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TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET

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ASHLAND, MA
2022 MAY -6 AM 11:54

Tricia Kendall, Chairman
Peter Matchak, Town Planner

Certificate of Approval – Special Permit
Mad Hatter LLC d/b/a Upperkuts Boxing
40 Summer Street, Assessors Map 14, Lot 349
Ashland, Massachusetts

In accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Sections 8.5 (Ashland Downtown District), and 9.3 (Special Permits), the Planning Board (the “Board”) received an application on March 22, 2022 (the “Application”) and subsequently held a public hearing for the applicant Mad Hatter LLC d/b/a Upperkuts Boxing. The applicant is seeking a Special Permit to operate an indoor commercial recreation business in the Ashland Downtown District.

The property in question is located at 40 Summer Street, Assessors Map 14, Lot 349. The property is within the Ashland Downtown District Sub-area C.

The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on March 30, 2022 and April 6, 2022 and mailed to Parties of Interest.

The Board opened a public discussion of the aforesaid application on April 14, 2022. The public hearing was closed on April 14, 2022. Due to the Covid-19 Massachusetts State of Emergency, the Planning Board public hearing was held via video conference on April 14, 2022. Meeting were held in full compliance with Massachusetts Open Meeting guidelines as modified by Governor Charlie Baker’s Emergency Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law. Agendas and meeting material were available on the Town of Ashland website.

Documents of Record

The application packet stamped at the Town Clerk’s Office on March 22, 2022 contained:

- Application for Special Permit filed on March 22, 2022.
- A letter from the Applicant
- Three (3) sheets of floor plans of the building
- A Mortgage Inspection Plan for 40 Summer Street
- The Property Card for 40 Summer Street

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- A description of the planned work on the Locus
- Abutters List dated March 14, 2022

Facts and Findings

Based on the evidence presented by the Applicant, the Board makes the following findings outlined in Chapter 282, Section 9.4 (Wireless Communication Facilities) of the Ashland Zoning Bylaws:

- 1) The applicant seeks to modify the existing special permit for the removal of nine (9) existing antennas and installation of nine (9) replacement antennas on existing “pipe mast” connection points. The antennas will be located at the existing centerline height of 75’. The project also includes the removal and installation of junction boxes and the installation of two hybrid cables connecting ground equipment to the equipment on the tower.
- 2) 47 US Code §1455(a) and 47 C.F.R. §1/6100(b) requires permitting authorities to approve an eligible facilities request. This modification is an eligible request.
- 3) The proposed modifications will not extend above the current height of the tower.

Decision

Following a presentation by the Applicant Mad Hatter LLC d/b/a Upperkuts Boxing and a review by Board members, the Board voted 5-0 to approve the special permit to allow the proposed use described in the above referenced application filed with the Town Clerk on March 22, 2022 as an Indoor Commercial Recreational facility at the locus.

Documents of Record Subject to the Following Conditions:

Permit Conditions:

As used herein, the term “Applicant” shall mean the Applicant, its heirs, successors and assigns and the term “Board” shall mean the Planning Board, whoever its members shall be from time to time.

- 1) No work shall occur on the locus, nor shall any building permits issue, until the Applicant has first obtained all necessary permits from all municipal town departments including but not limited to the Ashland Conservation Commission, Board of Health, Department of Public Works, Ashland Water and Sewer Department and the Select Board.

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- 2) This approval decision and approved plans 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.
- 3) The Applicant Mad Hatter LLC d/b/a Upperkuts Boxing shall respect the Town of Ashland General Bylaw Section 204: Nuisance Nosie.
- 4) This Special Permit may only be transferred by a Special Permit Modification granted by the Planning Board after a public hearing.

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**Special Permit Approval, Chapter 282, Sections 8.5 (Ashland Downtown District),
and 9.3 (Special Permits),**

VOTE: APPROVED WITH PERMIT CONDITIONS (5-0)

VOTE: (Y) Tricia Kendall, Chair (A) Marcelo Arjona

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

(Y) Kevin McClean, Associate Member


*(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, Chair


Lakshmi Krishnan, Clerk


Deepa Venkat


Anna Tesmenitsky


Kevin McClean, Associate Member

Filed with the Town Clerk on:

Date: 5/6/2022


Cynthia T. Livingstone, 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: _____

Cynthia T. Livingstone, Town Clerk