

BRUCE SALUK & ASSOCIATES, INC

CIVIL ENGINEERING & LAND SURVEYING

September 21, 2022

Mr. Peter Matchak, Town Planner & Director of Planning
Town of Ashland
101 Main Street
Ashland, MA 01721

RE: Site Plan Review and Special Permit—Mixed Use Development
501 Pond Street
BSA File #2874

Dear Mr. Matchak:

We have received the Peer Review comments from GCG Associates, Inc., dated August 16, 2022. Below are the Peer Review comments in bold, with dashed lines delineating the original GCG comment from June 22, 2022, and the current GCG (08|16|22) comment; followed by our responses, in italics. The previous resolved comment items by GCG are not listed below.

SITE PLAN

2 – Existing Conditions Preliminary, C0.1

- 4. Provide legal opinion for the applicant’s right to include the private road “Converse Way” in the development.**

Applicant should provide legal proof of discontinuance of Converse Way / Meeting House Path (private portion) right-of-way and sole legal ownership of the discontinued right-of-way and right to utilize the southerly Converse Way, including Parcels “C” and “E” as their development property line. GCG recommends Town Council offer a legal opinion for the ownership of the Converse Way and review the applicant’s legal responses.

Refer to the Town Council legal opinion by Lisa Mead, Esq., under separate cover.

3 – Layout Plan, C1

- 1. 8.8.6.3, 8.8.6.7.2, and 8.8.7.1.b. - Proposed 120 residential dwelling units are based on 8.8.6.3 Density - 90 units at one residential dwelling unit per 2,000 sf. of “buildable lot area” and additional 30 bonus units under 8.8.6.7.2 or 8.8.7.1.b. The Converse Way’s 22,286 sf. as “buildable lot area” should be clarified by legal opinion(s). Common Open Land area should be calculated and defined on the plan, if used for density bonus. Density Bonus units require SPGA approval.**

As stated in the deed B22910 P222 that “ Lots 2A and 2D are conveyed with the right and easement to use that private way labeled as Meeting House Path, and Parcel “C” (1697 +/- sf) and Parcel “E” (as 95 +/- sf), all as shown on said plan, in common with others lawfully entitled thereto, for all purpose as streets, roads, and ways are commonly used in the Commonwealth of Massachusetts. Grantor reserves the fee interest in the private portion of meeting House Path and Parcel “C” and “D”. Based on this paragraph, this private portion of Meeting House Road was laid out as a right-of-way for street, road, and way uses purpose. GCG felt that the “buildable lot area” issue was not clearly addressed on the Mark A. Kablack Memorandum’s response. GCG recommends having Town Counsel to review the legal responses. Bonus units could be approved by the SPGA under 8.8.7.b. The layout/easement should be included on the plans to show the relationship to parking and the buildings.

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Refer to the legal opinion by Mark Kablack, Esq., under separate cover.

2. **5.2.1 – Loading area for nonresidential building or use is required. Loading area should comply with Sections 5.2.6 and 5.2.7. Unless approved by the SPGA through Section 5.2.8.**

No loading area proposed, GCG interpreted the Ashland Zoning By-Law Section 5.0 – ‘General Regulations’ are applicable to all projects and Section 5.2.1 stated that the loading area requirements are based on the nonresidential building or use, not by Zoning District. But Mr. Mark A. Kablack’s July 29, 2002, response email disagrees with GCG’s interpretation. GCG recommends seeking Town Counsel’s offer an opinion. Nevertheless, loading area requirements could be approved by SPGA under Section 5.2.8.

Refer to the legal opinion by Mark Kablack, Esq., under separate cover.

3. **The proposed standard and compact parking stalls dimensions are 9’ x 18’ with 24’ wide driving aisle and 8.5’ x 16’ with 22’ wide driving aisle, respectively which do not meet the standard parking space dimensions requirements. Ashland Zoning By-laws currently do not have a compact parking space policy. Section 10 - Parking Space definition requires minimum 9’ x 20’ parking stall dimensions. Parallel parking space as shown scaled between 17’ to 20’ length by 8’ wide, also not complying with the parking space definition. In addition, GCG recommends parallel parking space should have a minimum length of 22’.**

The 90-degree parking stall dimension have been revised to 9’ x 18’, which is below the 9’ x 20’ dimensions required, Board waiver is required. GCG recommends maintaining the standard 9’ x 20’ parking stall dimensions. GCG recommends minimum module dimension (face of curb to face of curb) of 62’ to prevent bumper overhanging over sidewalk. In addition, the southeasterly middle parallel parking space scaled 19’ in length and 4 of the easterly middle parallel spaces between the two crosswalks were scaled 20’ length. GCG concurs that a minimum of 20’ parallel parking stall length for the end spaces and a minimum of 22’ length for the interior parallel spaces as recommended by MDM. and MUTCD 2009, (Manual on Uniform Traffic Control Devices).

The applicant has discussed the above with the Planning Board; both the 60-foot parking row width and the 9’x18’ parking space size have been accepted. The 20’ and 22’ long parallel spaces at the end and middle spaces; respectively are now shown on the plan.

4. **Converse Way is a private way with rights granted to the abutting parcels. It appears to be the only obtainable frontage for the Ronald A. Golz property, Map 30 Lot 0001. The proposed parking layout and retaining wall is within the Converse Way right- of-way will affect Map 30 Lot 0001. The right to develop the proposed parking spaces in front of the Meeting House Path edge of pavement and within the Converse Way right- of-way should be clarified by legal opinion(s). Layout, building setback and parking space setback to street (Converse Way) requirements should be determined by the legal interpretations. Legal process of discontinuance of Converse Way and owner should be determined.**

Based on Mark A. Ka black’s Memorandum and Deed Book 22918 Page 220, which stated that “Lots 2A and 2D are conveyed with the right and easement to use that private way labeled as Meeting House Path (now Converse Way), and Parcel “C” (1697+/- sf) and Parcel “E” (as 95+/- sf), all as shown on said plan, in common with others lawfully entitled thereto, for all purposes as street, roads, and ways are commonly used in the Commonwealth of Massachusetts. Grantor

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reserves the fee interest in the private way portion of Meeting House Path and Parcel “C” and “E”. this wording stated that the Meeting House Path/Converse Way was laid out as a private right-of-way, also known as Paper Street. Where all abutting properties have right to pass and repass and improve the roadway, if exercised could eliminate all the proposed site parking spaces within this right-of-way. And the Grantor still has fee interest in the right-of-way. Furthermore, portion of the existing (public section) Meeting House Path pavement is already within the Converse Way layout and exercised their right to utilize the Converse Way for vehicle turnaround maneuvering. And this development will further restrict the Meeting House Path’s passage right through the right-of-way. which should be addressed. In typical land development, an abandoned paper street will be divided along the center line of right-of-way and distributed or claimed by the abutters. As proposed, the steep slope and retaining wall along the southerly Converse Way right-of- way has restricted access right from the abutting property (Parcel 2D). Furthermore, the right of this project site access to Parcel 2A should be clarified. The Deed proved that Parcels 2A and 2D have right to access the Converse Way, but not this development’s (Converse Way will become part of this development) access right to Parcels 2A and 2D. GCG believe the proposed driveways and walkway connections to Parcels 2A and 2D should require access easements or restriction for liability purpose. GCG recommends having the Town Counsel to review the applicant’s legal responses and the ownership and development right over the private right-of-way.

Refer to the legal opinion by Mark Kablack, Esq., under separate cover.

5. 5.4.4. (1) & (3). – Interior Landscaping in Parking Areas. Parking areas shall be broken into 25 spaces cells, landscape island and buffer shall have a minimum area of 150 sf. and minimum width of 8’ and contain 1 tree per 100 sf.

Based on the 06/09/2022 Landscape Plan (L-100 & L-200), plant screening is proposed at the Meeting House Path pavement area within the Converse Way, please clarify. Proposed southerly property line (along Converse Way southerly right-of-way) trees have been eliminated and not meeting 5.4.4. - ‘one tree per eight spaces. Trees shall be in any case not further than five feet from the parking cell.’ There are abundant of trees proposed along the northerly property line, but only two trees in front of the northerly building face. The proposed number of trees along Pond Street frontage exceeded the requirements. There are some discrepancies with plan sheets L-100, L-200, and Site Plan C-1 at the walkway/stair connection to the southerly property line, which should be addressed. The number of proposed trees exceeded the 1 tree per 8 parking spaces requires. Tree locations should be reviewed and approved by the Board. The parallel handicap accessible spaces do not comply with ADA/AAB requirements and should be eliminated. Lower-level elements as shown should be reviewed and approved by the Board.

Refer to response by Landscape Architect under separate cover.

9. EV charging spaces may be used by anyone and must not be reserved for persons with disabilities. Therefore, do not install markings or signage restricting the space to ADA accessibility only. Per “MassEVIP Direct Current Fast Charging (DCFC) Program Requirements” Accessibility section. The two HC/EV spaces would not qualify for the required 6 handicap accessible spaces. Two additional HC spaces should be provided.

At a minimum, 1 EV parking space should conform with the HC spaces requirements, but not be reserved for persons with disabilities, per “MassEVIP Direct Current Fast Charging (DCFC) Program Requirements” and U.S. Access Board recommendation for Accessible EV Charging

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Stations standards.

The site now includes one (1) EV parking space conforming to the HC space requirements.

- 12. Portion of the proposed wheelchair access at the west end of the south parking lot is in the abutters private property crossing Golz and outs**

The proposed access to the south abutter's property is subject to approval by the owner. See Note #6 on Sheet C1.

4 – Grading Plan, C2

- 2. Proposed curb openings require a MassDOT State Highway Access Permit. Additional drainage improvements may be required by MassDOT.**

MassDOT Permit required.

Said requirement is noted in on Sheet C2, Note 7b.

- 3. The 260 contour should be provided at the easterly parking area (in front of proposed building).**

Show 260 contour on the northerly parking area.

The 260 contour has been added to the north parking lot.

- 5. Even though the parking areas are relatively flat. GCG recommends calling out the handicap accessible parking space and access path should have a maximum 2% slope at any direction requirements.**

Applicant and contractor should be responsible to assure accessible parking space and access route not to exceed the maximum 2 % cross slope.

Note 8b on Sheet C2 has been added to address this requirement.

- 6. The proposed walkway at the southeasterly building corner toward south has a 6.7% slope in front of a wheelchair ramp and should be addressed.**

A walkway with stairs has been proposed to connect to the Golz property (Plan Book 22918 page 220, Parcel 2D), Counsel Kablack's document shown that Parcels 2A and 2D's right to the Converse Way. Counsel should also clarify the right of this development's walkway and driveway connection to Parcel 2D without the benefit of an easement and the legal ownership of the Converse Way layout. Proposed walkway connection does not meet ADA/AAB requirements. GCG recommends seeking Town Counsel's opinion.

Refer to the legal opinion by Mark Kablack, Esq., under separate cover regarding Converse way. The proposed access walkway to the south abutter's property is subject to approval by the owner. See Note #6 on Sheet C1. Proposed spot grades, along the accessible route that is shown crossing the west side of the south parking lot, have been added to Sheet C2 to demonstrate the proposed accessible route is below 5%. The applicant will be seeking approval from the ABB and the south abutter for this walkway connection.

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7. **Verify the southerly access to the Ronald A Golz parcel (Map 30, Lot 0001), the spot grade as shown creates a 9+/- percent slope driveway connection. Provide transitional curve to avoid abrupt grade changes.**

GCG measured the slope between proposed 256- contour to the 254.6 existing spot grade at the property line with 9.3% slope in 15 feet, with 5.7 % cross slope at the intersection and should be addressed. These steep grades could cause vehicles to bottom out at the steep grade transition.

The east driveway connection between the proposed development and the abutting south property has been redesigned to flatten the slope from 9% to 7%. This was achieved by tapering the driveway grade into the south property. The grading modification and both walkway connections to the south abutting property are subject to approval by the abutter. The walkways are also subject to approval by the Architectural Barriers Board.

8. **Provide top of curb and bottom of curb spot grades to indicate wheelchair ramp locations.**

The handicap parking areas are relatively flat, applicant and contractor should be responsible for the construction of wheelchair ramps in compliance with the ADA/AAB requirements.

Note 8b has been added to Sheet C2 stating this requirement must be met.

5 – Drainage Plan, C3

6. **Resident Courtyard TU#1 is missing YD#2 inlet invert (254.71), verify outlet invert 254.72, which is higher than the YD#2 inlet, Stormceptor STC 450i detail (plan sheet C- 10) detail shown 3” drop between inlet and outlet.**

The inverts mentioned above have been revised on Sheet C3.

7. **The rain garden filter section (shown on sheet C-7) specified 12” of filter soil. MSH requires a minimum of 30” of soil media to qualify for nitrogen removal.**

The rain garden has been relocated to the northeast area of the site, where the 30-inch filter depth is now provided. The rain garden has been increased in size and will only receive flow from pervious areas.

8. **Verify OCS outlet invert and adjust outlet pipe slope accordingly, outlet invert as shown, drainpipe is back pitched.**

The OCS outlet invert has been revised on Sheet C3.

7 – Truck Access Plan, C5

1. **Show sight distances for both curb openings. MDM Traffic Memo stated that the sight distance at the Converse Way location meets the safety sight distance requirements. Analysis for the north access required.**

MDM stated that the south access curb opening meets the safety sight distance requirements. No additional analysis was provided for the proposed north side curb access. Based on the aerial image and Pond Street layout, GCG does not anticipate any sight distance issues at the proposed north driveway intersection. Unless the Board requires the applicant to provide a

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statement.

No response to the above statement is required.

9 – Details, C7

1. **The storm drain manhole should be equipped with 4,000 psi cement concrete inverts and table, similar to MassDOT construction standards.**

Show 4,000 psi concrete manhole channel, (like Sewer Manhole Channel shown on plan sheet C-9, but with concrete).

The Drain Manhole detail has been revised to include 4,000 PSI concrete.

5. **Parking Dimensions – parking spaces should be 20' x 9', Zoning - Section 10 – Definitions.**

The 9'x20' stall dimension has been enforced within the past few years, including Town of Ashland's own school project. However, drive aisle width is not specified in the By-Laws. GCG recommends a minimum of 22 feet aisle width for this site application based on MHD Highway Design Manual 1989.

According to the applicant, the Planning Board has approved the 9'x18' parking space size.

8. **A Rain Garden Filter Section (-Filtering Bioretention Area-) was added. Rain Garden soil media (labeled Filter Soil) does not meet the minimum 30" depth to qualify for nitrogen removal credit.**

The rain garden has been relocated and the depth is now 30".

11 – Details, C9

2. **Rename "Trench Drain at Loading Dock", loading dock was not proposed.**

The detail name has been revised.

ARCHITECTURAL AND LANDSCAPE PLAN

The landscape plan shown on the Architectural plan set and the Schematic Landscape Plan by Copley Wolff Design Group, were without plant and tree counts and species specifications and should be updated.

L-200 - Two trees in front of the southerly building face were not labeled. There are discrepancies between the L-100, L-200, and C1 at the walkway connection to the southerly property line and should be addressed.

Refer to the response by the Landscape Architect under separate cover.

LIGHTING PLAN

9.4.4.8. Lighting Plan (Photometric) is required. The lighting plan should include the pole and lighting fixture details, mounting height and style. An outdated lighting plan by Grady Consulting, LLC. dated October 26, 2021, was filed. However, the parking layout has been changed and that plan shown proposed lighting on Ronald A Golz's property.

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Landscape Photometric Plan L- 300 shows a pole mounted fixture height at 16'. Lighting fixture and pole cut sheets should be included in the submittal for the Board's review. Some light spillages (footcandle) were shown on the north and south sides property lines. GCG recommends installing additional shield to reduce the spillage along the property lines. The spillage at the Converse Way entrance would be overpowered by the existing Pond Street streetlight.

Refer to the response by the Landscape Architect under separate cover.

TRAFFIC IMPACT ASSESSMENT (TIA) MEMORANDUM

- 1. The report was based on August 2021 traffic volume count, during school summer break. Adjustment should be provided for the school traffic impacts during the weekday morning and evening peak hours.**

Not addressed.

Refer to responses by MDM Transportation Consultants, Inc., under separate cover.

- 2. The commercial use trip generation was based on "Land Use Code (LUC) 712 – Small Office Building" use. Any uses by right in the Highway Commercial (CH) zoning district is permitted for the commercial portion (6,800 sf.) of this development. Hence, the actual commercial uses of this site may affect the total trip generation.**

Not addressed.

Refer to responses by MDM Transportation Consultants, Inc. under separate cover

- 3. The "MEMO: Demographics report from Ashland Woods – requested by members of public at 4/28/22 Planning Board hearing" in file, estimated 0.167 school aged children per unit based on the Ashland Woods October 2021 leasing report which translates to 20.04 school aged children from the proposed 120 dwelling units.**

GCG statement.

The above statement does not require a response.

- 4. Currently the Town of Ashland schools does not have any buses route through this part of Pond Street. New routes will be required to serve this development.**

GCG statement.

The above statement does not require a response.

- 5. The proposed two curb opening access would be subject to MassDOT State Highway Access Permit approval.**

GCG statement.

The above statement does not require a response.

6. The latest MDM Memorandum dated August 3, 2022, only responded to the loading area comment and the standard spaces stall dimensions. GCG concurs that the commercial space may not require a dedicated loading area. GCG does not recommending the proposed 9' x 18' parking stall dimensions. Zoning By-Law's definition of parking space is 9' x 20'. The Board had recently enforced the David Mindess Elementary School in 2021 (a Town of Ashland public school project) to comply with the parking stall requirements.

According to the applicant, the Planning Board has approved the use of the 9'x18' parking spaces.

STORMWATER MITIGATION REQUIREMENTS

2. Chapters 247.4.C. & 343 - Stormwater Management requires no increases of stormwater runoff volume for the post-development in comparison with the pre- development conditions. A summary of the pre-development and post-development runoff volume comparison should be provided for all four study storm events. Based on the HydroCAD reports, there were increased post-development runoff volumes during the 10-year, 25-year, and 100-year storm events, net increase of 0.131 acre-feet (AF.), 0.145 AF., and 1.035 AF., respectively.

Based on the Addendum#1 Stormwater Management Report, there are net increase of 0.165 AF, 0.182 AF and 0.183 AF runoff volumes during the 10-year, 25-year, and 100-year storm events, respectively. Both Chapters 247 & 343 - Stormwater Management are under Conservation Commission's jurisdiction. GCG's comments were based on the Zoning By-Laws compliance for the Board, Conservation Commission, and all other Town Departments for consideration. Since these are local By-Law requirements, waivers would be required. GCG concurs that the groundwater recharge volume provided meets the MSH requirements. As for the referenced 2014 Mindess Elementary School stormwater report did not meet the current Stormwater Management standards. The 2021 David Mindess Elementary School project (currently under construction) is a re-development and new-development project, which was required to meet the no post-development runoff volume increase requirements. That project had managed to control the volume increase to within 0.01% to 0.02% during the 25-year and 100-year storm events, respectively. And considered acceptable.

The chamber system has been expanded to meet the no net increase in runoff volume requirement from the site. Refer to Addendum #2, where the revised stormwater calculations are provided.

3. 343-8.1.6. (a.) – Requires BMPs must be designed to remove 80% of the average annual post-development total suspended solid (TSS) and 40% for total phosphorus (TP), and 30% for total nitrogen (TN). The proposed subsurface structures (Chambers with WQI unit pre-treatments) do not have sufficient data for MassDEP to determine nutrients (TP, TN) removal rate. Therefore, the subsurface structures should be sized to capture the prescribed water quality volume (1-inch times the total impervious area for rapid soil site).

GCG concurs that the proposed stormwater management system meets the MSH's 1" WQV requirements. However, Chapter 343-8.1.6 called out BMPs must be designed to remove 40% TP and 30% TN pollutants. The Massachusetts Stormwater Handbook (MSH) stated that there is insufficient data to support the Subsurface Structure (as the proposed subsurface chambers system) BMP's pollutant removal efficiencies. Current MSH only recognizes surface treatments BMP can remove nutrient pollutants. The 343-8.1.6 (a) recommended capturing the prescribed water quality volume appears to be consistent with the EPA Region 1's BMP performance analysis. Chapter 343 is also a local requirement that could be waived by the Conservation

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Commission.

Although the rain garden was designed to remove TP and TN, the other stormwater treatment devices do not. Therefore, a waiver to the requirement will be requested.

- 4. The proposed 13 inlets with catch basin open grate meet the required 44% TSS removal prior to discharge to infiltration structures with rapid exfiltration rate.**

GCG statement.

No response to this statement is required.

- 5. The applicant should provide a drainage study to demonstrate compliance with Chapter 247 and 343. Which requires project to meet current MSH requirements and control the post-development runoff volume not to exceed the pre-development conditions. There was a predetermined discharge flow allowance to the drainage parcel Map 14 Lot 21 for detention. The applicant should provide calculations showing this project meeting the predetermined runoff allowance.**

GCG recommends applicant to provide a pre- development and post development runoff volume comparison for all four storm analysis events for the Board and Conservation Commission to consider.

This has been provided in Table 4-2, in Addendum #2, of the Stormwater Management Report. The chamber system has been expanded to meet the no net increase in runoff volume requirement from the site.

- 6. 343-7.06.17 requires an Operation and Maintenance plan for this project.**

A Post-Construction Long-Term Operation and Maintenance Plan has been provided in the SW Report as well as Addendum #2.

- 7. Sub-catchment and pipe capacity analysis and WQU sizing calculations should be provided.**

The proposed Stormceptor water quality units (WQU) calculations TSS removal rating as shown were based on the manufacturers claim. The sizing calculations were appropriate. However, GCG can only accept 50% TSS removal rate per NJDEP approval document dated August 31, 2011 (concurrent by MassDEP). Which exceeded the MSH 44% pretreatment requirement.

The TSS calculations have been revised and are using 50% TSS removal for the proposed Stormceptors.

- 8. Operation and Maintenance (O&M) Plan, Long Term. – Water Quality Structures/Inlet, (WQI) Structures. There should be a total of 13 units, (9A and 9B) should be counted as two units. O&P plan referenced the WQI units be CDS units manufactured by Contech, but the plan detail and calculations were based on Stormceptor STC450i unit. Both Stormceptor and CDS units are currently under Contech Engineered Solutions, both units are rated with 50% TSS removal with proper maintenance by NJDEP. Since the inflow sub-catchment to each inlet unit is relatively small. The smaller CDS unit would meet the 50% TSS rating as well. However, O&M maintenance references should match with the WQI unit proposed on the plan set and calculations.**

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Update O&M plan to 15 Water Quality Structures, (Additional units TU#1 and TU#2 were added). Verify the Stormceptor sediment removal requirement, O & M plan calls for 75% of the capacity of the sump, but Stormceptor manufacturer Operation and Maintenance Guide, Table 4, recommends at 8-inch depth.

The Long-Term Operation & Maintenance Plan has been updated with the new water quality structure count. The sediment depth schedule for removal has also been revised for an 8-inch depth. Additionally, yard drain maintenance now includes catch basins.

- 10. Pavement should be swept at a minimum twice per year, early spring, and late fall. GCG recommends adding an additional pavement sweeping at the late fall.**

An additional pavement sweeping has been added to the maintenance schedule, as noted above.

Please let me know if there are any questions regarding the italicized responses to the Peer Review, or if additional information is needed.

Sincerely,

Bruce Saluk

Bruce Saluk, PE, PLS

cc: Ben Stevens