



Town of Ashland

MASSACHUSETTS

Planning Board Meeting Minutes

Remote via Zoom Video Conferencing

May 26, 2022, at 7:15 PM – Approved at July 14, 2022 meeting

1 Present: Tricia Kendall, Chair
2 Anna Tesmenitsky
3 Deepa Venkat
4 Marcelo Arjona
5 Catherine Jurczyk
6 Kevin McClean
7
8 Others: Peter Matchak, Town Planner
9 Emma Snelling, Asst. Town Planner
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11

12 **Call to Order**

13 Tricia Kendall called the meeting to order and reviewed the meeting agenda.
14

15 **100 Chestnut Street Special Permit and Site Plan Review – Continued from May 12, 2022, meeting**

16 Ms. Kendall reopened the hearing. Mr. Matchak provided an update on the project's status and
17 said tonight's focus will be on the land and the approval not required (ANR) plan.
18
19

20 Todd MacDowell, from Baystone Development, asked to review the solar layout, and the bus
21 shelter schematic designs. The members responded that the Design Review Committee (DRC) will
22 review these items.
23

24 Ms. Tesmenitsky asked for clarification regarding the 21,000 sq. ft. of commercial space noted in
25 the letter submitted by the Fafard Co. Jeff Roelofs, the attorney representing the Fafard Co.,
26 explained that the specific allocation of commercial space pertained to the Site Plan for mixed-use
27 the Planning Board approved in 2006. He also explained its relevance to the current project and
28 said there was no mandatory, or legal requirement for the modified build-out to include a 21,000
29 sq. ft. commercial space component.
30

31 Mr. Matchak asked, and Todd MacDowell agreed to a continuance of the Site Plan review until the
32 first Planning Board meeting in June 2022.
33

34 Ms. Tesmenitsky made a motion to continue the 100 Chestnut St. Site Plan review public hearing
35 until June 9, 2022. The motion was seconded by Mr. Arjona; Venkat-aye, Tesmenitsky-aye, Arjona-
36 aye, and Kendall-aye; with a vote of 4-0-0.
37

38 **100 Chestnut Street Approval Not Required (ANR) Plan Endorsement**

39 Mr. Roelofs reviewed a presentation related to an application for endorsement of the 100 Chestnut
40 St. ANR plan. He explained that the site consists of two existing lots, as defined in the ANR plan
41 from 2011. The three existing commercial buildings sit on the corner lot owned by a Fafard
42 affiliate. The remainder of the parcel, Lot 2a2, is owned by another Fafard affiliate, and the large
43 part of it was built out with multi-family units. The land surrounding those units was dedicated,
44 through the condominium statute, to the Freedom Village condominiums. Mr. Roelofs said the
45 ANR would create lot lines across the front portion of the property to create Lot A, a 6.16-acre
46 parcel, to accommodate the Baystone mixed-use project that is under review. He stated that Lot B,
47 owned by the Fafard Co, is an open space non-buildable lot, as designated on the plan, and Lot C is
48 the 6.74 acres already dedicated to the Freedom Village condominiums.

49
50 Mr. Roelofs referenced the Ashland zoning bylaw Sections 8.6.6.1 and 8.6.6.2. He explained that
51 the memo to Town Counsel, Lisa Mead, dated April 15, 2022, and submitted to the board was
52 pertaining to whether the area requirement specified in the Section 8.6.6.2 must be met by each
53 individual lot that a residential dwelling is constructed on within Area A. He concluded that the
54 intent of Section 8.6.6.2 is an Area A density provision for multi-family units to be constructed
55 within up to 75% of the residential portion, and not a square footage requirement for individual lot
56 areas within Area A.

57
58 Mr. Roelofs reviewed the highlights of the memo that included the history of how the Section
59 8.6.6.2 zoning bylaw language evolved, the Village of the America's permitting history, and the
60 interpretation of the covenant. He asked the members to endorse the ANR plan based on his
61 interpretation of the bylaw.

62
63 Mr. Matchak concurred with Mr. Roelofs' interpretation and the Lot Area calculations outlined in a
64 memo to the Planning Board dated May 10, 2022.

65
66 Ms. Mead explained that the use of the terms "individual lots" and "lot area" throughout Section
67 8.6.6.2 of the bylaw precipitated the need for the review of its legislative history, and she agreed
68 with Mr. Roelofs' conclusion. She felt that when the term individual lots was added into the
69 Wildwood Mixed-use District it was defining individual lots for single-family homes, versus the
70 larger lot area, such as Area A. Ms. Mead also felt the calculation of the 75% equaled almost
71 exactly the 328 units, and given the past Planning Board's approvals, she supported the
72 conclusion. Therefore, she stated the plan before the board meets the frontage and area
73 requirements as required under the ANR.

74
75 There was a brief discussion regarding Lot B, the designated unbuildable open space area. Mr.
76 Roelofs speculated that in the future the Fafard Co. may deed it over to the condominium
77 associations. Also, he was fairly certain there was no loophole that would allow future
78 development on it.

79
80 The members concluded that the memo and presentation regarding the ANR plan laid out the
81 intention of the bylaw, and approval was the appropriate next step. They thanked the applicant for
82 providing a thorough explanation.

83
84 Ms. Tesmenitsky made a motion to continue 100-130 Chestnut St. ANR plan dated May 18, 2022.
85 The motion was seconded by Mr. Arjona; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye,
86 and Kendall-aye; with a vote of 5-0-0.

87
88 **501 Pond Street Special Permit and Site Plan Review – Continued from May 12, 2022, meeting**

89 Ms. Kendall reopened the hearing and explained that Anna Tesmenitsky is a direct abutter, and
90 therefore has recused herself from the hearing. Kevin McClean, the associate Planning Board
91 member, will fill the fifth voting member seat.

92
93 Mr. Matchak provided an update on the application's status and explained that tonight's discussion
94 would focus on the architectural rendering that shows the proposed development's scale in
95 relationship to the existing surrounding buildings.

96
97 Ben Steven, from Trask Development, reviewed the sustainable development principles requested
98 by the board and included in the presentation package. He mentioned the most significant
99 sustainability factor was that the area already had adequate infrastructure, including water, sewer
100 drainage, gas, and electric utilities. The proposed building will be electric, with a solar array system
101 on the roof. The landscaping will include rainwater capture and rain tolerant species.

102
103 Matt Marotta, from ICON Architecture, reviewed renderings that showed the building's elevations
104 and said it was consistent with the adjacent buildings' elevations.

105

106 Ian Ramey, a landscape architect from Copley Wolff Design Group, reviewed the revised tree
107 placement along the driveway to accommodate emergency vehicle access, the curved wooden
108 arbor structure, and the angled walkway placement within the woonerf. Mr. Ramey also talked
109 about the site's dark sky-friendly lighting plan, and the planting materials that include native
110 deciduous tree species, shrubs, and perennials.

111
112 Mr. Marotta reviewed the roof plan that illustrated the location and position of the potential solar
113 areas and roof condensers. He noted their concern regarding the acoustics, ensuring the
114 equipment's soundproofing, and explained that the equipment will also be screened by the
115 mansard sloped roofs. Mr. Marotta reviewed the building's elevation from the perspective of
116 various sightlines and noted that the 4-story building appears to be 3.5 stories and its scale and
117 massing are similar to the surrounding buildings. He noted that the continuous hedge will mitigate
118 headlight and light pollution projected from the property.

119
120 Mr. Marotta clarified that the distance between the building and the closest neighboring
121 residential building is approximately 180 ft.

122
123 Mr. Matchak reported that the project would be submitted to the DRC on June 2, 2022, and Ms.
124 Kendall suggested that the members outline items for the DRC to evaluate.

125
126 Regarding the plan, the members suggested the need for greater visual delineation between the
127 residential and commercial areas, and additional design elements to make the commercial space
128 more distinctive. They recommended planning the order and location of the gutter system
129 downspouts. They also asked that the actual exterior building color samples be made available for
130 viewing at the Town Hall.

131
132 Regarding the sewer utilities, Mr. Matchak explained that GCG Associates, the third-party reviewer,
133 will confirm there is adequate capacity. He also noted that this project includes completing a 20 ft.
134 sewer connection to allow gravity-fed wastewater to flow from the Old Colony pumping station to
135 the Bracket Rd. pumping station.

136
137 Ms. Kendall opened the meeting for public comments.

138
139 Mark Dassoni, 49 Hawthorn Rd., asked about the building façade above the commercial space, and
140 felt the retail space design change the applicant made was pleasing.

141
142 The members concluded that the project's design is headed in the right direction, but added that it
143 would be appealing if the applicant would considering a play area in the rear of the site, and noted
144 that they would examine the parking plan in more depth at an upcoming hearing.

145
146 Ms. Kendall made a motion to continue the 501 Pond St. Special Permit and Site Plan Review public
147 hearing until June 9, 2022. The motion was seconded by Mr. Arjona; Venkat-aye, McClean-aye,
148 Arjona-aye, Jurczyk-aye, and Kendall-aye; with a vote of 5-0-0.

149
150 **320 Pond Street Site Plan Review**

151 Ms. Kendall opened the 320 Pond St. Site Plan public hearing for Mazi restaurant, and Mr. Matchak
152 read the public notice.

153
154 Zach Siarkos, the applicant, explained that Mazi's is seeking approval to continue using their
155 extended outdoor seating. He noted that there are 74 seats in the outdoor dining area, the
156 perimeter has flowers and planters, jersey barriers protect the seating area from the parking lot,
157 and a commercial grade tent with sides covers the seating. Mr. Siarkos pointed out that the tent is
158 vital in protecting the seating from dust from the Pond St. construction.

159
160 Mr. Matchak explained that the applicant is only seeking approval of the tent for three years, as it
161 is intended to be an interim solution. The members asked for assurance of a plan to replace the
162 tent by the end of that period, but they were willing to provide the restaurant with time to recoup
163 from the pandemic.

164
165 The members discussed that safety features were addressed, and recognized that the site is faced
166 with the hardship of the construction in the area. They also noted that the permitting of the tent
167 falls under the Code of Massachusetts Regulations (CMR) and Ashland’s Building Commissioner’s
168 purview.

169
170 Ms. Tesmenitsky made a motion to continue the 320 Pond St. public hearing until June 9, 2022. The
171 motion was seconded by Ms. Venkat; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and
172 Kendall-aye; with a vote of 5-0-0.

173
174 **Reports from Board Members and Town Planner**

175
176 ***Administrative Matters: future meetings, public hearings***

177
178 **Board Reorganization**

179 Mr. Matchak explained that the Planning Board’s officers’ yearlong terms ended today. He
180 welcomed Ms. Jurczyk and Mr. Arjo, as they won the 3-year and 5-year seats, respectively. He also
181 thanked Mr. McClean for his participation as an associate member.

182
183 Ms. Venkat made a motion to nominate Tricia Kendall as the Chair of the Planning Board. The
184 motion was seconded by Mr. Arjona; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and
185 Kendall-aye; with a vote of 5-0-0.

186
187 Ms. Venkat made a motion to nominate Anna Tesmenitsky as the Vice-Chair of the Planning Board.
188 The motion was seconded by Mr. Arjona; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye,
189 and Kendall-aye; with a vote of 5-0-0.

190
191 The members agreed to eliminate the Clerk position.

192
193 **Bond Release for Signature Estates II**

194 Mr. Matchak explained that the Signature Estates II bond release is regarding Royal Colony Rd. and
195 the cul-de-sac that was developed by the Fafard Co. and accepted by the town in 2018. A
196 \$5,000.00 bond was in place to ensure a grading issue in the area of the cul-de-sac was addressed.

197
198 Mr. Matchak read into the record an email from Doug Small, DPW Director that confirmed his
199 approval of the bond release.

200
201 Ms. Jurczyk made a motion that the Planning Board release the bond for Signature Estates II. The
202 motion was seconded by Ms. Tesmenitsky; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye,
203 and Kendall-aye; with a vote of 5-0-0.

204
205 **Applications Received**

206 Mr. Matchak reported on the following items.

207
208 Updated renderings of 12 Pond St. were received of the building’s front façade that he will circulate
209 to the members.

210
211 An appeal was received on the 311 Pleasant St. decision concerning the solar project Special
212 Permit. The Special Permit approval was denied by the Planning Board, given a super majority vote
213 was not reached, 3-2-0.

214
215 **Future Retreat Date**

216 A survey was sent to the members to determine if June 29, 2022, is the best date to schedule the
217 next Planning Board Retreat.

218
219 **Discussion of Application Review and Design Review Committee Communication**

220 Mr. Matchak drafted memos to the DRC for 100 Chestnut St. and 501 Pond St. that outlined the
221 items that required their vetting.

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Return to In-person Meetings – July 15, 2022

The legislation order regarding remote meetings expires and if there is no action from a legislative level to extend the order the Planning Board will resume in-person meetings on July 15, 2022. The possibility of hybrid meetings is still to be determined.

Approval of Minutes

The members provided edits for the minutes of February 16, 2022, March 3, 2022, March 23, 2022, March 31, 2022, and April 14, 2022.

Ms. Tesmenitsky made a motion to approve the minutes of February 16, 2022, as amended. The motion was seconded by Ms. Tesmenitsky; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and Kendall-aye; with a vote of 5-0-0.

Adjournment

Ms. Kendall made a motion to adjourn the meeting at 11:05 pm. The motion was seconded by Ms.; Venkat-aye, Tesmenitsky-aye, Arjona-aye, Jurczyk-aye, and Kendall-aye; with a vote of 5-0-0.