



# Town of Ashland

MASSACHUSETTS

MINUTES OF MEETING  
ASHLAND ZONING BOARD OF APPEALS  
January 10, 2017

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

9 Absent: Peter Kopecky  
10

11 Also Present: Sheila Page, Town Planner  
12 Josh Chase, Assistant Town Planner  
13

14 **Minutes – 7:02 PM:**

15 Mr. Trefethen presented the minutes of September 15, 2016. Mr. McNulty made a motion to accept  
16 the minutes as presented, which was seconded by Mr. Jack. The motion passed 6-0-0. Mr. Trefethen  
17 presented the minutes of October 6, 2016. Mr. Daner made a motion to accept the minutes, which was  
18 seconded by Mr. Forestal. The motion passed 6-0-0.  
19

20 **Administration – 7:04 PM:**

21 The Board and staff discussed the schedule of the meetings and the possibility of changing the  
22 meeting night due to a staff conflict. A decision could not be reached and the matter was tabled until  
23 later in the meeting.  
24

25 **Special Permit for 33 West Union St., a.k.a. Skipton Pet Lodge LLC – 7:05 PM:**

26 Mr. Jack read the legal notice to start the hearing which is as follows:  
27

28 *Skipton Pet Lodge LLC, owner, has applied for a Special Permit under the Ashland Zoning Bylaw to*  
29 *build a non-conforming addition of approximately 600 square feet on a pre-existing non-conforming*  
30 *structure. The property is located at 33 West Union St. in the Highway Commerce District. A public*  
31 *hearing will be held on January 10th, 2017 at 7:05 PM in the Board of Selectmen's Room located at*  
32 *Ashland Town Hall, 101 Main Street, Ashland, MA.*

33 *Parties wishing to be heard on this matter should appear at the time and place indicated above.*  
34

35 The Board decided that Mr. Daner, Mr. McNulty, and Mr. Forestal would sit on this hearing.  
36

37 Brian Grossman, attorney for the applicant, presented the application and gave an overview of the  
38 project. Mr. Grossman stated that the proposed 20 foot by 30 foot addition to an existing building that  
39 is within the setback. The set back of the proposed edition is less than the required set back, but is  
40 further from the property line than the existing building. Mr. Grossman stated that this was better for  
41 aesthetic purposes.

42  
43 Mr. Jack asked for what the current non-conformities are. Mr. Grossman stated that the only non-  
44 conformities are the front setback, which is 19.8 feet from the property line. The required setback is 30  
45 feet. The closest point the proposed addition would be from the property line is 23 feet. Mr. Grossman  
46 stated that in discussions with the Building Inspector, if the proposed addition was pushed back to  
47 conform to the setback, no relief would be required. Due to the interior flow of the building, and for the  
48 exterior aesthetics, the applicant decided the addition is best as proposed. Mr. Grossman also stated  
49 that, while not before the Board, there is a change in the fenced in area and described the change for  
50 the benefit of the Board. In addition, a remodel of the garage area changing it into the main entrance  
51 was described.

52  
53 There was a discussion of the parking on the property in regards to an inquiry from the staff. The  
54 current parking is not striped, but if striped there would be five parking spots. Mr. Grossman said the  
55 parking could be expanded to eight spaces, but the applicant does not feel that is necessary as most  
56 of the customers are long term boarders and therefore most are not picking the dogs up every day for  
57 daycare, for example.

58  
59 Mr. Grossman said that Skipton Pet Lodge did not fall into a standard category for parking and  
60 therefore was under the Building Inspector's discretion. Mr. Grossman stated that there were possible  
61 parking changes looked at by the project engineer that could be implemented in the future.

62  
63 Mr. Daner asked to confirm that there were no parking spaces that would be added. Mr. Grossman  
64 responded that up to three spaces could be added, but that additional parking would not in and of itself  
65 create more capacity.

66  
67 Mr. Daner asked what the addition would add in terms of capacity. Mr. Grossman responded that there  
68 would be an increase of 20 dogs from a capacity of 40 dogs at peak times, and an additional 5 dogs at  
69 non-peak times of the year. Mr. Jack confirmed that there would be an increase in capacity of 50%.  
70 Mr. Grossman agreed. Mr. Grossman said that there are two distinct times, peak time, which is only "a  
71 handful of times per year", and non-peak time, which is about forty of the fifty two weeks. The total  
72 capacity currently is 40. Mr. Daner asked to clarify when peak times were, to which Mr. Grossman  
73 responded that it was the standard vacation weeks and some in the summer.

74  
75 Mr. Trefethen asked for an explanation of the differences between the plans that were originally  
76 submitted on October 26, 2016 and the plans that were filed today. Mr. Grossman said that the only  
77 change is that the new plans had the parking spaces drawn on the plans. There was no change to the  
78 proposal itself.

79  
80 Mr. Seigel and Mr. Grossman discussed the financial viability of the expansion. Mr. Daner asked for  
81 clarification on the outdoor space available in regards to the proposed expansion, and more  
82 information on the abutters. There was discussion between the Board and the applicant, Steven  
83 Carlin, about the space proposed for the expansion of the outdoor fenced area.

84  
85 The Board asked for clarification of the current, proposed, and allowed setbacks. Mr. Grossman  
86 replied that they are not seeking a variance, but a special permit because they are not increasing the  
87 non-conformity.

88  
89 Mr. Trefethen read Ashland bylaw Chapter 282 Section 3.3.3 for clarification. The Board discussed the  
90 bylaw, the criteria, and its application to this situation. Mr. Grossman replied that the only question that  
91 mattered for this application was "is it substantially more detrimental?"

92  
93 Mr. Grossman said this project will better serve the community by offering increased capacity to their  
94 customers, and there was a discussion between Mr. Daner and Mr. Grossman on this point.

95  
96 The applicant and the Board discussed the criteria found in Chapter 282 Section 9.3.2 of the bylaw.  
97 The applicant will be required to have the Building Inspector sign off on the parking for the building, a  
98 brief discussion of the zoning, and the requirements regarding the Conservation Commission, to which  
99 Mr. Grossman said that he had an Order of Conditions.  
100  
101 Mr. Seigel asked for clarification on the process if the property was to be converted into a single family  
102 home in the future, which the Board discussed, and responded that it would be the same procedure,  
103 i.e. a special permit.  
104  
105 Ken Shelton of Treasure Way brought up a concern about the traffic effects of the construction phase  
106 of the project, and asked if there would be a police detail. The Board and the applicant discussed that  
107 there would be no construction vehicles parked on Rt. 135 (West Union St.), and all construction  
108 vehicles are planned to be on the property. The construction of a basement, and access to, was also  
109 discussed. Mr. Shelton asked if there would be an increase of staff, to which Mr. Carlin responded that  
110 there would not be. There was also an inquiry if there was a swimming pool included in this project, to  
111 which Mr. Carlin responded that there would not be. Mr. Shelton asked the applicant if there have  
112 been any legal complaints on this or other addresses owned by the applicant. The Board and Mr.  
113 Grossman deemed that not to be relevant.  
114  
115 Mr. Seigel asked if there can be a condition that if there is a need for a traffic detail that it be at the  
116 applicant's expense. The Chair and the applicant said that would be fine.  
117  
118 Louise O'Neal, on behalf of the Dunkin Donuts at 41 West Union St., spoke in favor of the applicant  
119 and the project before the board.  
120  
121 The Board discussed whether to deliberate until the next Board meeting. The three sitting members  
122 decided that they had made their minds up and did not foresee any change in their decision.  
123  
124 Mr. McNulty stated that due to the simplicity of the application and the fact that the non-conformity was  
125 not being expanded. He could find no negative aspect to this project.  
126  
127 Mr. Daner added that he agreed that there should be a stipulation that the applicant should be  
128 responsible for a police detail if necessary.  
129  
130 Mr. Forestal could find no problems with the proposed project.  
131  
132 Mr. Trefethen added that the Board should make sure to add the condition that the Building Inspector  
133 should sign off on the parking, and that the standard paragraph to comply with all other relevant  
134 Boards should be included. He also felt that the six afore mentioned criteria found in the Ashland  
135 bylaws should be part of the reasoning for the approval. The Chair stated the condition that  
136 construction vehicles should only park on the premises.  
137  
138 Mr. McNulty made a motion to close the hearing with Mr. Forestal seconding. The Board voted to 6-0-  
139 1 close the hearing at 7:56 PM. Ms. Choudhury abstained as she came late to the hearing. [Phil, do  
140 just the votes of the sitting members count? Also, Smriti did not state she abstained, she just didn't  
141 vote. Is that enough to say she abstained?]  
142  
143 The Chair called for a vote on the special permit application. Mr. Forestal, Mr. McNulty, and Mr. Daner  
144 voted to approve the application for special permit subject to the conditions outlined.  
145  
146 **Administration – 7:58 PM:**  
147  
148 The Board welcomed Smriti Choudhury.

149  
150 Staff and the Board discussed the date of future meetings. The decision was made and agreed on to  
151 have the meetings on the second Tuesday of each month, with the fourth Tuesday as needed. Staff  
152 attendance was also discussed.  
153  
154 A hearing was scheduled for January 24, but there was a conflict. Because the meeting was already  
155 posted in the paper, the Board will meet on the 24<sup>th</sup> of January, open the hearing, and continue  
156 immediately. The decision for the application for 33 West Union would also be signed on January 24<sup>th</sup>.  
157  
158 Mr. Seigel and the Board discussed a member that does not attend the Board meetings any longer.  
159 The Chair stated that he would ask for that member's resignation.  
160  
161 The Chair asked if there was a motion to adjourn. Mr. McNulty put forth a motion to adjourn and was  
162 seconded by Mr. Daner. The Vote was unanimous. The meeting adjourned at 8:13 PM.