



Town of Ashland

MASSACHUSETTS

MINUTES OF MEETING
ASHLAND ZONING BOARD OF APPEALS
August 23, 2016

1 Present: Phil Jack, Chair
2 John Trefethen
3 Stuart Siegel
4 Tom McNulty
5 Brian Forestal
6
7 Absent: Stanley Daner, Vice Chair
8 Pete Kopecky
9
10 Guest: Atty. Adam Costa
11 Robert DiPetri
12
13

14 **Prior Meeting Minutes:** Mr. McNulty moved and Mr. Forestal seconded the motion to approve the
15 minutes of July 21, 2016 as amended. The motion passed 5-0-0.
16

17 Mr. McNulty moved and Mr. Jack seconded the motion to approve the minutes of July 28, 2016 as
18 amended. The motion passed 5-0-0.
19

20 **133 W. Union St. – Comprehensive 40B Permit:** The deliberation of the public hearing convened at
21 7:05 PM to consider the application for a Comprehensive 40B Permit at the request of Capital Group
22 Properties, Southborough MA.
23

24 Mr. Jack, Mr. Trefethen and Mr. Siegel are sitting on the hearing.
25

26 Atty. Costa, Town Counsel, provided an overview of the deliberation process and the standard of
27 review for a Chapter 40B Comprehensive Permit application.
28

29 Atty. Costa stated that the Board must first make a decision whether they are in favor of approving the
30 project with conditions, based on its location, design and compliance with zoning subject to the
31 standards the Board must adhere to. Or, the Board may deny the project outright.
32

33 Atty. Costa explained that the standards for a Chapter 40B development are based on the site design,
34 traffic and impact to infrastructure and what would occur if the project is denied or approved with
35 conditions that are deemed onerous, which the applicant would appeal to the Housing Appeals
36 Committee.
37

38 If the Board denied the project it would have to demonstrate its decision is consistent with local needs,
39 which is comprised of significant public health risks, public safety concerns, and removal of needed
40 critical open space.
41

42 If the Board approved the project with conditions or denial of waivers, the applicant must demonstrate
43 that the decision renders the project uneconomic.
44

45 The Board began its deliberations with the question whether to deny. The Board concluded that there is
46 no evidence or peer review concerns that would support a denial based on the standards.
47

48 Mr. Siegel raised concern regarding the density of the development and potential public safety impacts.
49

50 Mr. McNulty and Mr. Siegel questioned the Conservation Commission's (ConCom's) letter that
51 advised the Board to deny the waiver of the 25 foot no disturb zone buffer the applicant requested to
52 accommodate the crossover from Building A to Building B. Atty. Costa explained that ConCom's
53 input is a recommendation, and if the Board chooses to uphold the ConCom's recommendation, it may
54 do so by requiring a change of design or imposing conditions.
55

56 Mr. McNulty raised concern about the development's snow removal plans that may not be workable
57 and would have an impact on public safety.

58
59 Mr. Jack raised concern about the single egress and access road, which would also have an impact on
60 public safety.

61
62 The Board reviewed the applicant's list of waivers.

- 63
- 64 • 3.1 - Table of Principal Use Regulations, multi-family dwelling. The Board indicated that they
65 are inclined to approve.
- 66
- 67 • 3.1 - Table of Principal Use Regulations, private lodge or club house. The Board indicated that
68 they are inclined to approve.
- 69
- 70 • 4.1.1 - Front setback 40 ft. required – Building A. The Board indicated that they are inclined to
71 approve with modifications to the current design, such as a reduction of the number of units by
72 six or reduction of the sq. footage to conform to the required setback.
- 73
- 74 • 4.1.1 - Max Building Height, Residential A. The Board indicated that it intends to approve a
75 structure no higher than 46 feet or 3 stories high.
- 76
- 77 • 5.1.4. – Parking. The Board stated their intent not to approve.
- 78
- 79 • 5.1.4.3 - Parking extending into a required yard. The Board intends to approve with condition
80 for appropriate snow storage plan.
- 81
- 82 • 5.3.12.3 – Residential district permanent signs. The Board intends to approve with condition
83 concerning the signage positioning and defused gooseneck signage lighting.
- 84
- 85 • 5.7.3.1 – Erosion control. The Board intends to approve with condition of the materials used,
86 such as rip rap and appropriate plantings.
- 87
- 88 • 5.7.3.5 – Hillside areas and vegetative covering. The Board intends to approve with conditions
89 on materials used, such as rip rap and appropriate plantings.
- 90
- 91 • 5.8.3 - Clearing of land zoned residential. The Board intends to approve.
- 92
- 93 • 5.8.4 – Site alteration site plan reviews. The Board intends to approve.
- 94
- 95 • Wetlands Bylaw. The Board intends to approve with conditions.
- 96

97 Mr. Trefethen reviewed the list of general conditions discussed at prior ZBA meetings.

- 98
- 99 • Install a bus shelter on W. Union St.
- 100
- 101 • Install a crosswalk to the Senior Center, paid for by the applicant.
- 102
- 103 • Relocate the water line that runs to the Eynon-Hicks property.
- 104
- 105 • Install a street light at the entrance of the property.
- 106
- 107 • Locate dumpsters on the property in an enclosed area and placed on a pad.
- 108
- 109 • Comply with all NStar requirements for construction and ongoing operations involving the gas
110 pipeline easement.
- 111
- 112 • Work with NStar to relocate powerlines on the northeast side of the property supported by 4
113 poles.
- 114
- 115 • Limit the snow melter decibels.
- 116
- 117 • Submit a traffic management plan that is in agreement with the police chief.
- 118

- 119 • Work with town and town committees to relocate the barn, and the applicant has offered to
120 contribute 50% of the cost up to \$15,000; with the offer to expire 90 days from the expiration of
121 the appeal period.
- 122
- 123 • Install traffic warning signs on Rte. 135.
- 124
- 125 • Paint a lane strip on the driveway leaving the property with right and left turn arrows.
- 126
- 127 • Install a computer lock box and supply the police with the code for emergency access to the
128 buildings.
- 129
- 130 • Install a street light at the entrance along with traffic warning signs.
- 131
- 132 • Place a bump out at the entrance to allow for emergency entrance into the property.
- 133
- 134 • Comply with all Army Corp of Engineers requirements, concerning the handling of historic
135 structures.
- 136
- 137 • Install lighting fixtures to minimize and control glare into neighboring properties.
- 138
- 139 • Plow snow from in front of the access gates.
- 140

141 Atty. Costa read additional conditions from other Chapter 40B decisions the Board may consider, such
142 rental lottery and marketing plans for Ashland residents, and the distribution of the location of
143 affordable units in the development.

144
145 Atty. Costa will draft the Board's decision and the Board will meet to review the draft on September
146 15th at 7:02PM and will potentially meet on September 27th to approve and vote on the final draft. The
147 applicant agreed to submit a request to extend the hearing to September 29th.

148
149 **125 W. Union St. Special Permit and Variance:** A continuation of the Public Hearing convened at
150 8:05 pm to consider the application for a Special Permit at the request of Colbea Enterprises, LLC

151
152 Mr. Forestal, Mr. Siegel and Mr. Trefethen are sitting on the hearing.

153
154 Atty. Costa explained errors discovered in the process relating to requests for relief submitted by the
155 applicant, such as front and side yard setbacks and a signage Variance. Atty. Costa explained that
156 the Board may proceed with the approval of a Variance for the signage design, as the electronic sign
157 is preexisting and nonconforming. However, the applicant is required to submit a new application
158 for the nonconforming setback Variance and a Special Permit finding, and a new application for a
159 Special Permit for the modification of the nonconforming signage.

160
161 Mr. Jack moved and Mr. McNulty seconded the motion to waive the fees for the new applications.
162 The motion passed 5-0-0.

163
164 Mr. Siegel stated that the Planning Board may have already approved the signage. Atty. Costa will
165 ask the Planning Board if their approval was based on Site Plan Review.

166
167 Mr. McNulty moved and Mr. Jack seconded the motion to adjourn. The motion passed 5-0-0.

168
169 The meeting concluded at 9:20 P.M. The next meeting is scheduled for September 15, 2016.

170
171
172
173
174