



Town of Ashland

MASSACHUSETTS

MINUTES OF MEETING
ASHLAND ZONING BOARD OF APPEALS
May 10, 2016

1 Present: Phil Jack, Chair
2 Stanley Daner, Vice Chair
3 Tom McNulty
4 John Trefethen
5 Stuart Siegel
6 Pete Kopecky
7 Brian Forestal
8

9 Guest: Angelo Catanzaro
10 Daniel Ruiz
11 Adam Costa
12 William DiPietri
13

14 **Prior Meeting Minutes:** Mr. Trefethen moved and Mr. Daner seconded the motion to table the
15 minutes of the last meeting until May 24th. The motion passed 6-0-0.
16

17 **133 W. Union St. - 40B Comprehensive Permit:** A continuation of the public hearing convened at
18 7:15 PM to consider the application for a 40B Comprehensive Permit at the request of Capital Group
19 Properties, Southborough MA.
20

21 Mr. Jack, Mr. Siegel and Mr. Trefethen are sitting members of the Hearing.
22

23 Angelo Catanzaro reported that the applicant is done with their presentation and will respond to
24 the open items from the April 12th meeting. Mr. Catanzaro stated that on May 2nd the
25 Conservation Commission issued an Order of Condition to approve the project, also The Town
26 Planner was provided a copy of the purchase and sales and the snow removal plan.
27

28 Mr. Ruiz noted that the recent adjustments to the fire lanes will be made by the engineer and will
29 be sent to the Fire Chief, Scott Boothby. Mr. DiPietri further noted that the applicant will be
30 responsible for snow plowing in front of the access gates. As to the affordable units, Mr. Ruiz
31 noted that there will be 17 one bedroom units, 12 two bedroom units and 4 three bedroom units.
32 Mr. DiPietri noted that customarily the Town chooses where the affordable units will be located.
33

34 Daniel Ruiz reviewed the new plans that address the open items from the April 12th meeting,
35 including the fire truck turnaround lanes, the location of the affordable units and floor plans for
36 all units.
37

38 Carl Hakansson, 346 Chestnut St., is a member of the Conservation Commission (ConCom), but
39 addressed the Board on his own behalf. Mr. Hakansson stated that ConCom asked the applicant
40 to provide a MODFLOW analysis to demonstrate there is no net gain of water leaving the
41 property, which the applicant did and presented the results to ConCom. Mr. Hakansson said Peer
42 Review also scrutinized the analysis and signed off, and the ConCom signed the Order of
43 Conditions. Mr. Hakansson explained that traffic conditions around the site are outside of the
44 ConCom's purview, but in terms of his personal observations he stated the traffic conditions are
45 difficult.
46

47 Mr. Siegel asked the applicant to summarize discussions with the Town regarding the historic
48 barn. Mr. Catanzaro responded that the applicant would assist with the moving of the barn from
49 the site if the Town determines a relocation site. Mr. Hakansson, speaking as an individual who
50 has been involved in the conversation, noted that three estimates had been obtained to move the
51 barn to Warren Woods. He said that he believed the Town is still interested in having further
52 discussions with the applicant. Mr. DiPietri noted that he felt the estimated were high and that
53 another had estimated the cost as \$30,000. He noted that the applicant would contribute 50% of
54 the cost, not to exceed \$15,000, to remove the barn.

55
56 Mr. Jack asked and Mr. Hakansson responded that the applicant modified the plan and the
57 wetland delineation was modified and the infringement on the 25 foot no disturb was reduced.
58
59 Mr. Jack opened the meeting for public comments:
60
61 Ed Brudz, 38 Olive St., suggests that a bond be part of the conditions to address maintenance in
62 perpetuity.
63
64 Robin Hicks, 11 Frankland Rd., asked if it would be acceptable for a group of concerns citizens
65 to provide the Board with written comments. Mr. Jack responded that it would be acceptable.
66 Mr. Hicks also noted that more than 500 signatures had been obtained opposing the project.
67
68 Cynthia Eynin Hicks, 11 Frankland Rd., asked whether NStar has provided counsel with more
69 information concerning the high pressure gas line. Mr. Catanzaro said NStar responded and he
70 agreed to post the response. Ms. Hicks asked if the applicant has provided elevation illustrations.
71 Mr. Catanzaro said the illustrations were submitted and posted. Ms. Hicks asked if a peer review
72 was conducted.
73
74 Jim Norton, 9 Allard Cir, said the citizens in the area do not want a four story building
75 constructed.
76
77 Mr. Daner moved and Mr. Kopecky seconded the motion to continue the 133 W. Union St.
78 Comprehensive Permit hearing until June 14, 2016 at 7:05PM. The motion passed 6-0-0.
79
80 **7 Walcott Road - Special Permit and Variance Application:** A public hearing convened at 8:00
81 PM to discuss a Special Permit and Variance application for a landscaper's garage. The application
82 has been submitted on behalf of the owner: Ken Harrison, K and D Landscape, Inc., P.O. Box 75,
83 Ashland, MA 01721.
84
85 Mr. McNulty, Mr. Kopecky and Mr. Daner are sitting members on the hearing.
86
87 Atty. George Connors, representing Ken Harrison, appeared before the Board. Atty. Connors
88 explained the permit is for a landscaper's garage on Walcott St., which is an expansion of a
89 nonconforming site to build a more modern facility.
90
91 Atty. Connors indicated that Conservation Commission has issued an Order of Conditions to allow
92 the work. Atty. Connors explained that the 75,000 sq. foot project does not meet the dimensional
93 requirements for two uses, commercial and residential, because 24,000 sq. feet is lost due to
94 wetlands encroachment. In addition, the soil conditions are hydric soil and meet the requirements
95 for a zoning variance. In terms of topology, the shape of the site, due the 25 foot no touch buffer,
96 creates a very odd shape and the low elevation meets the conditions of the bylaw. In addition, the
97 existing home and commercial building does not meet front and side setback requirements and are
98 non-conforming uses. Atty. Connors said a metal garage will be constructed with a four foot
99 foundation wall. In addition a buffer of western red cedar will be installed as a buffer to shield the
100 building from neighboring homes, and traffic flow safety and the loading area will be formalized as
101 part of the project.
102
103 Mr. Daner asked where the new building will be constructed. Atty. Connor responded that a debris
104 pile is in the proposed location and the existing buildings, including residential, and their uses
105 establish the precondition nonconforming use of the site. The Board concluded the new building
106 will increase the nonconforming use, therefore the Variance is for the 4,000 sq. feet for the two
107 uses, and the Special Permit is for the expansion of the use.
108
109 Mr. Trefethen moved and Mr. McNulty seconded the motion to continue the Special Permit and
110 Variance hearing until May 24, 2016 at 7:30. The motion passed 6-0-0.
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112 Mr. Trefethen moved and Mr. Daner seconded the motion to adjourn. The motion passed 6-0-0.
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114 The next meeting is scheduled for May 24, 2016 at 7:00 PM.
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116 The meeting concluded at 8:45 P.M.