

RECEIVED
TOWN CLERK
ASHLAND, MA

ctl

2021 AUG -3 AM 9:43

**DECISION ON APPLICATION FOR
COMPREHENSIVE PERMIT**

APPLICANT: UA Senior Manager, LLC, 300 Jordan Road, Troy, NY 12180

PROPERTY: 0 Memorial Drive, Ashland, Massachusetts
Assessors References Map 13 Lot 154

DATE: July 22, 2021

I. PROCEDURAL HISTORY

1. An original Application for a Comprehensive permit was received by the Ashland Zoning Board of Appeals (the "Board") on or about February 4, 2021. The Application was for a proposed project called "The Arbella At Ashland" consisting of one hundred eighty (180) age restricted rental units, of which twenty four (24) are proposed to be town house style units and one hundred fifty six (156) garden style apartments. The units will be located in four (4) town house style buildings with six (6) units each and two (2), four and five story multifamily buildings. Additionally, there will be a club house building and four (4) detached garage buildings. Twenty five percent of the units will be affordable as follows: four (4) of the units will be affordable to households earning up to fifty percent (50%) of the Area Median Income, five (5) units will be affordable at 60% of the Area Median Income and thirty six (36) will be affordable at 80% of the Area Median Income all in accordance with applicable state regulations and guidelines. The remaining units will be market rate units. The affordable units will be located entirely within the garden style apartment units and will be a mix of single and two bedroom units. Residency will be available only to those tenants who are at least 62 years of age.
2. The Applicant proposes to be a limited dividend entity that will limit its profits in accordance with legal requirements. Accordingly, the jurisdictional requirements under 760 CMR 56.04(1)(a) will be satisfied if and when the Applicant executes a Regulatory Agreement and other related documents as referenced more fully in Section IV hereof.
3. The Applicant provided a project eligibility/site approval letter dated December 30, 2020 issued by the Massachusetts Housing Finance Agency ("MassHousing") thereby satisfying 760 CMR 56.04(1)(b). The approval contained in the letter is expressly limited to development of one hundred eight (180) rental units.
4. The Applicant provided a copy of a purchase and sale agreement dated February 21, 2019 by and between GABELRY Development LLC and Ashland RTD Apartments, LLC for the purchase of the Property and including an Assignment and Assumption Agreement dated December 12, 2019 to the Applicant, thereby satisfying 760 CMR 56.04(1)(c).

5. The Board's hearing on the Application was duly opened on February 22, 2021 and continued in accordance with the list of dates as set forth on **Exhibit A**. The hearings closed on July 21, 2021.
6. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
7. During the course of the public hearing, Town staff, boards and commissions, and local residents submitted oral and written testimony with respect to the Application. The Board considered the technical review of an independent site peer reviewer, a traffic peer review consultant, and a wetlands and environmental consultant in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern.
8. The Applicant provided various materials, reports and revised plans throughout the public hearing on the Application.
9. During the public hearing, the Petitioner was represented by the law firm of Riemer & Braunstein LLC, Robert Buckley and Kristine Hung as counsel; Allen & Major Associates, Inc., Philip Cordeiro, PE; MDM Transportation Consultants, Inc.; and Cube 3 Architects. The Board utilized the services of GCG Associates, Inc., Michael Carter, PE, Haley Ward, Greg Eldridge, PE., Ron Muller & Associates, Kristen Braun, PE., and Lisa L. Mead and Adam Costa, of the law firm Mead, Talerman & Costa, LLC.
10. The Board heard testimony from abutters and other nearby residents regarding their concerns about the project.
11. The Board received the correspondence and submissions as set forth on **Exhibit B** attached hereto.

II. PROJECT AND PROPERTY DESCRIPTION

1. The project is described and shown in the Application package and various plans, including most notably, the following:

Site Plans entitled "Arbella At Ashland", Dated: September 4, 2020 revised through June 23, 2021 (Revision 4) consisting of 34 sheets, Prepared by: Allen and Major Associates, Inc. ("Plans"). **Exhibit C**

Architectural plans entitled "Arbella At Ashland", Dated September 4, 2020 with no revisions, consisting of 34 pages, Prepared by: Cube 3 Architects. **Exhibit D**
2. The Property is located in the Town's Rail Transit District subdistricts A, E and F (RTD)

Zoning District.

3. The Property includes thirty eight (38) acres with access off of Memorial Drive known as 0 Memorial Drive including access to High Street along the rear. There is 1990.98 feet of frontage on Memorial Drive (the "Property"). The entire site is presently undeveloped and consists of woodlands. Of the thirty-eight acres, approximately twenty acres will be deeded to the Town of Ashland leaving the developed land at 17.98 acres as the project site.
4. Surrounding properties to the south and west of the proposed development are predominantly used for residential purposes.
5. The Applicant proposes a project consisting of one hundred eighty (180) age restricted rental units, of which twenty-four (24) are proposed to be town house style units and one hundred fifty six (156) garden style apartments. The units will be located in four (4) town house style buildings with six (6) units each and two (2), four and five story multifamily buildings. Additionally, there will be a club house building and four (4) detached garage buildings. Twenty-five percent of the units will be affordable as follows: four (4) of the units will be affordable to households earning up to fifty percent (50%) of the Area Median Income, five (5) units will be affordable at 60% of the Area Median Income and thirty six (36) will be affordable at 80% of the Area Median Income all in accordance with applicable state regulations and guidelines. The remaining units will be market rate units. The affordable units will be located entirely within the garden style apartment units and will be a mix of single and two bedroom units. Residency will be available only to those tenants who are at least 62 years of age.
6. The project will be serviced by a municipal water and sewer services.
7. All utilities are to be below ground.

III. FINDINGS

1. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
2. During the course of the public hearing, Town staff, boards and commissions, and local residents submitted oral and written testimony with respect to the proposed changes. The Board considered the technical review of Town Department Heads and independent site, traffic, and environmental peer reviewers, in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern.
3. Peer review was thorough and cooperative.

4. According to the Commonwealth's Department of Housing and Community Development Subsidized Housing Inventory ("SHI"), as defined in 760 CMR 56.02, as of December 2020, 6.3% of the Town of Ashland's total housing stock constituted SHI eligible housing, as defined in 760 CMR 56.02. The Town of Ashland has not met the state requirement of 10% affordable housing as defined by the foregoing set of regulations and thus is not presumed to meet its community needs.
5. The Board finds that the Town of Ashland has a continued need for affordable housing as required by GL. c. 40B, and the project will provide such housing.
6. The Board finds that the Project will provide adequate access to public transportation.
7. The Board finds that the single access roadway is sufficient for public safety purposes and level of service needed to accommodate the proposed development.
8. The Board finds that the location and density of the Project is consistent with neighboring development patterns.
9. The Board finds that, when built in accordance with the Plans and in compliance with the conditions imposed herein, the Project will be "consistent with local needs" as such phrase is contemplated by G.L. c. 40B, §§20-23. The Board also finds that any unmitigated impacts posed by the Project will not outweigh the benefits provided by the Project's affordable units.
10. The Board also finds that the Applicant has worked in good faith to mitigate adverse impacts to a reasonable and acceptable extent.
11. The Board finds that during the hearing process the Applicant was cooperative and made changes to the Plans in an effort to address concerns raised by the Board and the abutters to the proposed project, notwithstanding that all of the concerns of the neighbors could not be addressed.
12. The Board finds that the grant of waivers from local by-laws and regulations, as described more fully in Section IV and **Exhibit E** hereof, is acceptable although the grant of any waivers may cause adverse impacts to local concerns. Nevertheless, the Board finds that the local concerns that have been affected thereby do not outweigh the statutory requirements for affordable housing.
13. Notwithstanding waivers to local requirements and other adverse impacts to local concerns, the Board finds that the project as presently designed, and as conditioned by this decision, will be "consistent with local needs," as such term is contemplated under G. L. c. 40B.
14. The Board finds that the conditions imposed in the following section are necessary in order to properly address local concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions do render the project uneconomic, the Board finds that the local concerns in imposing the same outweigh the

statutory requirements for the affordable units that have been proposed.

IV. DECISION AND CONDITIONS

Upon Motion, duly seconded, the Board voted 3 to 0 (members John Trefethan, Nathan Band, and Brian Forestal) to grant a Comprehensive Permit to the Applicant for the proposed project, subject to the following conditions:

1. Except as otherwise required by the conditions imposed by this Comprehensive Permit or by the Final Site Plans, as defined below, the Project shall be developed, constructed and completed in conformance with the Plans, as revised during the public hearing.
2. The Project may have no more than one hundred eighty (180) age restricted rental units, of which twenty four (24) are proposed to be town house style units and one hundred fifty six (156) garden style apartments. The units shall be located in four (4) town house style buildings with six (6) units each and two (2), four and five story multifamily buildings. Additionally, there will be a club house building and four (4) detached garage buildings. Twenty-five percent of the units will be affordable as follows: four (4) of the units will be affordable to households earning up to fifty percent (50%) of the Area Median Income, five (5) units will be affordable at 60% of the Area Median Income and thirty six (36) will be affordable at 80% of the Area Median Income all in accordance with applicable state regulations and guidelines. The remaining units will be market rate units. The affordable units will be located entirely within the garden style apartment units and will be a mix of single and two bedroom units. Residency will be available only to those tenants who are at least 62 years of age.
3. No building permits may be issued unless and until the Applicant provides the Board with evidence of Final Approval by the Department of Housing and Community Development ("DHCD") under 760 CMR 56.04(7).
4. Final approval from DHCD shall also include approval for the development and construction of the residential units referenced above.
5. Final, fully designed site plans (the "Final Site Plans") shall be submitted to the Board, the Board's designated engineer, the Ashland DPW Director and the Building Commissioner no less than thirty (30) business days prior to the application for building permits for the commencement of construction of the Project. The Final Site Plans shall be of a quality and level of detail sufficient to allow the DPW, Building Commissioner and the Board's engineer to review the Final Site Plans for consistency with the Plans, the terms of this Comprehensive Permit, legal requirements and industry standards. No construction shall commence and no building permits shall be issued under this Comprehensive Permit until the Board's engineer has approved the Final Site Plans as being in conformance with this Decision, said approval to be in writing. If no written response or comments have been given to the Applicant by the Board or the Board's engineer concerning the Final Site Plans within thirty (30) business days after the Final Site Plan submission date, the Final Site Plans, as delivered, will be deemed to have

been approved, provided that, for good cause shown, the Applicant shall allow a 20-day extension of such approval period. Nothing herein shall be construed to limit or otherwise affect the Ashland Building Department's authority and obligations under the State Building Code. The Final Site Plans shall include, but not be limited to, complete construction plans, final stormwater management plans and erosion control plans, landscaping plan and a lighting plan as well as all other plans described below and that are customarily submitted for projects of this scope as may be determined in the discretion of the Board's engineer. The 30-day time period under this paragraph shall not commence if the Board's engineer notifies the Applicant in writing that the Final Site Plans are incomplete.

All lighting in the rear decks of the units shall be dark sky compliant and shielded lighting. No additional lighting shall be permitted on the units in the rear other than what is shown on the lighting/photometric plan.

6. The Final Site Plans shall include the final architectural plans. The final architectural plans shall be substantially in conformance with the building layouts as represented on the Plans submitted to the Board.
7. The Final Site Plans shall include a construction mitigation plan that will address all aspects of construction mitigation, including, but not limited to: (i) blasting; (ii) provisions that meet the prior approval of the Ashland Fire Department and Ashland Police Department for traffic flow and emergency vehicle ingress/egress along any partially constructed driveways within the Project; (iii) stockpiling of materials; (iv) trucking routes that meet the prior approval of the Ashland Police Department; (v) a concise construction mitigation and sequencing plan; and (vi) erosion control plan. The construction mitigation plan shall address cutting and clearing. All trees proposed to be saved shall be tagged either individually or by delineating the limits of clearing by the Applicant which shall present said proposed trees to be saved to the Board prior to any tree clearing. The Applicant shall, to the extent feasible, maintain as many mature trees as possible.
8. The Final Site Plans shall include a narrative of the construction sequencing for the Project. Such narrative shall include any phasing of the Project. At a minimum the sequencing plan must address the construction of the detention basins, infiltration basins, slope stabilization, duplicative erosion control systems and related safety measures. The Board or the Board's engineer may impose reasonable amendments to such narrative to address public safety issues. The Applicant shall strictly adhere to the phasing plan submitted to the Board. Essential infrastructure for the entire project shall be completed within three (3) years from the date that construction is commenced, provided that, for good cause shown, the Applicant may seek reasonable extensions of one (1) year – which the Board may review and approve administratively without need for a public hearing.
9. The Applicant shall be responsible for scheduling a pre-construction meeting with the Board's engineer or its assigned agent thirty (30) days before the commencement of work on the project. The Applicant shall provide a construction sequencing schedule at this

- meeting. During the construction of the Project's infrastructure, the Applicant shall be responsible for the scheduling of a meeting with the Board's engineer or its assigned agent at least once every three months to discuss the progress of construction. The Applicant's failure to schedule and attend such a meeting may be grounds for a stop work order. The Board's engineer may, at its discretion and that of the Board, undertake more frequent inspections.
10. The final landscaping plan shall include landscaping for all roadway right-of-way areas, along with a representative planting list for each lot. Said plan shall be provided to the Board for approval prior to the issuance of the first certificate of occupancy. All plantings shall be guaranteed by the Applicant for at least two years.
 11. The Applicant shall install and maintain all fencing shown on the Plans, as revised, and shall not allow it to fall into, or remain in, disrepair. The Applicant shall install markers in the field to show the limit of work prior to undertaking any work, any tree clearing and/or excavation or any other activities prior to construction. Applicant shall not clear any land beyond that shown on the Plans and as marked in the field, as revised, without prior written approval from the Board.
 12. As built-plans of the foundations of the structures shall be submitted to the Board's engineer and the Town Building Commissioner prior to the issuance of an occupancy permit.
 13. The Applicant shall connect the project, as revised, to the Ashland water system. However, no connection to, or extension of, the public water system shall be permitted until the Ashland Water Department reviews and approves the same after receipt of full and complete plans therefor. Such approval from the Water Department shall be based on technical requirements and shall not be unreasonably withheld. No building permits shall be issued until the Applicant provides the Board with evidence that it has received such administrative approval from the Water Department.
 14. In consideration of the waiver for the requirement to construct a sidewalk along the entrance drive of the development, and for consideration of public safety concerns, as well as consideration for the Applicants' cooperation with Town Board and the Apple Ridge Neighborhood to push the project entrance road to the north end of the site, the Applicant shall cooperate with the Town in connection with the design of the so-called "Town Walking Trail" on the land to be conveyed to the Town by the Applicant ("Conservation Land") which "design cooperation" shall only include the Applicant providing the Town with its plans and technical data relating to said Conservation Land. The Applicant shall, if said Town Walking Trail is constructed, provide an "Applicant Trail Connection" to the trail from its Property. The Town and Applicant shall cooperate and jointly pursue any necessary permits and approvals required for the construction of said Town Walking Trail and Applicant Trail Connection. The Applicant shall construct the Applicant Trail Connection simultaneously with the construction of the Town Trail. Until such time as the Town Trail is constructed, the Applicant shall install signs within the development advising

- residents not to walk down the access drive to Memorial Drive. The Applicant shall provide to the Zoning Board the proposed locations of said signage for Board approval prior to installation.
15. During the life of the project, the Applicant shall provide a shuttle service to its residents to aid access to amenities and town services and transportation opportunities located off site.
 16. The Final Site Plans shall depict the final design of the drainage system that exhibits compliance with all applicable best management practices and any applicable Stormwater Management Guidelines promulgated by the DEP or the Commonwealth of Massachusetts, including any additional requirements. The final drainage design shall reference a drainage design to meet the TP40 rainfall data in accordance with the current Department of Environmental Protection standards.
 17. Upon completion of the stormwater management system, the Applicant's engineer shall provide a report to the Board's engineer, with a copy to the Board, certifying that the stormwater management system was installed in accordance with the approved plans. Such report shall include a certification that the excavations of the proposed infiltration systems were inspected prior to backfilling. An as-built plan of the stormwater management system prepared by a licensed engineer shall be provided with the report and shall include a copy in electronic format.
 18. As soon as possible, all disturbed areas shall be brought to final grade, and shall be permanently stabilized by loam and seeding or other measures acceptable to the Board's engineer. Where necessary, the loam and seeding shall be held in place with jute netting. Bare ground and disturbed areas that cannot be permanently revegetated within thirty 30 days after disturbance shall be temporarily stabilized by a method approved by the Board's engineer. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other methods approved by the Board's engineer.
 19. With respect to each of the Applicant's requests for waivers from local by-laws and regulations, the Board hereby decides as follows:
 - a. The Board approves all of the waivers to the requirements in the local by-laws and regulations only to the extent necessary in order to build the Project that is shown on the Plans and approved Final Site Plans and as are listed on **Exhibit C** attached hereto.
 - b. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23.
 - c. Any by-law or regulation not inconsistent with the Project as approved and not expressly waived hereunder shall be strictly enforceable. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Site Plans that require additional or more expansive waivers of any local by-laws or

regulations, must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent any such requested waivers are consistent in all material respects with the Plans approved by this Decision, such approval by the Board shall be deemed to be an insubstantial change under 760 CMR 56.05(11)(b).

20. The Applicant shall obtain approval by MassHousing or DHCD of an affirmative fair housing marketing plan prior to the leasing of any units and shall ensure that the Project complies with fair housing requirements.
21. All of the Project's affordable units shall be restricted, in perpetuity, for rent as follows: four (4) of the units will be affordable to households earning up to fifty percent (50%) of the Area Median Income, five (5) units will be affordable at 60% of the Area Median Income and thirty six (36) will be affordable at 80% of the Area Median Income all in accordance with applicable state regulations and guidelines. All affordability restrictions shall expressly survive foreclosure. The Regulatory Agreement that is required in order to ensure the restrictions on affordability are subject to the review and administrative approval of the Board, which may consult with Town Counsel. Evidence of the recorded Regulatory Agreement the project shall be provided to the Board. The Final Site Plans shall include a designation of the initial location of all affordable units as presented to this Board. Said locations shall not be changed without the Board's administrative approval, unless the Applicant is required by MassHousing or DHCD to do so, in which case the Board's approval shall not be required but the Applicant shall notify the Board in writing of any change.
22. The maximum number of affordable local preference units allowed by law and the applicable subsidy program shall be reserved for a local preference favoring present residents of Ashland, the parents or legal guardians of children attending Ashland public schools, employees of the Town of Ashland, and teachers employed by the school district serving the Town of Ashland. The Applicant shall cooperate with Town staff seeking and securing such local preference. A lottery shall be established in a form approved by the Subsidizing Agency to effectuate any approved local preference, with an approved secondary lottery for all other applicants. The Board shall be kept apprised of all events in the lottery process. No occupancy permits may be granted until the Board, in consultation with its Counsel, has approved the lottery plan, such administrative approval not to be unreasonably withheld. The Board shall be kept apprised of all events in the lottery process.
23. So as to ensure that the construction and eventual rental of the affordable units remains on pace with market rate units, the Applicant shall construct one garden style apartment building and obtain a certificate of occupancy for same prior to obtaining a certificate of occupancy for any town house units. The Applicant shall work with all due efforts to prepare and institute the marketing plan and lottery. In no event shall a certificate of occupancy be issued for the last two town house buildings before the occupancy permit for at least one of the garden style building has been issued and the lottery held.

24. Evidence of a fully executed and recorded Regulatory Agreement for the Project shall be provided to the Board and the Building Commissioner prior to the issuance of any building permits.
25. The Monitoring Agent for the Project shall be a qualified entity approved by the MassHousing or DHCD. The Applicant shall provide the Board with copies of any and all correspondence, documents and statements required by any Affordable Monitoring Services Agreement, the Regulatory Agreement or any applicable laws or regulations provided by the Applicant to the Monitoring Agent or from the Monitoring Agent to the Applicant. Copies of the fully executed Affordable Monitoring Services Agreement(s) for the Project shall be provided to the Board prior to the issuance of occupancy permits.
26. The Applicant's profit for the Project shall not exceed limitations imposed by applicable law and as may be prescribed under the Affordable Monitoring and/or Regulatory Agreements. The Town shall not be a party to the Regulatory Agreement but evidence of a fully executed and recorded Regulatory Agreement for the Project shall be provided to the Board and the Building Commissioner prior to the issuance of any building permits. Additionally, the Board shall be provided with a copy of any and all limited dividend audits and certified cost/income statements, as well as any other public records that are shared by and between the Applicant and the Monitoring Agent. As the Applicant is a limited dividend entity, all excess profits shall be used for affordable housing purposes in the Town of Ashland.
27. The Applicant is responsible for the preparation and execution of any document that may be required by DHCD in order to have at least 25% of the units in the Project included on the Town's Subsidized Housing Inventory, with the cooperation of the Town as may be necessary to accomplish the foregoing.
28. As security for completion of the infrastructure shown on the Final Site Plans, including but not limited to the driveways, sidewalks, parking, stormwater management system, lighting, water and sewer systems, wetland replacement, wetland restoration, buffer zone plantings, landscaping and utilities (collectively the "Infrastructure"), the release of occupancy permits for the final two (2) units as surety and shall be subject to the following restrictions:
 - a. No occupancy permit for a unit shall be issued until: (1) the driveway shown on the Final Site Plans providing access to the subject unit's building has been installed, excepting the final course of pavement and curbing for the roadway, sidewalk, driveway and parking area; and (2) all other infrastructure as shown on the Final Site Plans essential for such building, as approved by the Board's engineer or its designated agent, has been constructed or installed so as to adequately serve said building. The final infrastructure for the Project, including but not limited to the final course of pavement and curbing, shall be installed prior to the occupancy of the final two town home style buildings. The final infrastructure shall include, but not be limited to: intermediate and final course of pavement, curbing, remaining landscaping, and any "punch list" items identified by the Board's engineer.

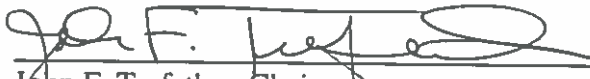
Alternatively, if the Applicant desires to obtain such final occupancy permits before the completion of said final infrastructure, it shall deposit monetary security or surety bond with the Town securing the installation and construction of such final infrastructure. The amount of such security and any necessary contingency shall be determined by the Board, acting upon the advice its consulting engineer and the form of the security agreement binding such security shall be subject to the review of Town Counsel.

- b. Upon completion of all such Infrastructure for the applicable building(s), as described above, the Board's engineer shall inform the Ashland Building Commissioner accordingly, who may then release occupancy permits and/or release the security or surety bond.
 - c. Notwithstanding the procedures of this paragraph, the Board may institute an enforcement action in order to compel the completion of any infrastructure not completed by the Applicant.
29. During construction, the Petitioner shall maintain all feasible and reasonable means of dust control and shall collect all debris on a daily basis in accordance with best management practices. Dust control shall be accomplished through watering trucks and shall not include the use of Town water. No construction, deliveries or any other activities may occur on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Yom Kippur, Rosh Hashanah, Thanksgiving, Christmas Eve or Christmas Day. No construction may begin before 7:00 a.m. or continue past 6:00 p.m., unless approved in advance, in writing by the Board. Deliveries may be made after 7:00 a.m., until 6:00 p.m., provided, however, that access to the Site by excavators, skidders, bulldozers, or other heavy equipment, tractor trailers, flatbeds or any other oversized trucks and/or construction vehicles hauling earth moving equipment, trusses, modular wall panels, and other building materials that require either "wide-load" vehicles and/or are scheduled to be delivered within or by a convoy, may occur between 7:00 a.m. and 6:00 p.m. Notwithstanding the foregoing, interior construction that doesn't generate excessive noise may occur on weekday evenings, until 7:00 p.m. Construction crews may not arrive, work may not commence, trucks and other equipment may not idle or warm up until 7:00 a.m. on approved construction days. The Petitioner shall cause Memorial Drive to be free and clear of mud, dirt, sand and gravel and other materials during construction. The Petitioner shall install a stabilized construction entrance at the entry to the site from Memorial Drive to clean and wash vehicles leaving the site. The Petitioner shall cause Memorial Drive, in the areas being traveled by construction vehicles to be swept routinely to keep it free of debris as noted above or or as the Town may direct to remove debris deposited by construction vehicles.
30. Snow and ice removal shall be the responsibility of the Applicant, its successors and assigns. Snow and ice removal shall be undertaken as soon as is practicable after snowfall and shall not impede or obstruct the parking areas and driveways and so as not to impede or obstruct the hydrants. Snow shall be deposited and stored in the areas designated on the Plans, as revised. Snow shall not be deposited on Memorial Drive at any time. In the event


- the snow storage areas on the site reach capacity, snow shall be removed and hauled away from the Property.
31. The roadways, infrastructure, including water, sewer and stormwater infrastructure and open space depicted on the Plans shall be maintained by the Applicant and shall be considered private.
 32. Trash and recycling shall be private and shall be the responsibility of the Applicant and in conformance with the Town of Ashland trash and recycling regulations and policy.
 33. The Applicant shall be responsible for an annual fee in the amount of \$20,000 to care and maintain Memorial Drive, payable to the Town of Ashland on or before July 1st of each year beginning within thirty days of the issuance of the first certificate of occupancy.
 34. The Board's engineer or its assigned agent shall be charged with general oversight over the infrastructure construction activities at the project. In this capacity, the Board's engineer or its assigned agent shall, during periods of active construction, conduct periodic inspections as reasonably necessary to ascertain the status and nature of work at the site and provide reports to the Board as deemed necessary. In addition, the Applicant shall also provide the Board's engineer or its assigned agent with any pertinent photographs, logs, data or other information that may be helpful in the monitoring process.
 35. Except as may be otherwise required in this Permit, changes to the Project and the conditions contained herein shall be processed in accordance with 760 CMR 56.05(11), as may be amended or re-codified.
 36. This permit shall not be valid until recorded with the Middlesex South District Registry of Deeds and evidence of such recording is provided to the Building Commissioner and the Board of Appeals.
 37. No occupancy permits may be granted until any and all deeds, restrictions, easements and/or other instruments relating to the restriction of the open spaces and/or conveyance of the Town Property and as shown on the Plans are reviewed and approved by the Town's Counsel, such approval not to be unreasonably withheld. Any easements and/or restrictions or deeds shall be recorded prior to the issuance of the last certificate of occupancy for the project. In furtherance hereof, the Applicant shall provide to the Board, prior to the earlier to occur of any site work or issuance of a building permit, an Approval Not Required ("ANR") Plan which will separate the development parcel from the municipal parcel as contemplated pursuant to that certain Declaration of Restriction found in the Middlesex Registry of Deed, Page 72182 Page 31. The Applicant shall be responsible for all for all of the costs and expenses related to the preparation and recording of said plan. Notwithstanding anything to the contrary herein, the deed and the ANR plan conveying the Town Property shall be recorded prior to the earlier to occur of any site work or issuance of a building permit.

- 38. This Permit shall run with the land and be binding on the Applicant and any of its assignees and successors in interest at the Property or with respect to the Project. Any transfer of this permit prior to substantial completion of the Project or a phase thereof shall be subject to written confirmation from the Subsidizing Agency and otherwise subject to 760 CMR 56.05(12)(b). In addition, any sale, transfer or assignment of this permit, and any sale of more than 50% of the assets or interests in the Applicant prior to completion of construction, shall require the Board's administrative approval, such approval not to be unreasonably withheld. The Applicant shall provide 30-days advance written notice to the Board of any such request and, if the Board does not act on such request within thirty (30) days, such request shall be deemed approved.
- 39. This permit shall expire if construction is not commenced within three years from the date it is filed by the Board with the Town Clerk, as provided in 760 CMR 56.05(13)(c). For purposes of this paragraph only, commencement of construction is defined as the construction of a building foundation. The Applicant may apply to the Board for extensions of this Comprehensive Permit in accordance with 760 CMR 56.05(12)(c)
- 40. Any finding, by any court of competent jurisdiction, that any condition hereof is unenforceable shall not otherwise affect the enforceability of the remainder of the conditions hereof.
- 41. Prior to any construction commencing hereunder the Applicant shall have title to the Property.
- 42. Appeals of this permit shall be made pursuant to G.L. c. 40B.


ASHLAND ZONING
BOARD OF APPEALS



John F. Trefethen, Chair



Nathan Band



Brian Forestal

Date: 8/3/21

EXHIBIT A
DATES OF HEARINGS

February 22, 2021 – Public Hearing opened
March 8, 2021 – Continued without discussion
March 22, 2021 – Continued without discussion
April 12, 2021
April 26, 2021
May 10, 2021
May 24, 2021 – Continued without discussion
June 14, 2021
June 28, 2021
July 20, 2021 – Public Hearing closed

EXHIBIT B MATERIALS SUBMITTED

Continuance Requests

- A. Continuance Request from Attorney Robert Buckley, dated February 23, 2021
- B. Continuance Request from Attorney Robert Buckley, dated March 2, 2021
- C. Continuance Request from Attorney Robert Buckley, dated March 18, 2021
- D. Continuance Request from Attorney Robert Buckley, dated May 24, 2021
- E. Continuance Request from Attorney Robert Buckley, dated June 29, 2021

Peer Review Correspondence

1. Letter from Haley and Ward, dated January 5, 2021 regarding 0 Memorial Drive Peer Review
2. Letter from GCG Associates, dated January 14, 2021 regarding 0 Memorial Drive Peer Review
3. Letter from MDM Transportation Consultants, dated March 11, 2021 regarding 0 Memorial Drive Traffic Review
4. Letter from Allen and Major Associates, Inc., dated March 25, 2021 regarding response to comments from Haley and Ward
5. Letter from Allen and Major Associates, Inc., dated March 25, 2021 regarding response to comments from GCG Associates
6. Project Narrative and Storm water Report entitled "Arbella at Ashland" dated December 4, 2020 revised through March 25, 2021 consisting of 150 pages
7. Letter from Allen and Major Associates, Inc., dated March 26, 2021 regarding response to comments from Tom Houston, PSC
8. Letter from Allen and Major Associates, Inc., dated March 26, 2021 regarding response to comments from Town of Ashland ZBA
9. WPA Form 2 – Determination of Applicability, file date September 24, 2020, received April 2, 2021
10. Letter from GCG Associates, dated April 26, 2021 regarding 0 Memorial Drive Peer Review
11. Letter from Ron Muller and Associates, dated May 4, 2021 regarding 0 Memorial Drive Traffic Review
12. Letter from Allen and Major Associates, Inc., dated May 12, 2021 regarding response to comments from GCG Associates
13. Letter from MDM Transportation Consultants, dated May 13, 2021 regarding 0 Memorial Drive Traffic Review
14. Letter from Ron Muller and Associates, dated May 17, 2021 regarding 0 Memorial Drive Traffic Review
15. Letter from Haley and Ward, dated May 27, 2021 regarding 0 Memorial Drive Peer Review

16. Letter from GCG Associates, dated June 8, 2021 regarding 0 Memorial Drive Peer Review
17. Email from the Ashland Fire Chief dated June 8, 2021
18. Email from the Ashland Fire Chief dated June 23, 2021

Site Plan Revisions

19. Site Plans entitled "Arbella At Ashland", Dated: September 4, 2020 revised through March 23, 2021 (Revision 1) consisting of 30 sheets, Prepared by: Allen and Major Associates, Inc.
20. Site Plans entitled "Arbella At Ashland", Dated: September 4, 2020 revised through May 11, 2021 (Revision 2) consisting of 32 sheets, Prepared by: Allen and Major Associates, Inc.
21. Landscape Drawings entitled "Arbella At Ashland", Dated: September 4, 2020 revised through May 21, 2021 (Revision 3) consisting of 5 sheets, Prepared by: Allen and Major Associates, Inc. and Landscape Palette consisting of 45 pages
22. Site Plans entitled "Arbella At Ashland", Dated: September 4, 2020 revised through June 23, 2021 (Revision 4) consisting of 34 sheets, Prepared by: Allen and Major Associates, Inc. ("Plans").

Other Materials Submitted

23. Architectural Renderings prepared by Cube3 dated April 28, 2021 consisting of 6 pages
24. Architectural Renderings prepared by Cube3 dated May 6, 2021 consisting of 22 pages
25. 0 Memorial Drive letter from a resident dated May 6, 2021
26. Design Review Committee Report on 0 Memorial Drive dated May 10, 2021

**EXHIBIT C
CIVIL PLANS**

EXHIBIT D
Architectural Plans

EXHIBIT E WAIVERS

By design intent, the applicant shall seek to conform to the local zoning code and has sought relief only where necessary to support the project and would not result in condition that compromised standard engineering practice, public safety, or other adverse condition if granted.

Waivers are based on the Town of Ashland Town Bylaw and subsections as noted below.

The Property is located in the Rail Transit District (RTD) Areas A, E, and F as depicted on the Site Development Plans. The Project requires the following waivers:

	CHAPTER	SECTION REQUIREMENT	PROPOSED
§242 – Soil Removal			
1.	Section 242-3 A.	Except as otherwise provided in § 242-4 and 242-5 herein, no earth shall be removed from any lot in the Town of Ashland unless a permit shall have first been obtained by the owner from the Board.	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested.
§247 – Stormwater Management and Illicit Discharges and Connections			
2.	Section 247 Stormwater Management and Illicit Discharges and Connections	Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Ashland to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. The purpose of this bylaw is to comply with the Environmental Protection Agency's National Pollutant Discharge Elimination System Phase II program by preventing or diminishing stormwater impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction, development and other circumstances, and eliminating non-stormwater discharges into the Town's municipal storm sewer system. § 247-1-8Administration. A. The Conservation Commission shall be	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Conservation Commission review, otherwise, a waiver is requested from Section 247, in its entirety, from the bylaw. The project shall be designed in accordance with the Massachusetts Stormwater Standards.

	CHAPTER	SECTION REQUIREMENT	PROPOSED
		the permit granting authority for the issuance of a stormwater management permit and shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to its employees or agents or other municipal employees as appropriate. Such permit applications shall be submitted, considered, and issued only in accordance with the provisions of this bylaw and the regulations adopted pursuant to this bylaw.	
§280 – Wetlands Protection			
3.	Section 280	The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Ashland by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, and aquaculture, deemed important to the community.	<p>It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Conservation Commission review, otherwise, a waiver is requested from Section 280, in its entirety, from the bylaw.</p> <p>If applicable, the project will be designed in accordance with the performance standards of the Massachusetts Wetlands Protection Act.</p>
§282 – Zoning			
4.	Section 5.1.2 Schedule of Parking Area Requirements	Dwellings – 2 spaces per dwelling unit	Relief from the quantity of spaces required is requested. The senior project proposed has a historical adequacy of 1 space per apartment unit.
5.	Section 5.2 Loading Requirements	"Adequate off-street loading spaces or loading areas shall be provided and maintained . . ."	Relief from strict adherence to this section is sought. No marked loading spaces shall be provided. Moving trucks, and similar, shall be coordinated with the management office for move-in processes that do not encumber the project or circulation.

	CHAPTER	SECTION REQUIREMENT	PROPOSED
6.	Section 5.2.8 Special Permit	Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that reduction promotes a public benefit.	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested.
7.	Section 5.3 Signs <i>(Added May 12, 2021)</i>	(Signage requirements section 5.3.1 through 5.3.20)	The applicant requests a waiver from this section in its entirety. The Bylaw does not provide specific guidance for signs within the Rail Transit District apart from the directive under 5.3.2. that requires "all signs must comply with the regulations of this Section". The applicant seeks approval from the Zoning Board of Appeals within the Comprehensive Permit for a finding that the identification signage (i.e. non-traffic and wayfinding) are appropriate in scale, location, setback, illumination, and size for this development and as shown on the Site Development Plans with pertinent supplemental details provided
8.	Section 5.4.4 Interior Landscaping in Parking Areas	Parking areas containing eight or more spaces shall contain or be bordered by at least one tree per eight spaces. . . .	A waiver from this requirement is requested to allow for the necessary installation of protective guardrails to site slopes that are required to accommodate site topography. Adequate plantings shall be provided to achieve the design intent of the bylaw but with site specific accommodations.
9.	Section 5.4.4 3, Landscaped Islands and buffers	Landscaped islands and buffer shall have a minimum area of one hundred fifty square feet and minimum width of eight feet and shall contain at least one tree per one hundred square feet.	The Site Development Plans propose islands and areas of the specified width, but is of the opinion that the viability of multiple trees within a confined area may affect their long term viability. A waiver is requested from this provision of the bylaw.

	CHAPTER	SECTION REQUIREMENT	PROPOSED
10.	5.7.3 1. Environmental Standards, Erosion Control	No grading shall take place on slopes in excess of a horizontal of three and a vertical of one slope except under special permit from the Planning Board . . .	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested.
11.	5.8 Site Alteration Special Permit	<p>Intent and Purpose. The intent of this section is to promote and protect the public health, safety, and welfare through the preservation and protection of the environment and by recognizing the vital importance of free and vegetation growth in the ecological system. It is further the purpose of this section to:</p> <ol style="list-style-type: none"> 1. Preserve and protect the natural scenic beauty and related natural resources in the Town of Ashland; 2. Limit land clearing and alteration of natural topography prior to site plan, preliminary plan, and/or definitive plan approval; 3. 3. To protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; and, 4. 4. To regulate prior to development plan approval, the removal of natural vegetation, especially major trees, and excavation and alteration of land, in order to minimize any danger of erosion, sedimentation, flooding, water pollution, unnecessary detraction from natural visual setting, obstruction of significant views, and other adverse impacts of development. 	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested from this Section.
12.	Section 8.4.1.1 Purpose (Added April 12, 2021)	Purpose. The Rail Transit District (the "District" or sometimes hereinafter referred to as a "RTD") use in Ashland, associated with the MBTA Rail Station and abutting open land, is established to provide a coordinated, high aesthetic standard for the development of high	<p>The applicant seeks a waiver from this section to allow for the construction of the site as shown on the Site Development Plans.</p> <p>The topographic nature of the site</p>

	CHAPTER	SECTION REQUIREMENT	PROPOSED
		<p>technology, research and development, incubator establishments, offices, all of a non-nuisance-type and have provision for retail and multi-unit housing and age restricted housing components (rental and owner occupied). In addition, the purpose of this District is to promote a neo-traditional transit-oriented private and public development initiative which departs from the standard low-density, auto-oriented suburban residential growth of the past. The distinctive principle for this development's initiative is envisioned to provide:</p> <ol style="list-style-type: none"> 1. features and site layouts that are conducive to walking, biking and transit riding; 	<p>renders full pedestrian connectivity financially infeasible and constructible in providing a sidewalk the length of the site driveway. The applicant utilizes onsite management to ensure the residents can be connected to Memorial Drive, West Union Street and the downtown corridor while continuing to meet this intent.</p>
13.	<p>Section 8.4.1.2 Purpose (Added April 12, 2021)</p>	<ol style="list-style-type: none"> 2. Pedestrian friendliness, alternative suburban living/working environments; 	<p>The applicant seeks a waiver from this section to allow for the construction of the site as shown on the Site Development Plans.</p> <p>The topographic nature of the site renders full pedestrian connectivity financially infeasible and constructible in providing a sidewalk the length of the site driveway. The applicant utilizes onsite management to ensure the residents can be connected to Memorial Drive, West Union Street and the downtown corridor while continuing to meet this intent.</p>
	<p>Section 8.4.4. Permitted Uses</p>	<p>Permitted Residential component uses in Area "A" per use plan, (d) Dwelling Multi-family, For Rent: N (No)</p>	<p>The applicant seeks a waiver from this restriction to allow rentable, senior multi-family units located within Area A of the RTD.</p>
	<p>Section 8.4.4. Permitted Uses (Added April 12, 2021)</p>	<p>Permitted Residential component uses in Area "A" per use plan.</p>	<p>The applicant seeks a waiver from this section to allow for the construction of the clubhouse and outdoor recreational facilities as part of the residential component table of uses.</p>
	<p>Section 8.4.6 Dimensional</p>	<p>Building Area. Age Restricted, Attached; Age Restricted. Detached and Age</p>	<p>The applicant seeks a waiver from strict adherence to this calculation.</p>

	CHAPTER	SECTION REQUIREMENT	PROPOSED
	Requirements 4. Building Area	Restricted Multifamily, Dwelling and Dwelling Multifamily, For Rent Unit Requirements in a Rail Transit District (RTD). Determined based upon the total cumulative land area of the applicable Areas (A, C, D or E) as specified in the formula set forth herein, at a density of: (i) 10 units per acre for Age Restricted, Attached; Age Restricted, Detached; and Age Restricted, Multifamily; and (ii) twenty (20) units per acre for Dwelling Multifamily, For Rent (permitted in Area E only). Written computation of the foregoing density shall be provided at the time of the filing of a Site Plan Application with the Planning Board.	The subject property contains 37.99 acres, sufficient to meet the density requirements for 180 proposed units as designated on the Site Development Plans. By Development Agreement, 20-24 acres of land (final area to be agreed upon by the Town of Ashland) is to be deeded to the Town of Ashland. The transfer of land to the Town of Ashland will result in a net project area of between 13.99 to 17.99 acres resulting in higher density that noted under Section 8.4.6. for the resulting land.
	Section 8.4.6 Dimensional Requirements 5. Building Separation (Added April 12, 2021)	Building Separation. There shall be a minimum of twenty (20) foot separation between abutting buildings (side to side) in a Rail Transit District (RTD).	The applicant requests this waiver to allow for the construction of Buildings 4 and 5 as shown on the Site Development Drawings.
	Section 8.4.6 Dimensional Requirements 11. Building/Structure Height (Revised April 12, 2021)	Building/Structure Height. Except as otherwise specifically provided herein, the maximum height of any Dwelling Multifamily, For Rent structure) in a Rail Transit District (RTD) shall be three (3) stories above grade (four stories at the rear of the building if the slope of the land permits) and the maximum height of any Age Restricted, Attached, Age Restricted, Detached, and Age Restricted, Multifamily building and any accessory structure related to such age restricted dwelling building shall not exceed two (2) stories above grade (three stories at the rear of the building if the slope of the land permits). The maximum height of any commercial building permitted in a Rail Transit District (RTD) shall be thirty (30) feet. The maximum height may be increased to fifty (50) feet within the Rail Transit District (RTD) upon the grant of a Special Permit and in accordance with the State Building Code.	<p>The applicant seeks a waiver to construct 2-4/5 story apartment buildings with heights as shown on the Site Development Drawings.</p> <p>The increase in height allows for no loss in program elements (180 units) but minimizes the development footprint to increase perimeter buffers and setbacks to adjacent uses.</p>

	CHAPTER	SECTION REQUIREMENT	PROPOSED
	Section 8.4.8 Parking and Loading Requirements	Parking and Loading Requirements. Except in a TVC which shall be governed by Section 8.4.14.12.a, below, parking and loading requirements shall be in conformance with Sections 5.1 and 5.2.	The applicant requests a waiver to minimize parking in keeping with the limitations identified per Sections 5.1 and 5.2 above.
	Section 8.4.13 Requirements of a Site Development Plan	Requirements of a Site Development Plan. The submission of a parcel Site Development Plan (refer to § 10.0, Definitions) shall meet all criteria set forth in this Section as well as Section 9.4.	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested from this Section.
	Section 8.6.10, 7 Lighting (Added May 12, 2021)	To avoid lighting impacts, outdoor lighting fixtures excluding municipal school outdoor recreational facilities (which are also subject to review by the Planning Board) shall be mounted no higher than fifteen (15) feet except for taller fixtures as requested and approved in writing by the Planning Board which shall be directed inward to the extent feasible, or otherwise oriented and shielded to avoid glare on adjoining premises and planting or other screening used to block headlight glare from drives and parking lots onto adjacent properties and roadway.	The applicant requests the waiver from this section to provide lighting in excess of 15 feet up to a mounting height of 20'6" along the site driveway to provide adequate safe lighting in an efficient manner. All lights shall be shielded and directed downward and where feasible are buffered by existing or proposed vegetative screening.
	Section 9.4 Site Plan Review	Site Plan Review	A waiver is requested in keeping with the RTD cross reference contained under Section 8.4.13. It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Planning Board review, otherwise, a waiver is requested from this Section.
	Section 9.6 Design Plan Review	Purpose. The purpose of the Design Review is to coordinate the aesthetic development of designated areas in Town through land, site, architectural, and sign review. This shall occur through an open process that involves the community and as guided by relevant documents, the	It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Design Plan Review, otherwise, a waiver is requested from this Section.

	CHAPTER	SECTION REQUIREMENT	PROPOSED
		<p>Design Guidelines, as well as commonly accepted design standards.</p> <p>Applicability and Authority. The DRC shall review applications for Site Plan Review submitted under Section 9.4 of the Ashland Zoning Bylaw, provided the property exists in the following areas of town:</p> <ol style="list-style-type: none"> 1. Downtown and Pleasant Street: The geographic center of Ashland, including the Ashland Downtown District zoning districts. 2. Route 135 Corridor: Properties with frontage on Route 135 and in the Highway Commerce, Industrial, Neighborhood Commerce, or Wildwood Mixed Use Zoning districts. 3. Route 126 Corridor: Properties with frontage on Route 126 and in the Highway Commerce, Village Commerce, or Multifamily zoning districts. 4. Properties with projects requiring design review per section 9.4.7 of Chapter 282 (Zoning) of the Town of Ashland Code. 	
§343 – Stormwater Management			
	<p>Section 343 Stormwater Management</p>	<p>The purposes of these Stormwater Management Regulations are to:</p> <p>Protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development and redevelopment, as more specifically addressed in the Stormwater</p>	<p>It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Conservation Commission review, otherwise, a waiver is requested.</p> <p>The project shall be designed in accordance with the Massachusetts Stormwater Standards.</p>

	CHAPTER	SECTION REQUIREMENT	PROPOSED
		<p>Management Bylaw of the Town of Ashland . . .</p> <p>The Rules and Regulations (Regulations) contained herein have been adopted by the Town of Ashland Conservation Commission (Commission) in accordance with the Town of Ashland Stormwater Management Bylaw.</p>	
§344 – Planning Board Rule and Regulations Subdivision of Land			
	<p>Section 344, Article IV, Design Standards, 12 Streets <i>(Added April 12, 2021)</i></p>	<p>Design standards Sections A - I</p>	<p>The applicant requests a waiver from this section of the Subdivision of Land Article in its entirety to construct the site driveway as shown on the Site Development Drawings.</p> <p>The proposed site driveway does not constitute a "roadway" offered under the Subdivision of Land guidance. The driveway shall remain private in perpetuity. No request for Town services for this roadway shall be sought now or in the future.</p>
§348 – Wetlands Protection			
	<p>Section 348</p>	<p>The purpose of these regulations is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Ashland by controlling activities deemed by the Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, and aquaculture, deemed important to the</p>	<p>It is the applicant's opinion that a Comprehensive Permit issued duly by the Zoning Board of Appeals will meet this criteria and therefore not require Conservation Commission review, otherwise, a waiver is requested from Section 348, in its entirety, from the bylaw.</p> <p>If applicable, the project will be designed in accordance with the performance standards of the Massachusetts Wetlands Protection Act.</p>

	CHAPTER	SECTION REQUIREMENT	PROPOSED
		community. The failure of these regulations to address all aspects of the bylaw, or a legal declaration of their invalidity in part or in whole, shall not act to suspend or invalidate the effect of the bylaw.	