

Memo

To: Town of Ashland Planning Board
 101 Main Street
 Ashland, MA 01721

From: Applicants
 Ashland Chestnut Realty, LLC
 Bellingham Residential #2 Realty, LLC
 120 Quarry Drive, 2nd Floor
 Milford, MA 01757

Date: September 15, 2021

Re: 100-130 Chestnut Street
 Approval Not Required Plan

The following is intended to supplement the Applicants’ ANR Plan entitled “Plan of Land Owner: Ashland Chestnut Realty, LLC and Bellingham Residential #2 Realty, LLC 120 Quarry Drive Milford MA 01575 Ashland, Mass. Scale 1" = 40' Date: August 12, 2021” by providing explanation as to the zoning conformity of the lots proposed as well as context for division of lots shown on the plan.

WILDWOOD MIXED USE SPECIAL DISTRICT A (WMUSD A)

§8.6.3 of the Zoning Bylaw (ZBL) provides that the minimum land area required for the WMUSD shall be 50 acres. The total area of WMUSD A (Area A) is 70.46 acres, which is best shown on Plan 1187 of 2000 recorded with the Middlesex South District Registry of Deeds attached hereto.

The dimensional requirements for Area A are as follows:

§8.6.6 DIMENSIONAL REQUIREMENTS	
MIN. LOT AREA	§8.6.6.1. 40,000 sf for individual lots §8.6.6.2. for non-senior residential dwellings: 5,000 square feet per dwelling unit, plus 1,000 square feet per bedroom for a maximum of two bedrooms
MIN. FRONTAGE	150 ft
MIN. FRONT YARD SETBACK	25 ft (0 ft for mixed-use)
MIN SIDE YARD SETBACK	25 ft (0 ft for mixed-use)
MIN REAR YARD SETBACK	25 ft
MAX. SETBACK FROM EASTERLY RIGHT OF WAY LINE OF CHESTNUT STREET	300 ft

The lot area requirement in §8.6.6.1. does not apply to Area A because individual, single-family dwelling units are not allowed in this district. The §8.6.6.2. calculation has always been applied to Area A as a whole, rather than to individual lots within Area A. As an example, Buildings 42 – 60 are located within an individual lot area of 10.96 acres, or 477,451± square feet of land. Under §8.6.6.2., these 76 two-bedroom units require a lot area of 532,000 sf. If §8.6.6.2. were applied to the 10.96-acre ANR lot within which Buildings 42 – 60 are located, then this lot area would fall short of compliance with §8.6.6.2.¹ It necessarily follows that §8.6.6.2. was then and shall still be interpreted to apply to Area A on a district-wide basis, not a lot-by-lot basis within the district.

To date in WMUSD A Phase I through Phase VII, 328 2-bedroom townhouse units have been constructed. Under §8.6.6.2, this amounts to a total land area requirement of 2,296,000 square feet of land for the existing 328 units (328 units x 7,000 sf/unit). With a total area of 70.46 acres in Area A, or 3,069,237± square feet, the land area for Area A satisfies §8.6.6.2. for Phases I – VII and leaves 773,237 square feet of land available for the maximum 300-bedroom mixed-use development within Phase VIII allowed by the Wildwood Mixed Use District Area A Covenant to meet the lot area and density requirements of Area A. This is more than adequate for a 200-unit Phase VIII with a mixture of 1- and 2-bedroom units and first-floor commercial elements allowed by the Covenant to comply with §8.6.6.2.²

“PARCEL B”

Parcel B is shown on the plan as “Not a Building Lot,” although it is the Applicants’ assertion that §8.6.6.2. applies to Parcel B as it applies to all other individual lots within Area A, and accordingly makes Parcel B buildable land area alongside the other previous, individual ANR lots. However, the Applicant has reflected Parcel B as “Not a Building Lot on the plan in the event §8.6.6.1. is interpreted to apply to this lot. While the Applicant disagrees that §8.6.6.1. applies to Parcel B or any individual lot within Area A, the Applicant has chosen to label Parcel B as “Not a Building Lot” to avoid dispute on this point.

Condition #14 of the Phase VII Site Plan Approval dated February 4, 2016, a copy of which is attached hereto, provides for the construction of green space, which presently exists within this “Parcel B.” The purpose of delineating this green space parcel on the proposed ANR plan is for convenience of effectuating transfer of this space from its current fee owner, Ashland Chestnut Realty, LLC, to the appropriate condominium trust, which will own the common area in perpetuity.

¹ Buildings 42-60 consist of 76 two-bedroom units; per §8.6.6.2, two-bedroom units require 7,000 sf of land area per unit; 76 units x 7,000 sf/unit = 532,000 sf of §8.6.6.2. land area. *See: Lot 2C 477,451± sf on Plan 113 of 2006.*

² For example, the most recent proposal for development of Lot A is for 180 units and contains 7 two-bedroom and 18 one-bedroom units on the first floor of the building, and it contains 155 units on floors 2-3. In a mixed-use structure, the commercial element *must* be located on the first floor of the buildings and 600 square feet of land is required for each *unit* located on the second floor or higher (§8.6.6.2). 7 units x 7,000 sf/unit + 18 units x 6,000 sf/unit + 155 units x 600 sf/unit = 250,000 square feet of total land area required under 8.6.6.2.