

Waiver Requests as of March 15,2024

As Part of the Comprehensive Permit process, the Ashland Board of Appeals has the authority under M.G.L. Chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Please find a table of the waivers necessary to permit the proposed project. This document and waivers are reflective of the Preliminary Site Development Plans dated March 5, 2024.

WAIVERS FROM ZONING BYLAW OF THE TOWN OF ASHLAND (Chapter 282)			
LOCAL REGULATION	REQUIREMENT	PROPOSED	EXPLANATION
1. Section 8.5.5.1	Ground floors of buildings which front on streets shall be reserved for non - residential uses.	Two buildings are proposed for this project that will be located along Main Street. Both non-residential and residential are proposed on the ground floors.	The proposed development program reflects some recommendations received by the Town relative to having some mixed-used components. But the entire ground floor will not feature exclusively commercial space
2. Section 8.5.6.1	Front Building Setback: 8' Minimum 15' Maximum	2'-6" Minimum (Retaining wall) 17'-1" Minimum (Building) 94'-6" Maximum (Building)	The front building setback varies between 17'-1" and 94'-6" for the proposed buildings. The proposed retaining wall near the proposed Public Plaza is roughly 2'-6" from the existing property line. The setback varies and exceeds 15 feet in many areas. The variable front setback adds interest to the design program and breaks up the mass of the front facade. The area between the property frontage and building is proposed with landscaping and some pedestrian amenities to enhance the public realm experience. The variable setbacks to the front lot line is necessary to build the project as proposed.

<p>3. Section 8.5.6.1</p>	<p>Building Height (Max): 3 Stories (Max 38')</p>	<p>6 Stories (69' – 11") 5 Floors over parking garage (60-11' from street grade)</p>	<p>The variable building heights provide architectural and visual interest, while supporting the overall development program and financial viability of the project. The tallest points of the building are setback significantly into the site and not particularly visible from Main Street or Myrtle Street.</p>
<p>4. Section 8.5.6.2</p>	<p>Building Orientation. Buildings shall be placed on the site to define the edges of streets and public spaces, constructed to be parallel to the street or public space. Multiple buildings on single lots are permitted. Where multiple buildings exist, to the extent practicable they shall be arranged to form a grid-like pattern</p>	<p>The existing lot has frontages on both Main Street and Myrtle Street. The proposed building mainly follows Main Street and varies in depth from the front property line.</p>	<p>The development program considers and incorporates several factors including the preservation of two existing buildings in combination with the creation of new structure(s).</p>
<p>5. Section 8.5.6.7</p>	<p>Height may be increased up to 48 feet through a Special Permit by the Planning Board and in accordance with Section 9.3 to allow for architectural features that add to the building design and which shall not increase additional living space. Examples of such features include a pinnacle, cupola, a clock tower, a terrace, observation area, and the like</p>	<p>6 Stories (69' – 11") 5 Floors over parking garage (60-11' from street grade)</p>	<p>The variable building heights provide architectural and visual interest, while supporting the overall development program and financial viability of the project. The tallest points of the building are setback significantly into the site and not particularly visible from Main Street or Myrtle Street.</p>
<p>6. Section 8.5.6.9</p>	<p>A fourth (4) story may be added to a building through a Special Permit by the Planning Board in accordance with Section 9.3.</p>	<p>6 Stories (69' – 11") 5 Floors over parking garage (60-11' from street grade)</p>	<p>See above</p>

<p>7. Section 8.5.6.10</p>	<p>A fourth (4) story may be added to a building through a Special Permit by the Planning Board in accordance with Section 9.3.</p>	<p>6 Stories (69' – 11") 5 Floors over parking garage (60-11' from street grade)</p>	<p>See above</p>
<p>8. Section 8.5.8</p>	<p>General Regulations. The Town of Ashland Design Review Guidelines (dated 2015 or the most recent edition), adopted by the Planning Board pursuant to the authority granted hereunder, available from the Town of Ashland Planning Department, shall guide the implementation of the standards of this section. All New signs will follow the sign requirements of the commercial "B: zones as noted in Sec 5.3." of this Zoning bylaw.</p>		<p>The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board. At this juncture, we have not yet designed the signage yet for the proposed exterior signage. At the time the signage has been designed, we will be submitting to the ZBA as is required under Chapter 40B</p>
<p>9. Section 8.5.10.5</p>	<p>No driveway or parking lot shall be placed in the portion of a lot that is directly in front of a building as seen from a street, whether or not the building is located on the same lot as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a building that is located in the rear of another building when viewed from a street.</p>	<p>A small portion of the total parking is proposed in a parking area at the front of the building.</p>	<p>There was a small number of spaces positioned in front of the primary entrance to facilitate pick-ups and drop offs, as well as visitor parking. These design features were suggested by Ashland Town Officials.</p>
<p>10. Section 5.4.2</p>	<p>Buffering Between Residential and Nonresidential Uses.</p>	<p>The site will contain a non-residential use and abuts a residential zone and use. The site is surrounded by wooded areas that will remain untouched as part of this project.</p>	<p>The bylaw says that where a lot containing a nonresidential use adjoins or faces a residential district or residential use, landscaped buffers shall be provided at the perimeter of the lot to screen parking and other vehicular service areas. It adds that</p>

			<p>“Screening shall consist of a landscaped area 6’ft wide and create an effective visual barrier from ground level of at least 5’”. It is possible this waiver is not necessary as there is existing vegetation between the proposed development and the residential neighborhood to the rear, but this waiver was included in case the ZBA believes it is applicable.</p> <p>We may be ok removing this waiver but thought it would be good to include for flexibility as the design progresses</p>
11. Section 5.4.3	Buffer Areas	<p>The site abuts a residential zone and residential use to the southern property line. The site is surrounded by wooded areas that will remain untouched as part of this project.</p> <p>Additional plantings along the street frontage will be proposed along the street frontage.</p>	The landscaping plan will feature a robust set of plantings and buffering, but it will not be in perfect conformance to this Section as the existing site conditions in combination with the proposed program do not allow for as much.
12. Section 5.4.4	Parking areas containing eight (8) or more spaces shall contain or be bordered by at least one (1) tree per eight (8) spaces. Such trees shall be in any case not further than five (5) feet from the parking cell.	Internal landscaping near parking areas will be provided wherever possible.	We believe the municipality wants to maximize exterior parking spaces and as such, we will plant internal landscaping where appropriate, but will not perfectly conform to the Section 5.4.4
13. Section 5.4.7	Special Permit to authorize a reduction in authorized plantings.	Waiver requested from Special Permit and all applicable Special Permit requirements under this section.	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board.
14. Section 8.5.11	Building Design Standards	The proposed design conforms to many provisions in this section, but does not	The Applicant ask the Zoning Board, per the 40B process, to act in place

		conform perfectly to all of them due the varied nature of the architectural forms and buildings	of the Planning Board. Moreover, it is not clear in reviewing this provision whether the proposed program complies or not with some of the requirements. The adherence will be discussed during the public hearing, and waivers will be sought if the ZBA determines the proposed design does not comply with certain provisions in 8.5.11
15. Section 5.1.4.2	There shall be not more than one (1) entrance and one (1) exit from such lots per two hundred (200) feet of street frontage or fraction thereof. If necessary, to meet this requirement, uses shall arrange for shared egress.	This project proposes two parking areas each with an entrance and exit.	The proposed parking program has been designed to provide maximum safety and convenience for the future users, including providing an adequate number of interior and exterior parking stalls.
16. Section 5.1.7	Special Permit for reduction in Parking	The project proposes 390 parking stalls. A waiver is requested from the Special Permit requirement.	No explanation necessary.
17. Section 5.2	Loading Requirements	This project does not propose loading areas	The Applicant has a loading area for residents to move in and out, but we believe that is different "loading" than what Section 5.2 refers to.
18. Section 5.3	Signs	The proposed project has not prepared conceptual signage as of yet due to the preliminary nature of this project	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board. At this juncture, we have not yet designed the exterior signage. At the time the signage is designed, we will be submitting to the ZBA as is required under Chapter 40B
19. Section 5.7.3	Erosion Control	There are existing slopes onsite that are in excess of horizontal of three (3) and a vertical of one (1) slope.	The Applicant is working with the existing grades/topography in developing the site.

		A waiver is required to allow work on these slopes and waive the Special Permit requirement.	
20. Section 5.8	Site Alteration Special Permit	Waiver requested from Site Alteration Special Permit and all applicable Site Alteration Special Permit requirements under this section.	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board.
21. Section 9	Administration and Procedures	Waiver requested from Site Plan Review and all applicable Site Plan Review requirements under this section.	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board.
22. Section 9	Administration and Procedures	Waiver requested from Special Permit and all applicable Special Permit requirements under this section.	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board.
23. Section 9	Administration and Procedures	Waiver requested from Design Plan Review and all applicable Design Plan Review requirements under this section.	The Applicant plans to pursue this development project through a Comprehensive Permit whereby the Ashland Zoning Board will act in the place of the Ashland Planning Board.

WAIVERS STORMWATER MANAGEMENT AND ILLICIT DISCHARGES AND CONNECTION OF THE TOWN OF ASHLAND (Chapter 247)			
LOCAL REGULATION	REQUIREMENT	PROPOSED	EXPLANATION
24. Chapter 247 - Stormwater Management and Illicit Discharges and Connections		Waiver requested from Stormwater Management and Illicit Discharges and Connection of the Town of Ashland as the proposed redevelopment is required to comply with State regulations.	We will be complying with all DEP Stormwater Management regulations.

WAIVERS FROM WETLANDS PROTECTION BYLAW OF THE TOWN OF ASHLAND (Chapter 280)			
LOCAL REGULATION	REQUIREMENT	PROPOSED	EXPLANATION
25. Chapter 280 – Wetlands Protection		Waiver requested from Wetlands Protection Bylaw of the Town of Ashland as the proposed redevelopment is required to comply with State regulations.	The Applicant will specify during the public hearing process which specific provisions of Chapter 280 from which a waiver will be required.

By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to allow construction of the Project as shown on the Plan. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimis nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimis nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).