historical features;  
 Finding: There are no unique natural on the locus. From a historical perspective the Planning Board acknowledge the historical location of the existing structure. According to the Assessors record card the building dates back to 1900. The lot and building at present configuration dates to 1931. Therefore the existing lot and building are to be considered pre-existing, non-conformation. From a historical perspective the applicant will maintain the existing and historically appropriate brick façade. Due to the age of the structure the applicant must comply with Ashland General Bylaw Chapter 125: Demolition Delay Bylaws for Historically or Architecturally Significant Buildings. If any demolition work is proposed. However in the Planning Board Hearing no demolition works was proposed.
  - d. Minimize tree, vegetation and soil removal and grade changes;  
 Finding: The site in question does not have any tree, vegetation on the locus. The entirety of the lot has been develop and is covered by hard

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surfaces. Due to the pre-existing, non-conforming aspects of the lot the Planning Board finds limited ability to add vegetation. The addition of trees or vegetation will negatively affect the passage of pedestrian along the abutting sidewalks.

- e. Maximize open space retention;  
 Finding: Due to the pre-existing, non-conforming aspects of the lot the Planning Board finds limited ability to add or maintain open space upon the parcel in question.
- f. Screen objectionable features from neighboring properties and roadways;  
 Finding: After meeting with the Design Review Committee the applicant has proposed “Frosted Privacy Film” to be added to the glass windows facing both Main Street and Homer Ave. This technique shall allow natural sunlight to enter into the office space while protecting the privacy of visiting patients.
- g. Consideration shall be given to the impacts of the project on town services and infrastructure  
 Finding: The impacts of the project on town services and infrastructure has been considered and is not detrimental to the town.
- h. Electric, telephone, cable television, gas, water, sewer drainage and other such utilities shall be underground except in the case of extreme physical and environmental constraints  
 Finding: The application proposed no changes to the drainage or the existing utilities.
- i. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect the neighbors and those using public ways from objectionable features. Such areas shall not be impede the flow of traffic on public ways.  
 Finding: Due to the small shape of the lot and limited land area there is no proposed external dumpster onsite. All mechanical machinery shall be placed on the roof and all objectionable features from neighbors and those using public ways shall be screened appropriately.
- j. When applicable, the site plan shall show measures to reduce and abate noise generated from the site that will impact surrounding properties  
 Finding: The proposed use has been considered to be not detrimental to the town and surrounding neighborhood.
- k. The site plan shall comply will all zoning requirements for parking, loading, signage, dimensions and environmental performance standards and all other provisions of this By-law  
 Finding: Due to the pre-existing, non-conforming aspects of the lot the Planning Board finds the applicant has limited ability to meet zoning requirements. The applicant understands that the locus has no onsite parking and shall be limited to municipal parking areas in the downtown area. Furthermore, the applicant will need to comply with all Ashland sign regulations and bylaws.

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1. The site plan shall be consistent with the objectives of the Comprehensive Plan and other applicable specific plans adopted by the Planning Board  
 Finding: The site plan is consistent with all applicable plans.

***Decision***

Following presentations by the Applicant and counsel, a review by Board members and members of the public, the Board voted 5-0 to issue Site Plan Review for the application of DMD Tej Shah for 5 Homer Ave. subject to the following Permit Conditions without which the foregoing criteria will not be met. The Planning Board approves submitted documents of record as noted above.

***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 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) The Applicant understands there is no onsite parking for the identified property. It was presented in the public hearing by the applicant, all employees and patients will be directed to park in legal public municipal parking or other contractual parking areas. All deliveries to the dental office shall be scheduled to cause the least amount of disruption for businesses and residents in the immediate area.
- 3) The Board encouraged the addition of natural plantings within window boxes in area which will not intrude into the safe passage of pedestrians along abutting sidewalks.
- 4) The Planning Board encourages the implementation of solar panels on the roof of the building which shall be hidden from public view.
- 5) The Applicant and the Board have concluded the applicant shall provide "Frosted Privacy Film" on all windows facing Main Street and Homer Ave. This action will allow sunlight to penetrate the office area while protecting the direct view of patients from passing pedestrians and motor vehicles.
- 6) Construction drawings and details must be submitted to the Ashland Inspectional Services Department and shall reflect all drawings and architectural renderings approved by the Planning Board.

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- 7) The Applicant shall submit a final rendering of the proposed sign to the Board for review and approval. Such approval by the Board shall not be unreasonable.
- 8) No construction activity shall commence, nor shall any building permits be issued, until the Applicant has first obtained all necessary permits from all municipal town departments including but not limited to the Board of Health, Department of Public Works, Ashland Water and Sewer Department and the Select Board. The applicant shall be responsible for obtaining a Sign Permit as required by the Ashland Bylaws.
- 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.
- 10) 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.
- 11) 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.
- 12) During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust.
- 13) All utilities shall be either underground or conduits shall be installed to accommodate electricity and cable according to future downtown renovation plans for utility specifications. The location shall be provided in the as-built plans.
- 14) Before any occupancy permit is issued, the Applicant shall complete an emergency contact sheet that shall be circulated to all Town Departments.
- 15) If this Site Plan Approval is transferred to an entity other than the Applicant, this approval must be amended by the Planning Board.
- 16) In accordance with Section 9.4, of the Zoning Bylaw, Site Plan Approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Site Plan Approval may, for good cause, be extended in writing by the Planning Board upon written request from the Applicant.
- 17) Pursuant to Section 9.4 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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- 18) 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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**Site Plan Review, Section 9.4**

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 (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 Ashland Planning Board**

  
Preston F. Crow, Chair

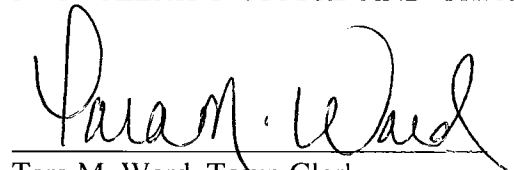
Filed with the Town Clerk on:

Date: 6/8/2020

  
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: June 30, 2020

  
Tara M. Ward, Town Clerk