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**Middlesex South Registry of Deeds**  
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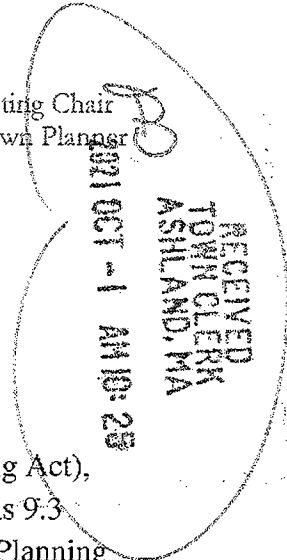


TOWN OF ASHLAND MASSACHUSETTS  
OFFICE OF  
PLANNING BOARD  
101 MAIN STREET

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Joe Rubertone, Acting Chair  
Peter Matchak, Town Planner

**Certificate of Approval**  
**Special Permit and Site Alteration Special Permit**  
**90 Concord Street**  
**Map 14, Lot 185**



In Accordance with Massachusetts General Law (MGL) Chapter 40A (The Zoning Act), Chapter 282 Section 6 of the Massachusetts Zoning Act, and Chapter 282 Sections 9.3 (Special Permits) and 9.4 (Site Plan Review) of the Ashland Zoning Bylaws, the Planning Board (the "Board") received an application on June 22, 2020 (the "Application") from the Town of Ashland c/o Nitsch Engineering and Flansburgh (Architects), requesting a Special Permit and a Site Plan Review. Given the nature of the project, a Site Alteration Special Permit (Section 5.8) and Design Plan Review (Section 9.6) were also required. The proposed project will replace the existing Mindess School building and construct a new school building for use as an elementary school. The building will consist of two floors and 104,885 square feet of gross floor area. The project will also include new utility services, new pedestrian access and plaza areas, new vehicular access, a parking lot, circulation for school traffic including buses, landscaping, playing fields and stormwater management systems.

The property in question is located at 90 Concord Street, Assessors Map 14, Lot 185. The site is within the Residential B Zoning District.

The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on Wednesday June 30 and Wednesday July 7, 2021 and mailed to Parties of Interest.

The Board opened public discussion of the aforesaid application on July 15 and continued the discussion to July 22, July 29, Aug 12, and Aug 26, September 9, and September 20, 2021. The public hearing was closed on September 23, 2021. In addition to the public hearing before the Planning Board, the Applicant met with the Design Review Committee on July 28 and August 5, 2021. Due to the Covid-19 Massachusetts State of Emergency, Planning Board public hearings and Design Review Committee meetings were held via video conference. Meetings were held in full compliance with Massachusetts Open Meeting guidelines as modified by Governor Charlie Baker's

Title ref: 8063-449

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Emergency Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law. Agendas and meeting materials were available on the Town of Ashland website.

*Documents of Record*

The Application was received and stamped at the Town Clerk’s Office on June 22, 2021, and contained:

- Application for a Special Permit and Site Plan Review filed with the Ashland Town Clerk on June 22, 2021. Note: Amended Application for Special Permit and Site Plan Review received by the Ashland Planning Office on Aug 9, 2021.
- A Drawing List including Civil, Landscaping, Architectural, and Electrical Plans titled “David Mindess Elementary School, 90 Concord Street, Ashland, MA” prepared by the following and holding a revision date of September 22, 2021 and provided by the following project team. Note: Revised drawings received as noted below.

**Architect:**  
Flansburgh  
77 N Washington St, 6th floor  
Boston, MA 02114

**MEP/FP Engineers:**  
Vanderweil Electrical Technology  
274 Summer Street Plumbing & Fire  
Protection Engineers  
Boston, MA 02210

**Civil/Structural Engineers:**  
Nitsch Engineering, Inc.  
Land Survey/Traffic/Civil Engineers  
2 Center Plaza  
Boston, MA 02108

**Owners’ Project Manager:**  
Compass Project Management, Inc.  
One Edgewater Drive, Suite 204  
Norwood, MA 02062

**Landscape Architect:**  
Stimson Studio  
Landscape Architect  
288 Norfolk Street  
Cambridge, MA 02139

- Stormwater Management Report and Appendices for the David Mindess Elementary School, 90 Concord Street, Ashland MA. Owner: Town of Ashland, 101 Main Street, Ashland, MA 01721. Prepared by Nitsch Engineering, Inc., 370 Main Street, Suite 850, Worcester, MA 01608. Nitsch Project Number #13609. Dated June 14, 2021 holding a revision date of September 21, 2021.

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- Traffic Impact Study for the David Mindess Elementary School. Dated June 10, 2021. Prepared for: Flansburgh Architects, 77 North Washington Street, Boston, MA 02114. Submitted by: Nitsch Engineering, 2 Center Plaza, Suite 430, Boston, MA 02108. Nitsch Project #13609.12.
- A thirty-five (35) sheet set of Civil Plans holding a revision date of September 22, 2021

<i>Sheet:</i>	<i>Description:</i>	<i>Plan Date:</i>	<i>Revision Date:</i>
EX1.0	Existing Conditions	6-14-21	9-23-21
EX2.0	Existing Conditions	6-14-21	9-23-21
EX3.0	Existing Conditions	6-14-21	9-23-21
EX4.0	Existing Conditions	6-14-21	9-23-21
C1.0	Civil Notes, Legends and Abbreviations	6-14-21	9-23-21
C1.1	Overall Site Plan	6-14-21	9-23-21
C2.0	Erosion and Sedimentation Control	6-14-21	9-23-21
C2.1	Erosion and Sedimentation Control	6-14-21	9-23-21
C2.2	Erosion and Sedimentation Control	6-14-21	9-23-21
C2.3	Erosion and Sedimentation Control	6-14-21	9-23-21
C3.0	Site Demolition Plan	6-14-21	9-23-21
C3.1	Site Demolition Plan	6-14-21	9-23-21
C3.2	Site Demolition Plan	6-14-21	9-23-21
C3.3	Site Demolition Plan	6-14-21	9-23-21
C4.0	Roadway Layout and Material Plan	6-14-21	9-23-21
C4.1	Roadway Layout and Material Plan	6-14-21	9-23-21
C4.2	Roadway Layout and Material Plan	6-14-21	9-23-21
C4.3	Roadway Layout and Material Plan	6-14-21	9-23-21
C5.0	Signage and Striping Plan	6-14-21	9-23-21
C5.1	Signage and Striping Plan	6-14-21	9-23-21
C5.2	Signage and Striping Plan	6-14-21	9-23-21
C5.3	Signage and Striping Plan	6-14-21	9-23-21
C6.0	Site Utility Plan	6-14-21	9-23-21
C6.1	Site Utility Plan	6-14-21	9-23-21
C6.2	Site Utility Plan	6-14-21	9-23-21
C6.3	Site Utility Plan	6-14-21	9-23-21
C7.0	Site Drainage Plan	6-14-21	9-23-21
C7.1	Site Drainage Plan	6-14-21	9-23-21
C7.2	Site Drainage Plan	6-14-21	9-23-21
C7.3	Site Drainage Plan	6-14-21	9-23-21

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C8.0	Erosion and Sedimentation Control Detail	6-14-21	9-23-21
C8.1	Civil Details	6-14-21	9-23-21
C8.2	Civil Details	6-14-21	9-23-21
C8.3	Civil Details	6-14-21	9-23-21
C8.4	Civil Details	6-14-21	9-23-21

- A twenty-one (21) sheet set of Landscape Plans:

<i>Sheet:</i>	<i>Description:</i>	<i>Plan Date:</i>	<i>Revision Date:</i>
L1.00	Overall Site Plan	5-26-21	9-23-21
L2.00	Layout and Materials Plan 1	5-26-21	9-23-21
L2.10	Layout and Materials Plan 2	5-26-21	9-23-21
L2.20	Layout and Materials Plan 3	5-26-21	9-23-21
L2.30	Layout and Materials Plan	5-26-21	9-23-21
L3.00	Grading Plan	5-26-21	9-23-21
L3.10	Grading Plan	5-26-21	9-23-21
L3.20	Grading Plan	5-26-21	9-23-21
L3.30	Grading Plan	5-26-21	9-23-21
L4.00	Planting Plan	5-26-21	9-23-21
L4.10	Tree Removal Plan	5-26-21	9-23-21
L6.00	Paving, Wall and Stair Details	5-26-21	9-23-21
L6.10	Fence, Handrail, and Guardrail Details	5-26-21	9-23-21
L6.20	Site Furnishings Details	5-26-21	9-23-21
L6.30	Baseball Field Layout and Details	5-26-21	9-23-21
L6.40	Planting Details	5-26-21	9-23-21
SS.100	Snow Storage Plan	5-26-21	9-23-21
PH.0	Phase 'Zero': Oct-Jan	9-1-21	NA
PH.1	Phase 1: New Construction	9-1-21	NA
PH.2	Phase 2A: Demo and Site Plan	9-1-21	NA
PH.3	Phase 2B: New School Opens / Demo	9-1-21	NA
PH.4	Project Complete	9-1-21	NA

- A fourteen (14) sheet set of Architectural Plans:

<i>Sheet:</i>	<i>Description:</i>	<i>Plan Date:</i>	<i>Revision Date:</i>
A1.00	Overall First Floor Plan	5-26-21	NA
A1.10A	First Floor Plan	5-26-21	NA
A1.10B	First Floor Plan	5-26-21	NA
A1.20	Overall Second Floor Plan	5-26-21	NA

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A1.20A	Second Floor Plan	5-26-21	NA
A1.20B	Second Floor Plan	5-26-21	NA
A1.30	Overall Roof Plan	5-26-21	NA
A1.30A	Roof Plan	5-26-21	NA
A1.30B	Roof Plan	5-26-21	NA
A3.01	Exterior Elevations	5-26-21	NA
A3.02	Exterior Elevations	5-26-21	NA
A3.03	Exterior Elevations	5-26-21	NA
A4.01	Building Sections	5-26-21	NA

- A three (3) sheet set of Site Lighting Plans:

<i>Sheet:</i>	<i>Description:</i>	<i>Plan Date:</i>	<i>Revision Date:</i>
SL.1	Site Lighting	8-2-21	
SL.2	Site Lighting Calculations	8-2-21	
SL.3	Sight Lighting and Photometric	4-30-21	8-3-21

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

- Peer Review Letter dated July 22, 2021 submitted by GCG Associates, Inc. Re: Site Plan Review & Special Permit, David Mindess Elementary School, 90 Concord Street (Assessor's Map 14, Lot 185).
- Response to Comments Letter dated Aug 3, 2021 submitted by Nitsch Engineering. Re: Nitsch Project #13609; David Mindess Elementary School.
- Letter from Flansburgh, dated Aug 10, 2021. Re: David Mindess School, Ashland, MA.
- Email from Tony Ma of GCG Associates, Inc. Dated Aug 18, 2021. Re: David Mindess Elementary School, Site Plan Review Meeting.
- Email from Keith Robie, Ashland Fire Chief. Dated Aug 11, 2021. Re: Proposed School Parking Area.
- Email from Richard Briggs, Acting Chief of Police. Dated Aug 11, 2021. Re: Mindess School Construction Project.
- An email received by Lisa Mead, Town Counsel on April 7, 2021. Re: Mindess School and Use of CPA funds for ball field and dugout.
- 90 Concord Street Deed. Book 8063 Page 449 recorded with the Southern Middlesex Registry of Deeds. 90 Concord Street site plan. Plan Number 716 of 1953 recorded with the Southern Middlesex Registry of Deeds.

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- i. Email from James Adams, Superintendent of Schools. Dated Aug 24, 2021. Re: Sign at David Mindess School.
- j. Letter from Flansburgh, dated Aug 23, 2021. Re: David Mindess School, Ashland, MA.
- k. Letter from The Bartlett Tree Expert. Dated Aug 23, 2021. Re: David Mindess School: White Oak Review.
- l. Other correspondence from abutter(s), neighbor(s), resident(s) and/or others relative to the Project.
- m. Massachusetts Preservation Guidelines for Municipally-Owned Historical Burial Grounds and Cemeteries, Third Edition. Published by the Massachusetts Department of Conservation and Recreation.
- n. Mullins Rule Affidavit for Joe Rubertone: Re: Missed Meeting Sept 9, 2021
- o. Mullins Rule Affidavit for Lakshimi Krishnan: Re: Missed Meeting Aug 26, 2021

***Facts and Findings***

Based on the evidence presented by the Applicant, the Planning Board notes the following facts and findings:

1. The project proposal includes development of a new 104,885 square foot elementary school. The project looks to replace the current Mindess School that was built in 1953 to serve the community as a high school. In 1956, an elementary school wing was developed, and in 1997 administrative offices were added. The building has served the community for the past 68 years. This project is in partnership with the Massachusetts School Building Authority (MSBA) and has been spearheaded by the Mindess School Building Committee. The project will include the removal of the existing school building, construction of a new school building, new utility services, new pedestrian access and plaza areas, new vehicular access, a parking lot, circulation for school traffic including buses, landscaping, playing fields and stormwater management systems.
2. The siting of the building was determined through a three-year process driven by the Mindess School Building Committee in partnership with the MSBA. The location of the school calls for phased construction of the new building. The existing Mindess School building will continue to function as the primary elementary school for grades three (3rd) through five (5th) during the 2021-2022 and 2022-2023 school years.

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3. Based on the evidence presented by the Applicant, the Board is required to apply the criteria found in Chapter 282 Sections 9.3.2 (Special Permits) of the Ashland Zoning Bylaws as it applies to the proposed uses which are set forth in Section 3.0 (Use Regulations). The Board makes the following findings:

**a. Community needs served by the proposal;**

*Finding:* The Planning Board finds the Applicant's proposal to develop a new elementary school is warranted due to the current state of the existing structure. The David Mindess School was first built in 1953 and has acted as a high school, elementary school and headquarters for the Ashland School Administration. The proposed new school will meet twenty-first century educational, safety and accessibility standards allowing students to learn in modern professional facilities for decades to come.

**b. Traffic flow and safety, including parking and loading;**

*Finding:* The Applicant's consultants presented to the Planning Board an in-depth presentation of the proposed access and parking areas along with a professional traffic study. Furthermore, the Planning Board was presented with letter from both the Fire Chief and the Acting Chief of Police concerning traffic and parking at the proposed facility. The Planning Board makes the finding that the Applicant's site plan proposing a maximum of 238 total parking spots is acceptable for the new school facility. It is the opinion of the Planning Board the current total of 87 parking spots does not meet the parking demand of the school complex. The proposed parking count of 238 will grant the new school building ample parking and will allow the building to be used by the Ashland community for alternative programming.

**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 and sewer. As part of the development, stormwater infrastructure will be installed to capture run off and infiltrate water, meeting current 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. In the opinion of the Planning Board, the proposed location of a new school building has been thoroughly studied by the community and Mindess School Building Committee. The siting of the new school is on the same parcel of land that was acquired by the town in

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April of 1953 and has played home to the David Mindess School for the past 68 years. The location is appropriate for all residents in the community as the location has close proximity to downtown, existing traffic patterns, and the new Ashland public safety building which is under construction. The Planning Board concluded the school facility is an appropriate location given the surrounding land uses and activities.

**e. Impacts on the natural environment;**

*Finding:* Impacts on the natural environment including wetlands shall be reviewed and permitted through the Ashland Conservation Commission. Upon review by the Planning Board, the site does contain sloping terrain, and grading and alteration to the existing topography will be necessary. The Planning Board makes the finding that the Applicant has completed the highest professional level of site planning and building location relevant to geography in an effort to minimize impacts to the natural environment while introducing stormwater best management practices to the site.

**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. The development of the new elementary school will extend and enhance Town educational services and solidify the tax base by providing a modern and updated efficient facility for Ashland's schoolchildren.

4. As more than 5000 sq ft of land area will be cleared as a part of this proposal, the Board also reviews the project in light of the Intent and Purpose of Section 5.8 (Site Alteration Special Permit) of the Ashland Zoning Bylaws. The Planning Board makes the finding that the Applicant has completed the highest professional level of site planning and building location relevant to geography in an effort to minimize impacts to the natural environment while introducing stormwater best management practices to the site.

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***Decision***

Following presentations by the Applicant and its consultants, a review by the Planning Board and its consultant and members of the public, the Planning Board voted 5-0-0 to issue Special Permits for Sections 9.3 (Special Permits) and 5.8 (Site Alteration Special Permit) of the Ashland Zoning Bylaws. The Planning Board finds in favor of the application proposal to replace the existing Mindess School building and construct a new school building for use as an elementary school. The building will consist of two floors and 104,885 square feet of gross floor area. The project will include new utility services, new pedestrian access and plaza areas, new vehicular access, a parking lot, circulation for school traffic including buses, landscaping, playing fields and stormwater management systems.

With said vote, the Board approves the submitted plan set which includes Civil, Landscaping, Architectural, and Electrical Plans titled "David Mindess Elementary School, 90 Concord Street, Ashland, MA" holding a date of June 6, 2021, with a revision date of September 1, 2021. Note that the Board recognizes that due to the process of construction, the set submitted to the Planning Board for approval is designated a 60% Construction Set and thus final detailing of the building and the landscape is not complete.

***Documents of Record Subject to the Following 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.

**Special Project Conditions**

1. **White Oak Tree:** After evaluating and discussing all relevant and available information the applicant may choose to make an effort to preserve the existing White Oak tree within the historical gravesite at the applicant's discretion. If it is decided by the application team that the removal of the White Oak trees is in the best interest of the proposed new school given the location of the tree and potential additional harm to the tree, permission to remove the tree is granted, subject to the conditions below.

If removal of the White Oak tree is decided by the Applicant team, the Applicant shall, as applicable, follow the guidelines described in the most current edition of the Massachusetts Preservation Guidelines for Municipally-Owned Historical Burial Grounds and Cemeteries specifically the Landscape Chapter pertaining to

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Landscape Character and Vegetation recommendations. Care and precaution should be taken to protect the historical gravesite of Mr. Aaron Brown which is located within the historical gravesite. Furthermore, the application team shall follow the Massachusetts Preservation Guidelines for Municipally-Owned Historical Burial Grounds and Cemeteries specifically the Landscape Chapter pertaining to Landscape Character and Vegetation recommendations pertaining to the remaining tree stump and root system within the historical gravesite.

- a. The trunk of the White Oak tree shall remain in place until such time as a use for the harvested wood has been determined and is ready to proceed or until a time determined by the project's landscape architect. At such time, the Mindess School Building Committee may consult with the Ashland Historical Commission and the Massachusetts Preservation Guidelines for Municipally-Owned Historical Burial Grounds and Cemeteries specifically the Landscape Chapter pertaining to Landscape Character and Vegetation recommendations to determine the final height of the stump (if any). The branches of the tree may be removed as needed to allow for the project's construction.
- b. The wood harvested from the removal of this trunk shall be the property of the Town of Ashland and shall be used for the following purposes, in the following order of priority: (1) highlight the lumber in various design elements at Mindess, whether outside (i.e. benches, signs) or inside (i.e. part of murals, art work within the building), at the discretion of the Mindess School Building Committee taking into consideration their charge and funding limitations; (2) highlight the historical significance of the tree via plaque, bench, memorial plaque, sculpture, etc. in proximity to the current burial site, at the discretion of the Mindess School Building Committee in consultation with the Ashland School Committee and the Ashland Historical Commission. The material is to be shared, to the extent practicable, 50/50 between these two priorities, unless these two groups agree to another split. If any of these groups does not utilize its 50%, the remainder is used for a third priority: (3) use the lumber for other town projects, such as Valentine Estate or Warren Barn, at the discretion of the Town Manager and Select Board. If the entire tree is needed for priority 1, the other two priorities need not be met, but the Mindess School Building Committee will finalize their determination in consultation with the Ashland Historical Commission.

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- c. In the vicinity of the burial site, but outside of the protective fence, a new White Oak tree shall be planted in an area of prominence. The tree shall be a “specimen tree” and located to best allow its uninterrupted growth. The location shall be determined by the Mindess School Building Committee in consultation with its landscape architect.
  - d. Note that the final design should reflect that no persons are allowed inside the protective fence except as needed for the maintenance and care of the burial site.
2. **Memorial Sites:** If the Applicant at any time during construction, exhumes or identifies human remains on the locus, in particular the area surrounding the historical gravesite, all work in the vicinity of the finding shall immediately cease and the Applicant shall notify all of those officials required to be so notified in accordance with all applicable federal, state and local statutes, rules and regulations. The Applicant shall follow and comply with all applicable state and federal regulations and statutory requirements regarding the handling of human remains.

Once building permits have been issued and prior to the commencement of any work including site work, the Applicant shall make all necessary preparations and take all necessary precautions to protect both the historical gravesite and the memorial monument to Paul Falconi. There shall be no storage of materials or equipment near the memorial sites that could damage the present monuments. The Applicant shall take steps to ensure that stormwater runoff is given special consideration at every stage of the building process to minimize and prevent said runoff from causing damage to the memorial areas. The Planning Board acknowledges that the memorial monument to Paul Falconi sits outside the “limit of work” as defined on the final submitted plans and that such school monuments are within the control of the School Committee. Nonetheless, the Applicant shall assure that it provides appropriate consideration and care to protecting this memorial monument should it remain in place during construction.

3. **Abutting Property Fence:** The Applicant assumes the obligation of erecting and maintaining a fence from the northwesterly corner of 126 Concord Street running easterly along the property line ending at the intersection of Fiske Road. The fence shall be made of a material and a height agreed upon by the Applicant and the Planning Board as shown in the approved site plan holding a revision date of September 22, 2021. In the circumstance the Applicant and an abutting property owner agree on the installation of an alternative fencing material and/or fencing

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height, the Applicant shall not be required to return to the Planning Board for approval. The Applicant shall notify the Planning Office via memorandum of the change.

4. **Digital Sign:** Pursuant to M.G.L. Chapter 40A Section 3 commonly referred to the Dover Amendment, the Planning Board approves the construction and use of a digital sign in the location and of the maximum size as represented on page L6.02 in the approved plan set holding a revision date of September 22, 2021. Furthermore, the Planning Board finds the digital sign provides educational opportunities for the students and faculty for community outreach as well as for community use. The final design shall include a landscape plan with vegetation surrounding the sign. Note the following conditions shall apply: there shall be no appearance of scrolling or movement; intermittent or flashing text is not permitted; the text will be of a single color. The digital sign will be powered off between the hours of 8PM and 5AM.
  
5. **Peer Review Approval:** The Planning Board's approval of the site plan from the 60% Construction documents of record is contingent on the final review by the Town's Third Party Consultants GCG Associates.

### General Project Conditions

#### **Building and Site Design**

1. 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. As noted above, the Board recognizes that due to the process of construction, the set submitted to the Planning Board for approval is designated a 60% plus Construction Set and thus final detailing of the building and the landscape is not complete.
  
2. All building envelope materials (i.e. siding, roofing, and trim) shall be of high quality. Final exterior detailing and materials including color shall be decided by the Mindess School Building Committee after receiving community input.

#### **Building Use**

3. 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

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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.

### **Pre-Permit Procedures**

4. 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.
5. 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, to the extent required, 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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11. If this Special Permit Approval is transferred to an entity other than the Applicant, this approval must be amended by the Planning Board.
12. In accordance with Section 9.3.8, of the Ashland Zoning Bylaws, 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.
13. Pursuant to Section 9.3.8 of the Ashland Zoning Bylaws, 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.
14. This approval decision 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.
15. 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, and Section 11.

**Site Work Procedures**

16. 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 standards will be set by the Ashland Conservation Commission. Untreated stormwater discharge into public roadways or stormwater systems may result in fines from the Department of Public Works.
17. 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.
18. 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.

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19. 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.

### **Security and Safety Procedures**

20. During construction, the site shall be secured with a chain-link fence consistent with the fencing schedule required in Pre-Permit Procedures. 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.

### **Construction Procedures**

21. 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 lines. 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.
22. During construction, the Applicant shall be vigilant concerning dust and construction trackout onto Fiske Road and Concord Street. As necessary, Fiske Road and Concord 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 Fiske Road and Concord Street shall be submitted before building permits are issued.
23. 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.
24. There shall be no parking or standing of vehicles on Fiske Road or Concord Street. If a truck must be unloaded on Fiske Road or Concord Street, the Applicant shall contact the Ashland Police Department to determine if a detail is

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- needed; and the truck in question shall not stand or be unloaded on Fiske Road or Concord Street until after 9 AM Monday through Friday. The Applicant shall make diligent effort to avoid interrupting commuter traffic along Fiske Road and Concord Street.
25. 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.
  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 the condition describing night work 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. The Applicant shall submit a detail representing vertical granite curbing to the Planning Office and Department of Public Works for approval.

**Occupancy Permit Procedures**

It is assumed that a temporary occupancy permit will be issued when the new school building is ready for use but before the demolition of the existing building, site work, and landscaping are complete. Before a final occupancy permit is issued, the Applicant shall submit as-built plans of the project including all utilities and stormwater 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 file.

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**Planning Board Vote:**

**Special Permit, Section 5.3 (Site Alteration Special Permit)**

VOTE: APPROVED WITH PERMIT CONDITIONS (5-0)

VOTE: (Y) Tricia Kendall, Chair                      (Y) Joe Rubertone, Vice Chair

(Y), Lakshmi Krishnan, Clerk              (Y) Deepa Venkat              (Y) Anna Tesmenitsky

*(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**

TRICIA KENDALL  
Tricia Kendall

Joe Rubertone  
Joe Rubertone, Acting Chair

Lakshmi Krishnan  
Lakshmi Krishnan, Clerk

Deepa Venkat  
Deepa Venkat

Anna Tesmenitsky  
Anna Tesmenitsky

Filed with the Town Clerk on:

Date: October 1, 2021

Tara M. Ward  
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: October 22, 2021

Tara M. Ward  
Tara M. Ward, Town Clerk