

## Town of Ashland, *Planning Board*

### Memorandum

Date: January 27, 2025  
To: Ashland Zoning Board of Appeals  
From: Ashland Planning Board  
Re: 10-60 Main Street, 40B Application

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Dear Ashland Zoning Board of Appeals,

Regarding your request for comments on the 10-60 Main Street Comprehensive Permit Application, the Planning Board would like to submit the attached letter dated May 23, 2024. This letter was developed by the Planning Board for comments to MassHousing on the submitted 40B project. Also attached are a rendered site plan dated Feb 17, 2023 and a rendered elevation dated March 7, 2023. These renderings show the path the Planning Board was pursuing with the Owner before the project was withdrawn.

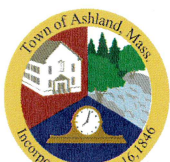
The Planning Board understands the Zoning Board of Appeals has unique jurisdiction over this project applying M.G.L Ch 40 B regulations, which differ from the two-year application process navigated by the Planning Board in 2022 and 2023. The Planning Board honors the authority of the Zoning Board of Appeals and offers a supportive role throughout the process.

As described above, attached are three exhibits that will supply an overview of the Planning Boards thoughts and opinions of the 10-60 Main Street Comprehensive Permit project.

Please reach out with any questions.

Thank you,

Tricia Kendall  
Planning Board, Chair



**MEMO OF THE ASHLAND PLANNING BOARD REGARDING THE PROPOSED  
"The Sanctuary at Ashland Mills" PROJECT (10-50 Main Street, Ashland)**

**May 23, 2024**

The Planning Board is in receipt of the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site by SLV Ashland, LLC (Contact Name: Geoffrey Engler). Pursuant to 760 CMR 56.04(3) "Review and Comment Process," local boards may submit comments to MassHousing, and the Ashland Selectboard (through Ashland's Town Manager) has also requested comments from town committees and departments. This memo represents the comments of the Ashland Planning Board.

**Materials Reviewed and Referenced:**

- Detailed map of Ashland's Downtown.
- Photos of key views/buildings relative to 10-50 Main Street, Ashland.
- Photos of river/bridge across from 10-50 Main Street, Ashland.
- Planning Document 1: Zoning Bylaw of 2021 (Adopted at Town Meeting and approved by the State).
- Planning Document 2: Demolition Bylaw, Chapter 125 of the General Bylaws (Adopted at Town Meeting in 2001 and approved by the State)(Amended at Town Meeting in 2024).
- Planning Document 3: Proposed Ashland Historic District Documents (presented to Ashland Planning Board in March/April 2024).
- Memo to Ashland Planning Board from the Planning Office, 1/25/2022, regarding Subsidized Housing Inventory (SHI).
- Memo to Ashland Planning Board from the Planning Office, 3/1/2023, regarding Ashland Housing and Subsidized Housing Inventory (SHI).
- Memo to Ashland Planning Board from the Planning Office, 9/1/2023, regarding Ashland Housing and Subsidized Housing Inventory (SHI).
- Ashland Mills – Site and Context Planning Input (Preliminary Thoughts/Site Analysis)(3/28/2022)
- Site Plan Concept, Mr. Gordon/Ashland Properties, LLC/Ashland Mills, February 17, 2023.
- Mr. Gordon/Ashland Properties, LLC's – Ashland Mills – New Elevation Concept Submitted March 7, 2023 (Preferred by the Ashland Planning Board in April-May of 2023).
- Mr. Gordon/Ashland Properties, LLC's – Ashland Mills – Renderings and Floor Plans Submitted May 5, 2023.
- Ashland Properties, LLC 10-60 Main Street Request to Continue Public Hearing to August 10, 2023 (dated May 31, 2023).
- Activity Notice of Activity and Use Limitation Registry of Deed Bk: 56944 Pg: 56.
- MEPA Public Involvement Protocol for Environmental Justice Populations, Effective Date: January 1, 2022.
- Chapter 40B Handbook for Zoning Boards of Appeal (March 2017).
- Ashland SHI Memo of 5/23/2023.

**Materials Attached**

- Addendum A (SHI Charts)
- Addendum B (Memo to Ashland Planning Board from the Planning Office, 9/1/2023, regarding Ashland Housing and Subsidized Housing Inventory (SHI)).

## **I. INTRODUCTION**

For the last decade, the Town of Ashland as a community has demonstrated commitment to adding significant housing, including affordable units, to its housing inventory. The Town has simultaneously made a significant investment in the revitalization and improvement of the downtown infrastructure and amenities. Throughout these efforts, the town has prioritized a development vision specific to downtown which embraces the small town feel and historic features of Ashland while also acknowledging the critical need for affordable housing in strategic areas. In fact, without certain unfortunate circumstances outside of the Town's control, the Ashland would already be well over the 10% threshold that would create "safe harbor" for purposes of 40B.

In addition to these considerations, this specific application is for a site unique and critical to Ashland's downtown. It is located at the key entryway into the downtown and was filed during a gap in "safe harbor" status, which can return should certain projects already approved by the Ashland Planning Board move forward for construction. The spirit of the 40B legislation is to increase housing where it is most needed. Ashland is not a community where this need has been ignored. In fact, we have experienced incredible recent growth specifically in large housing developments, with a large focus on affordable housing units. We are not a community that is turning its back on the purpose or intent of 40B.

### **A. Prior Planning Board Application (Mr. Gordon/Ashland Properties, LLC).**

An understanding of the recently proposed project for this site is key for context. While the current 40B application under review is made by Mr. Engler, the building is owned by Rich Gordon, a longtime interested party familiar to the Ashland Planning Board. Mr. Gordon/Ashland Properties, LLC submitted an application for a mixed-use development of this site to the Ashland Planning Board on July 19, 2022. Though the Planning Board felt substantial progress was made toward a mutually agreeable project, the application was unfortunately withdrawn in August of 2023 following several lengthy continuance requests by the Applicant (first on May 31, 2023 and then on August 10, 2023).

While working with the Planning Board, Mr. Gordon/Ashland Properties, LLC edited its plans based on feedback from both the Board and the community, eventually presenting a new concept for the project on March 7, 2023. This design received truly positive feedback, in part due to Applicant's focus on height requirements consistent with zoning, design/façade elements consistent with historic elements, and the preservation of key elements of the two historic buildings that had been retained. The Applicant then submitted revised renderings of May 5, 2023. As the Board undertook efforts to compare the newest renderings to the ones previously preferred, the Board received the May 31, 2023 continuance request until August 10, 2023, with the Applicant's attorney indicating:

*Presently, the applicant has embraced the design changes suggested by the Planning Board, and I believe the most recent architectural drawings demonstrate that the Applicant has carefully*

*listened to the Planning Board. In my opinion the present design demonstrates that the collaborative approach mentioned above is working.*

The Board then received another continuance request until September 14, 2023. On August 22, 2023, however, the Town Planner unexpectedly received notification that the Applicant's attorney filed a request to withdraw the application. The Planning Board never received a written explanation from the Applicant explaining why the withdrawal occurred.

**B. Ashland Was Supposed To Be In Safe Harbor Through August 2, 2023 & Has Already Developed/Approved Projects Allowing Potential Safe Harbor.**

Since 2015, Ashland has been working diligently to create multifamily housing; 932 units of housing have been constructed and/or approved by the Planning Board and the Zoning Board of Appeals. These include the Cirrus Apartments (398 at 10% affordable) and 100 Chestnut Street (174 units at 10% affordable) as well as two recently approved, but as yet unbuilt, projects: the UGC over-55 Community (180 units at 25% affordable) and 501 Pond Street (120 units at 25% affordable). In addition, a few smaller mixed-use projects have been built in the past several years in close vicinity to 10-60 Main Street, including 21 Main Street (9 units), 128 Main Street (13 units), and the newly approved 9-49 Homer Avenue (29 units).

In spring of 2021 Ashland residents approved a new Housing Production Plan at its Annual Town Meeting (which was certified by the State). Following the approval of the Arbella at Ashland 40B development in August of 2021, Ashland's SHI rose to 9.10%, placing Ashland in Safe Harbor from August 3, 2021 to August 2, 2023. Safe harbor was cut short, however, due to litigation between the property owner and the developer of Arbella at Ashland disputing the purchase and sale agreement, which is ongoing.

Since no building permits had been applied for within a year of entering safe harbor, the 180 units dropped off the SHI on August 2, 2022, and Ashland lost its Safe Harbor status. Importantly, that litigation is on-going and those units could come back on to our SHI again in the very near future. This was true at the time of the withdrawal of the initial project in August of 2023. See Memo to Ashland Planning Board from the Planning Office, 9/1/2023, regarding Ashland Housing and Subsidized Housing Inventory (SHI). This is also true today. See Ashland SHI Memo of 5/23/2023.

We have created an Addendum that shows the Ashland SHI chart in September of 2023 and in May of 2023. See Addendum A.

**C. Ashland Has Been Planning For Its Unique Downtown.**

As the oldest area in the country, Massachusetts as a whole has worked to preserve its cultural heritage over the past centuries, and Ashland is no exception. Ashland has a unique downtown, with several historical buildings from its incorporation era. In fact, the most visible buildings are those which function as a gateway point to the downtown: the Mill buildings at the heart of this 40B project. As one drives south towards Ashland from Route 9 or the Mass Pike/Route 90 and enters downtown, the Mill buildings are immediately visible on your left. It is the first thing many people see as they enter our small town with deep ties to New England industry. Built in 1870, they set the tone that you are in a historic mill community. Incorporated in 1846, it is not surprising that Ashland then welcomes its visitors

via its classic Town Hall (constructed in 1855), Stone's Public House (1832), and Federated Church (early 1800s). The Mill Buildings are thus a key part of Ashland's founding story and its "curb appeal."

Ashland is aware of this appeal as a quaint and charming New England town. In fact, while developing housing, Ashland has also been focused on developing its downtown consistent with the historical fabric. Ashland has created a downtown zoning district that defined rules for design and setbacks (approved by the State) that would serve to preserve this area. Over the last few years, Ashland has worked closely with the State to invest in downtown infrastructure, updating its roads, sidewalks, lighting and streetscape. Ashland has further invested in the riverwalk area across from the Mill Buildings in 2018. The Town approved a Demolition Bylaw for Historically or Architecturally Significant Buildings in 2001 which was amended via Town Meeting in May of 2024, to save its older buildings as much as possible.

Future planning already in progress involves the creation of a new Comprehensive Plan, a process started at the end of 2023. There is also an active movement underway to create a Historical Downtown district, which includes this site.

The proposed 40B project is directly contrary to Ashland's planning steps and vision, specifically due to its height and design elements. While Ashland has focused on building more housing, including affordable housing, it has also marked downtown as the single area to preserve its small-town historic fabric. Ashland has recently built and continues to build large-scale condo complexes and apartment buildings, but downtown is its historic oasis preserves and honors its history. While large housing complexes with standard or typical design aesthetics are found in other settings (such as Cirrus near the train station, on 126/Pond Street Corridor, or Chestnut Street), the downtown is not where Ashland envisioned a 4 to 5 story development of this kind.<sup>1</sup> In fact, the Ashland Planning Board spent significant time and concerted effort working collaboratively with Mr. Gordon/Ashland Properties, LLC's toward the appropriate development of this site when the application was live before the Board. The compromises made during that time resulted in a plan much more consistent with the needs and vision of the Town of Ashland and our historic downtown. This project does not meet that vision, and it exploits a likely temporary window in Ashland's 40B Safe Harbor status to erect an inappropriate complex at the gateway of the downtown that will forever change the character of Ashland.

## **II. KEY ZONING ELEMENTS**

Ashland views the downtown area as critical to its future. Ashland's Downtown Zoning district was formed in 2016 and, as written in its bylaws, is intended to provide a framework for "the growth and development of a successful downtown...with a mix of commercial, retail, and residential uses" (Bylaw 8.5). To encourage a vibrant and active community, it allows a higher level of density than surrounding areas. In 2019/2020, a careful review of the downtown zoning was done with the assistance of the MAPC (Metropolitan Area Planning Council) to help ensure that new projects fit into the vision for the downtown fabric and to clarify the regulations for potential applicants. This review resulted in modifications to the zoning bylaw, accepted at both Town Meeting and the State Attorney General's office, that among other changes, strengthened the control on building height in the downtown and clarified the form-based code. These modifications were made to help protect Ashland's oldest and only

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<sup>1</sup> From the Main Street perspective, the current proposal is 5 stories (approximately 70 feet) at the back of the site and 4 stories (approximately 60 feet) at the front of the site.

historic area for the future. Zoning in this district, labelled ADD-A, and its relevant regulations are as follows.

**A. Purpose of the Bylaw**

Bylaws 8.5.1, 8.5.2, and 8.5.3 define the purpose of the overall bylaw (as noted above) and refer to the revised zoning map. They also describe the desire to strengthen the sense of community in Ashland by building on Downtown Ashland's "inherent assets, historic architecture, and cultural offerings." The bylaw includes a goal of affordable housing in the downtown area, as well as an emphasis on commercial development, a critical component of any downtown. The earlier proposal for this site included more significant commercial and public components in addition to fewer than 200 residential units. The commercial space would provide room for some of the 30 existing businesses or for new businesses as appropriate for the new context. This commercial base would provide products and services for Ashland in general and would be supported by the new residents. It was assumed that other existing downtown businesses would also benefit from the new density of residents and from new businesses attracting shoppers to the downtown, thereby increasing the vibrancy of the area. Unfortunately, the balance between commercial and residential is lost in the current project. On another site, this may not be significant. In the heart of Ashland's downtown, this erodes the Town's ability to provide commercial space and works against the vision outlined in the bylaws.

**B. Focus Upon Mixed-Use Development**

Bylaw 8.5.4 specifically notes the intended higher density of mixed-use development allowed in area ADD-A to encourage retail on the first floor and commercial and/or residential on the upper floors. Bylaw 8.5.5 provides a table of uses in which multi-family housing is specifically allowed, noting that ground floors of buildings which front on streets shall be reserved for non-residential uses except in specific situations. The loss of first floor retail space would be significant for any downtown. In its critical location, this site links the town center with the riverwalk and one of Ashland's oldest homes (Ocean House), and is a gateway for visitors who may come to support Ashland's businesses. First floor retail encourages the walkable, pedestrian-friendly environment that most New England towns strive to achieve. In minimizing first floor retail, the proposed project diminishes Ashland's opportunity for a successful downtown economy.

**C. Setbacks & Building Heights**

Bylaw 8.5.6 describes lot and dimensional standards for the district, including setbacks and building heights. It also requires buildings to be parallel with the street or, in the case of multiple buildings, to be arranged to form a "grid-like" pattern to better fit in with the fabric of the existing town. Setbacks from Main Street are asked to provide public amenities such as outdoor seating, plazas, and gardens. Happily, the proposed project has maintained a setback from the street and its greater width seems appropriate for the large scale of the project. The vegetative areas may contribute to the neighborhood's vibrancy with a high level of landscaping, if not public amenities, along Main Street. Though parking is typically prohibited within the front yard setback, the parking as proposed allows for accessibility and the greater street setback created seems appropriate for the scale of the project.

The most critical component of this bylaw, however, is the height restriction. The maximum height of 3 stories has always been a part of the bylaw (a specific maximum dimension of 38 feet was added in

2021). This height is measured from Main Street and is a change approved by Town Meeting and by the State Attorney General's office. The 2021 zoning change clarification of measuring height from Main Street reinforces that this site was specifically considered when the bylaw update was proposed. A significant portion of the site is lower than Main Street so the Board at the time recognized that inclusion of reference to measurement from Main Street allowed for greater height and more building possibilities at this site.

The height limitation in downtown is critical to maintain the feel and place-making of a typical New England downtown, creating and protecting the kind of place that makes residents want to stay in this area, while also attracting newcomers. It allows the Town's older historic buildings to maintain their prominence in this singular, special area of Ashland. No other commercial district has this kind of height restriction. The current proposal, however, disregards it. At 5 stories at the back of the site and 4 stories at the front (as measured from Main Street), the proposed project far exceeds the zoning that Ashland has put in place to protect its downtown. Our community does not want to destroy the very elements that make Ashland a good place to work and live.

#### **D. Criteria & Design Principles**

Bylaws 8.5.7 through 8.5.10 emphasize the importance of the bylaw and include criteria and design principles that Ashland's Committees and Boards must consider when evaluating a project. These include the impacts on traffic and the adequacy of utilities, but also highlight principles that specifically effect the preservation of the downtown such as "impact on the visual character of the ADD and surrounding neighborhood" and "to encourage buildings with a pedestrian oriented scale and design" and "to encourage buildings that are compatible with the context and historic nature of downtown Ashland lot design standards." Projects are further guided by the Design Review Guidelines (adopted by the Planning Board in 2015) which ardently strive to help new buildings better fit into the existing fabric of the Town. Though the proposed project is in the early stages of development, the design criteria and principles outlined in these bylaws are not being considered.

#### **E. Form-Based Code**

Bylaw 8.5.11 introduces Ashland's form-based code, which was also reviewed and greatly updated for clarity in 2021. This bylaw, in addition to building height, is also essential to the future of Ashland's historic downtown area. It provides standards for basic design components such as scale, massing, roof shape, and exterior materials that result in new buildings that respect Ashland's existing downtown fabric and contribute positively to it, rather than imposing a new standard based on trends or low costs. The final design iteration of the previous version of this project had reached a point that created general hope and excitement for this site. Unfortunately, the newly proposed project does not have the same sensitivity and seems to not consider the form-based code in any way. Instead, the images and descriptions provided seem to simply re-use forms and designs that might have been appropriate for other projects in other areas but have not considered the unique site at risk for this one.

### **III. DETAILED SITE ANALYSIS**

Due to its unique characteristics, the 10-60 Main Street site is perhaps the most consequential development the Town of Ashland will experience for many decades. The project that ultimately gets built will define the arrival, feel, and vitality of the Downtown District indefinitely. This development will

also contribute to the special connection of the Town's center to the Sudbury River, or it will preclude this connection from happening in the future.

By working with the owner on a prior application, the Planning Board has recognized the site's potential as a critical addition to the urban fabric and worked proactively to help shape its program and articulation to fit. The development of this site could be an asset to the Town's objectives in general and an improvement of the downtown district in particular. The former proposal included a mix of less than 200 units of housing with commercial space on the ground floor, which the Planning Board found to be consistent with the level of housing density that is appropriate for the site. Through the process, a consensus emerged regarding how this site's unique and irreplaceable characteristics require a cautious approach to development, and the following parameters must be carefully considered.

#### **A. Historic Heritage**

Ashland is a community that was formed as an industrial settlement and grew out of the need to house laborers who worked close by, including in the Main Street Mills. When the oldest buildings on site were constructed in 1869-1870 by the Dwight Printing Company, the site had already been supporting industry for over 50 years. The buildings had been in part funded and later owned by the Jordan family, founding partner in Jordan, Marsh & Company, the Boston Department Store. Later, Henry Warren, inventor of the electric clock and a prominent member of Ashland's history, encouraged the Lombard Governor Company to purchase and move into the buildings. Warren himself occupied space here as the Warren Clock Company starting in the early 1900's and served as president of the Lombard Corporation until his death in 1957.

From these beginnings, three granite buildings plus a brick smokestack remain. While the buildings have evolved over a century with demolitions and additions due to fire and changes of use, these buildings remain the only meaningful and visible footprint of the Town's history. This legacy needs to be preserved as much as possible, and Ashland has been flexible in understanding that some modifications may be needed to incorporate them into a new vision. The proper integration of these buildings is critical. Once this part of Ashland's historic record is gone, it can never be replaced.

The proposed project, as presented by the development team during the site walk-through, includes retaining the first mill building and its chimney (10 Main Street), demolishing about half of the second building while retaining its façade as cladding (30 Main Street), and completely removing the third building (40 Main Street).

Retaining the first building and its chimney (10 Main Street) is the right first step, and it is hoped this can be guaranteed. The first two structures (10 and 30 Main Street) provide the first glimpse of Ashland's downtown and form a gateway into it. Retaining and repurposing both structures is critical to make this project appropriate for its site. However, the approach to the second building (30 Main Street) is not appropriate. Leaving the shell of half of a sensitive historic building and using it only as ornamental cladding for new construction falls far short of the sensitivity and care needed for any project in a historic structure. Although the buildings are not currently listed on the National Historic Register, they are irreplaceable as part of Ashland's history, and for that reason the entire 30 Main Street building should be kept and rehabilitated. The current approach to this building lacks the delicate connection needed to integrate old and new and misses one of the great opportunities to make the new construction fit into the neighborhood. Meanwhile, the proposed project includes a section with

housing units accessed directly from Main Street. 30 Main Street may have the scale, materiality, and existing connection to the street that make it the ideal candidate in the site to be repurposed for this same use.

Like any community in the Commonwealth, Ashland values its history and needs to retain its key architectural heritage as much as possible. Few industrial buildings of this importance remain in Ashland. The Planning Board asks the proposed project to preserve and repurpose the first two buildings in their entirety and integrate Ashland's history into the new development respectfully.

#### **B. Sudbury River**

The site's adjacency to the Sudbury River is critical, and the historic link between the mill buildings and the Sudbury River is an opportunity that should not be overlooked. Particular attention should be given to how this project will impact this precious natural resource, and the sensitivity of this connection has been part of the dialog between the Planning Board and the property owner's team throughout the review of the previous proposal.

From its initial construction, the industrial building complex was designed with the river as its heart and key source of energy; there is still a water channel through the property as evidence of this longstanding connection. Because the river constitutes an irreplaceable natural asset and is an integral part of the site's history, the Planning Board believes the link between the downtown to the river should remain a key consideration for any project on this site.

In 2018, through the leadership of the Open Space & Recreation Committee, the Town of Ashland envisioned and invested in the creation of the Riverwalk connecting Mill Pond with Marathon Park, including several observation areas and nearby accessible parking. The Riverwalk was opened in 2020. This landscape and civil engineering project represent the Town's vision of linking the downtown district with the river as a unique, sustainable, and pedestrian-oriented natural asset. There is great potential to continue this connection for the balance of the river's course along the edge of the district until it connects with Concord Street. This opportunity was recognized by the property owner in the previous proposal, which included a continued riverwalk along the edge of the property, thus framing the downtown's limits with a visible and public pedestrian trail, preserving this unique condition in perpetuity.

We hope a similar gesture can be made in the new proposal. After hearing the development team's presentation on the site and looking at the drawings, we see signs that some aspects of this idea are already being considered for implementation, which are applauded and recognized.

Transforming the awkward and impractical parking lot facing Main Street into a vegetated buffer greatly enhances the pedestrian-oriented streetscape. Creating a vegetated public gathering area at the corner facing the Riverwalk supports and enlivens the proposed new commercial use of the first Mill building. These design moves signal to the Planning Board that the design team is cognizant of the connection the Town is trying to highlight. The team is encouraged to explore the possibility of further associating the river's edge along the property as an extension of these spaces to revitalize and celebrate the river as the downtown's most precious natural resource for generations to come.

#### **C. Massing and Scale**

For the past 30 years, Ashland has been working hard to preserve its downtown buildings and scale while also allowing for modern levels of density. The 1854 Town Hall was saved from demolition and restored in 2003. The 1903 library was restored and expanded in the early 2000s. Meanwhile, new construction, including 21 Main Street (2014) and 128 Main Street (2018), added both ground-floor commercial space and residential rental units above at a scale that respected the historic parts of the downtown. The Planning Board recently approved a mixed-use project on Homer Avenue and was pleased that the developer crafted a design honoring the architectural character that residents demanded and voted for. Ashland's downtown zoning limits building height to 3 stories or 38 feet, as noted earlier in this document. Form-based code applies only to the downtown district zoning, emphasizing the importance of this area to Ashland and explaining the palpable concern about a prominently located large project that could erase or seriously damage this long-supported communal effort.

This site, as a gateway to Ashland, will define the downtown district for a very long time, and under the current proposal, it will overwhelm the district in ways that will be irreparable. The scale of the proposed building massing should be proportional and respectful of adjacent buildings and neighbors in the immediate vicinity and across the river. Beyond its relationship to the historic buildings, the proposed project—consisting of one large, interconnected building of 4 and 5 stories with flat roofs and little articulation—is in stark contrast to the surrounding context. The downtown district, as reinforced by form-based code, is envisioned as a place where projects should provide a smaller, pedestrian-scale experience. This is Ashland's only district that has this vision. While other districts allow for 4 and 5 story buildings, the downtown is an area that residents long to preserve, and it is a reason many residents (both long-term and newly arrived) say they chose Ashland as a place to work and live.

An example of inappropriate massing is the proposed bar building along Main Street. Though described as a traditional townhouse in feel, as a four-story building instead of the zoning-prescribed three, this element has a scale that disregards neighboring buildings and the adjacent urban fabric. A three-story building facing the street would fit into the pedestrian-friendly and historic downtown that the town has been working over decades to maintain. The proposed flat roof adds to the wall-like feel and should be reconsidered. The form-based code provides options to lessen the scale using gabled or mansard rooflines. The four-story building on Main Street quickly becomes five-stories, and though the five-story portion sits further back from the street and sidewalk, the closest portions still overwhelm the historic mill buildings and the scale of the rest of the street.

The currently proposed four- to five-story wall with no breaks and little to no variation will feel like an immense physical barrier, not a crafted addition to the Town. The Planning Board fully understands that a certain density is required to make the project work and that the site is capable of containing a greater density than the surrounding area. The current project, however, neglects the surrounding scale of Ashland's most historic area. Instead of working to accommodate a fixed number of units, the design process should consider working from the existing fabric out. This can create massing and scale that work economically while becoming a thoughtful addition to the surrounding fabric rather than being an imposition on it.

#### **D. Language and Materials**

Given the importance of this site, the architectural language and materiality used in the project should carefully consider how it relates to the existing fabric of downtown and become an integral part of it

rather than a disruption to it. Reusing the two large mill buildings is a very good starting point. However, the proposed transition between the historic buildings and the new residential construction should be evaluated to provide more deference to the existing structures and provide visual clarity between the old and the new.

The Town's vision for the scale and feel of the downtown district is documented in a bylaw change that specifically established both a height limitation and form-based code intended to maintain visual consistency throughout the district. Through the Design Review Guidelines, this change also includes, among other things, criteria for exterior building materials and visual complexity to reflect and enhance the character of the area. This zoning change was approved by the State of Massachusetts and is currently being enforced in Ashland. The Planning Board and the public have seen the positive effects of this change in other recent projects, and these regulations are even more critical in a project of the large scale and critical location as 10-60 Main Street.

The renderings and elevations of the currently proposed project are noted to be a schematic starting point rather than a finished product. However, it is concerning that the proposed detailing focuses on a limited, and somewhat cosmetic imitation of the mill buildings rather than exploring a deeper understanding of Ashland's downtown texture. Red brick, for instance, is featured prominently in other downtown buildings and in the current streetscape project intended to unify the area. However, it is not present in the proposal. For a project of this size, it is assumed that several palettes of colors and materials will be used to reflect the surrounding area and help break up the massing of the building. As mentioned above, the proposed project appears to draw inspiration from the mill's architecture in some of the proposed materials. In concept this could be a valuable approach, but to succeed it needs a clearer differentiation. The design uses a metal roofing material as siding on the top story of a flat-roofed building, which appears to be an interpretation of the mills' gentle curved roofline. This approach seems purely cosmetic, however, and creates visual or material connections that are superficial in nature. We believe there is space in the site to create a language reflecting the transition between three centuries, and with careful consideration, it can become a wonderful development. We strongly suggest breaking down the extensive multi-story extruded mass, favoring increased architectural articulation.

Visual complexity, missing at this early stage, is also critical. Flat roofs are typically allowable under the bylaws with approval by the Planning Board but require additional attention from the designers. Though simple boxes reflecting a mill history may be appropriate for the project, buildings of this size will need more inventive strategies than simple material changes to integrate with the fabric of downtown. The current severe lack of detail and rigidity of form makes it impossible to read these buildings at a more human scale. While the project appropriately suggests different architectural languages for distinct pieces of the building, more diverse building articulation in heights, roof lines, and other forms is needed to avoid extensive flat-roofed buildings that present to the neighborhood as divisive walls, as opposed to a nexus between the old and new.

The design team is encouraged to develop an architectural language that adapts to the unique features of this critical site and to develop a set of buildings that is distinct from a conventional multi-family block that could be located anywhere. This site, as a preeminent location as the gateway to Ashland's downtown, deserves careful attention. If successfully designed, this project has the potential to become

a positive addition to the Town, and we would encourage the development team to work toward that goal.

#### **IV. OTHER REGULATORY ELEMENTS**

The Ashland Planning Board recognizes that there are unique environmental factors relevant to the site at issue and outlines those as follows.

##### **A. Nyanza Plume/Notice of Activity and Use Limitation (AUL)**

The property is impacted by the Nyanza Superfund site and “[a] groundwater VOC plume associated with the Nyanza Site extends to and underlies the Property”. See Activity Notice of Activity and Use Limitation Registry of Deed Bk: 56944 Pg: 56. There is accordingly substantial community interest in this site and the Planning Board hopes that MassHousing will continue to keep the public informed throughout the process by publicizing information from reviews and conducting open discussions of site environmental concerns.

Extensive public involvement is especially important because all census blocks of Ashland qualify as Environmental Justice (EJ) populations per the 2020 census. The Climate Roadmap Act, signed into law on March 26, 2021 requires enhanced public involvement relative to MEPA review. See MEPA Public Involvement Protocol for Environmental Justice Populations, Effective Date: January 1, 2022.

While the developer’s position might be that any mitigation costs relative to environmental concerns justify more density to make the project economically viable, we ask the State to evaluate whether that is an appropriate position. The deeded AUL for the property states that residential use of the property may result in significant risk of harm to health, safety, public welfare or the environment. Ashland has already had significant negative impacts from the Nyanza Superfund site. Using mitigation costs as a reason to add density downtown, at a site arguably not intended for residential use per deed restriction, seems unfair to Ashland which has lost enough relative to Nyanza. Our downtown vision should not be one of those losses, especially in light of impact on EJ populations.

##### **B. MEPA, MGL c. 30 ss 61-62L.**

Since the project requires state agency action, the applicant should begin the MEPA review process. Per mass.gov website information on MEPA Regulations, “[t]he purpose of MEPA and 301 CMR 11.00 is to provide meaningful opportunities for public review of the potential environmental impacts of Projects...” The MEPA review “...is intended to inform the Proponent and each Participating Agency, to maximize consistency between Agency Actions, and to facilitate coordination of all environmental and development review and permitting processes of the Commonwealth”.

##### **C. Floodplain Overlay District Ashland Zoning By Law Chapter 282 Section 8.1**

Portions of the site are in the Ashland Flood Plain Overlay District which requires compliance with MGL c131 s 40. The proposed project will encroach in the flood zone and requires Conservation Commission review, as well as adequate engineering data verifying the project will not cause any increase in flood levels based on the 100-year flood circumstance.

##### **D. Sudbury River**

The proposed project site shares a border with the Sudbury River. Per State regulations, there are limitations for work that can be performed within established buffer zone areas. The 200 feet Riverfront Area of this site falls under those jurisdictional protections. The Mill Complex in Ashland, as it is documented with the Massachusetts Register of Historic Places, would be subject to allowable exemptions from buffer zone requirements as a "Historic Mill Complex". If the complex proposed is no longer a mill building, arguably any exemptions from the buffer zone requirements disappear.

## **V. CONCLUSION**

Over the past 10 years, Ashland worked hard to simultaneously produce housing in the community and to protect its heritage for the enjoyment of all those who choose to find a home here. We hope such efforts will be supported by the State for the benefit not only of Ashland itself, but as a Commonwealth community that is striving to do things right. For the reasons outlined, we believe that the State should deny the application.


However, in the event the application is granted, we ask for the following conditions to be instituted:


1. Due to its critical location in the heart of Ashland's downtown, the project must include more commercial space.
  - a. There must be significant first floor commercial space along the length of Main Street that encourages a walkable and pedestrian-friendly environment.
  - b. There must be a creative combination of residential and commercial functions that energizes downtown. For example, live/work spaces such as artists' lofts or similar spaces that create synergy between residential and commercial.
2. The scale of the proposed project must be made proportional to and respectful of adjacent buildings and neighbors in the immediate vicinity and across the river.
  - a. The downtown zoning height restriction of three stories (38 feet as measured from Main Street) must be respected throughout the project.
  - b. The extensive multi-story extruded mass must be broken down, favoring increased architectural articulation and a pedestrian-scaled experience.
  - c. The project must also lessen the perceived scale using gabled or mansard rooflines.
3. The building must be compatible with the context and historic nature of downtown Ashland. New construction must provide more deference to the existing structures and provide visual clarity between the old and the new.
  - a. At minimum, the project must preserve and repurpose the first two buildings and the chimney in their entirety and integrate Ashland's history into the new development respectfully.
  - b. Several palettes of colors and materials, such as red brick, must be used to reflect the surrounding area and help break up the massing of the building.

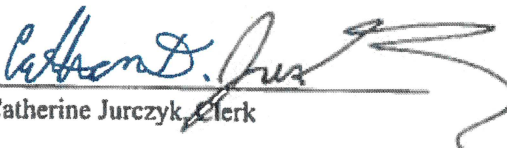
- c. Visual complexity is critical; more diverse building articulation in heights, roof lines, and other details must occur to avoid extensive flat-roofed buildings that present to the neighborhood as divisive walls, as opposed to a nexus between the old and new.
4. The link between the Downtown and the river must be a key element. The project should include a continued riverwalk along the edge of the property, thus framing the downtown's limits with a visible and public pedestrian trail, preserving this unique condition in perpetuity.
5. The State should create conditions pertaining to elements outlined in Section IV (Other Regulatory Elements) to assure compliance and appropriate public involvement.


The Ashland Planning Board is grateful for the opportunity to offer comment and will make itself available to the State if there are any questions about this memorandum. We also hope this document will be helpful to the Ashland Zoning Board of Appeals.

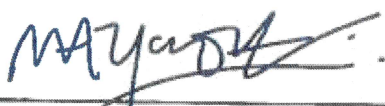
**Town of Ashland Planning Board**

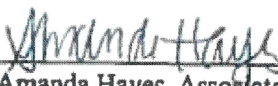
  
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Tricia Kendall, Chair

  
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Anna Tesmenitsky, Vice Chair

  
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Catherine Jurczyk, Clerk

  
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Deepa Venkat, Member

  
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Marcelo Arjona, Member

  
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Amanda Hayes, Associate Member

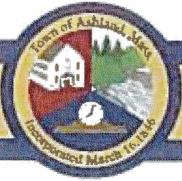
Addendum A: Upper Chart from Sept 1, 2023 SHI Memo . Lower Chart Created May 23, 2024

The following chart shows Ashland's SHI from 2016 to the present and into the future.

Ashland SHI			
Year	SHI %	# of Affordable Units	# of Total Housing Units
2016	5.18 %	341	6,581 (2010)
2017	6.84%	450	6,581 (2010)
2019	6.31%	415	6,581 (2010)
2021	9.1%	599	6,581 (2010)
Aug 1, 2022 *Current SHI*	6.37%	419	6,581 (2010)
<i>With 12 Pond, 100 Chestnut and 501 Pond</i>	8.67%	571	6,581 (2010)
<i>Adding Arbella at Ashland</i>	11.41%	751	6,581 (2010)
<i>With 12 Pond, 100 Chestnut and 501 Pond</i>	7.62%	571	7,495 (2020)
<i>Adding Arbella at Ashland</i>	10.02%	751	7,495 (2020)

Ashland SHI: Memo of May 23, 2024			
Year	SHI %	# of Affordable Units	# of Total Housing Units
2016	5.18 %	341	6,581 (2010)
2017	6.84%	450	6,581 (2010)
2019	6.31%	415	6,581 (2010)
2021	9.1%	599	6,581 (2010)
June 23, 2023 *Adoption of 2020 Census Housing numbers*	5.62%	419	7,456 (2020)
<i>Addition of 12 Pond Street (LAU Project / 25% affordable; 16 units)</i>	5.83%	435	7,456 (2020)
<i>Addition of 100-130 Chestnut (10% affordable; 174 units)</i>	6.06%	453	7,456 (2020)
<i>Addition of 501 Pond Street (LAU Project / 25% affordable; 120 units)</i>	7.68%	573	7,456 (2020)
<i>Addition of Arbella at Ashland (40B project / 25% affordable; 180 units)</i>	10.09%	753	7,456 (2020)

## Addendum B:



### Town of Ashland, Office of the Town Planner

#### MEMORANDUM

*Updated: September 1, 2023*

From: Ashland Planning Office  
To: Planning Board  
Re: Ashland Housing and Subsidized Housing Inventory (SHI)

I would like to distribute this memorandum to help explain Ashland's current housing environment, recently permitted projects and Ashland's Subsidized Housing Inventory (SHI).

A community's SHI percentile is a measurement of the affordable housing stock compared to the total number of housing units in a city or town. The Executive Office of Housing and Livable Communities (EOHLC) formerly the Department of Housing and Community Development (DHCD) maintains this list for all cities and towns and updates the list as a community adds units. The overall total housing count changes every ten years with the decennial Census. When a community's SHI is over 10%, the community is in "safe harbor" and has more control over 40B projects. A community can also enter safe harbor for a limited time by increasing their SHI by .5% or 1% in a calendar year and having an approved Housing Production Plan. An increase of .5% can achieve safe harbor for up to one year and an increase of 1% can achieve safe harbor for up to two years. As of June 29, 2023 the EOHLC has adopted the 2020 census statistics. As of June, Ashland has 7,456 year around housing units.

#### ***Recent Housing Projects:***

In the past three years, Ashland has witnessed a great amount of developer interest in the community concerning housing due to its location in the MetroWest region. Like many similar communities in MetroWest and metro Boston, housing and managed smart growth is a top priority of the community.

Recently in the past five years, Ashland has permitted and built two mixed-use projects (128 Main Street with 17 units and 12 Pond Street with 16 units). The 12 Pond Street project included four affordable units allowing Ashland to count all 16 units on the SHI. Ashland has also approved 474 units of housing within the three projects listed below:

- Arbella at Ashland, 180 units (25% Affordable, ZBA Comprehensive Permit)
- 100-130 Chestnut Street, 174 units (10% Affordable, Planning Board Special Permit)
- 501 Pond Street, 120 units (25% Affordable, Planning Board Special Permit)

Construction of 100-130 Chestnut Street has commenced this past spring / summer.

Ashland is currently reviewing one additional mixed-use projects with 29 housing units and 10% affordability:

- 9-49 Homer Avenue: An infill redevelopment project in Ashland's core downtown proposing 29 housing units and 9,400 sq. ft. commercial space.

The 10-60 Main Street project, the redevelopment of a downtown historical mill complex proposing 188 units of housing with 15% affordability and associated commercial space, has filed a request to withdraw the project while looking for alternative permitting avenues.

***Current SHI and Safe Harbor Status:***

Currently, Ashland's SHI is 5.62%. The current SHI is officially now calculated using 2020 census housing unit totals. The total number of housing units in Ashland in 2010 was 6,581 and has grown to 7,456 according to the 2020 census totals. Ashland has grown by 875 units over the past ten years.

In the spring of 2021, Ashland updated its Housing Production Plan (HPP), which was then approved by the DHCD. Applying Chapter 40B regulations, a community that has an approved HPP and increases their SHI number by at least two percentage points per year can apply to DHCD and receive "safe harbor" status for two years.

Because of the HPP, Ashland was granted safe harbor from August 3, 2021 to August 2, 2023 following the approval of the Arbella at Ashland in August of 2021, which raised Ashland's SHI to 9.10% (using 2010 census numbers).

Safe harbor was cut short due to litigation between the property owner and the developer of Arbella at Ashland disputing the purchase and sale agreement. Since no building permits had been applied for within a year of the issuance of the Comprehensive on August 2, 2022 Ashland lost its safe harbor status.

***Anticipated Changes to Ashland's SHI:***

Forecasting Ashland SHI future, calculations of Ashland's future SHI have been completed making a few assumptions regarding projects that have been approved.

The mixed-use building at 12 Pond Street is near complete and all 16 units have been granted occupancy. Of the 16 rental housing units, 4 are affordable thanks to the investment made by the Affordable Housing Trust. Since 25% of the total number of units are affordable, all 16 units have been submitted to the EOHLC for approval and addition to Ashland's SHI count. The town is awaiting confirmation for the EOHLC regarding the addition of the 16 units.

Two large projects have recently been approved by the Planning Board. 100-130 Chestnut Street was approved to develop 174 units of rental housing and 10,000 square feet of commercial space. Of the total number of units, 18 will be affordable, or 10% of the total.

501 Pond Street was approved to develop 120 rental units and 6,000 square feet of commercial space. Of the total number of units, 30 will be affordable, or 25% of the total. Since 25% of the units are affordable, all 120 units can be counted towards Ashland's SHI. This projects was permitted as a Local Initiative Program (LIP) project through the Planning Board.

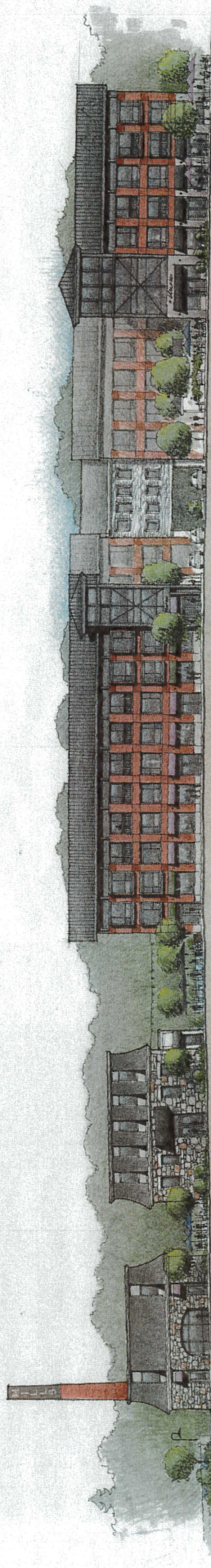
Totalling the unit count of all three developments (12 Pond Street, 100-130 Chestnut Street and 501 Pond Street) Ashland is positioned to add 154 units to its inventory thus increasing Ashland's current SHI percentile of 5.62% by 2.06% to 7.68% according the 2020 census housing total. It is anticipated that Ashland may be granted temporary safe harbor once all units are eligible for the SHI count.

In the event the Arbella at Ashland litigation is settled and building permits are issued, Ashland can then add the 180 units back on the SHI count. In doing so, the SHI percentile would increase to 10.09% using 2020 housing totals, thus placing Ashland into safe harbor.

The following chart shows Ashland's SHI from 2016 to the present and into the future:

Ashland SHI			
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<i>Addition of Arbella at Ashland</i>	10.09%	753	7,456 (2020)

In conclusion, Ashland's housing stock has increased by 11.73% from 2010 to 2020 by adding 875 units. In the past three years, the community has permitted 507 units.



10 MAIN STREET - BUILDING

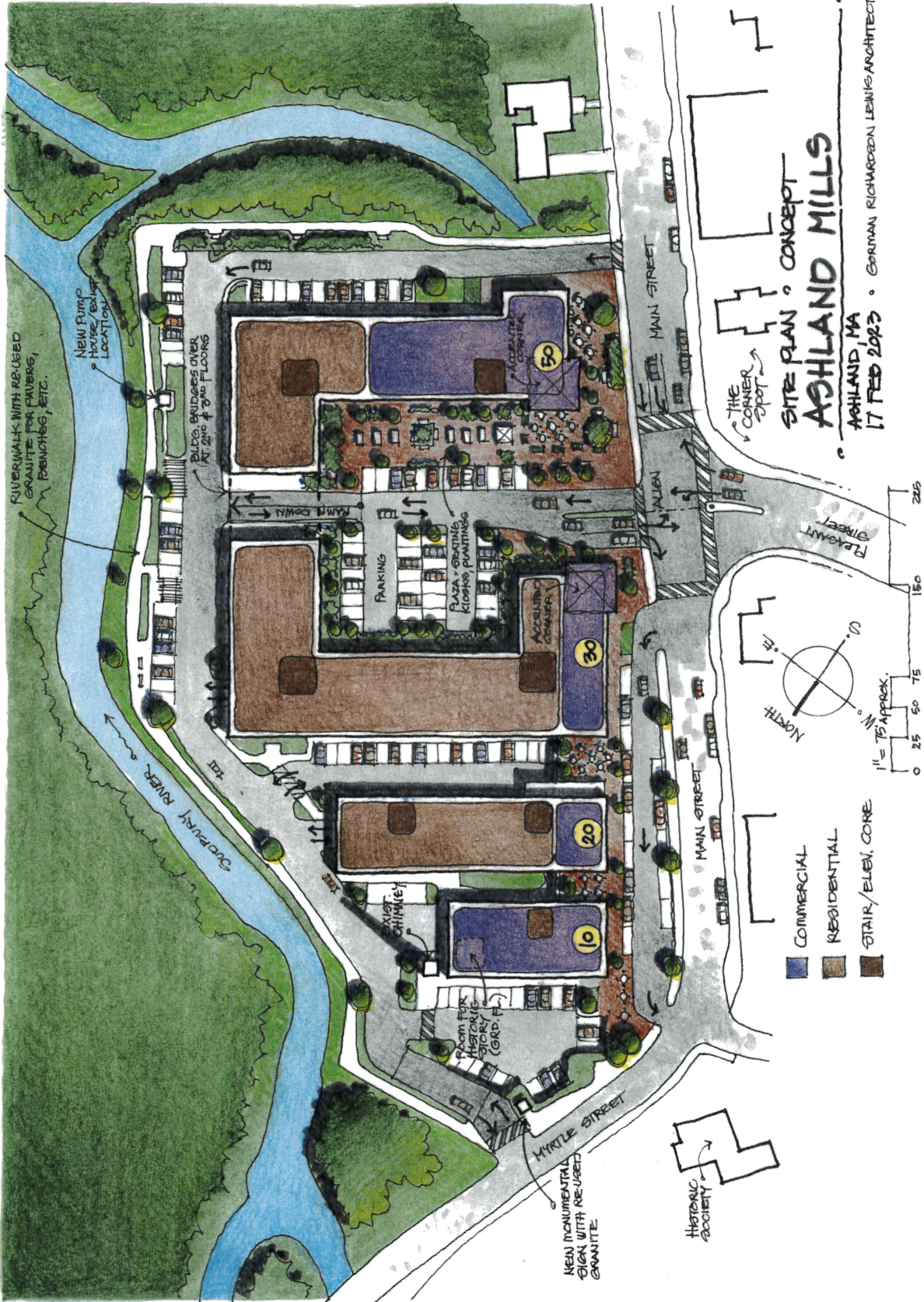
22 MAIN STREET - BUILDING

20 MAIN STREET

BUILDING GROUP

50 MAIN STREET

CONCEPTUAL MAIN STREET STREETSCAPE  
ASHLAND MILLS  
ASHLAND, MA  
7 MARCH 2020 · GERRAIN ROBINSON LEBLANC ARCHITECTS



RIVERWALK WITH RE-USED GRANITE FOR PAVING, BENCHES, ETC.

NEW PUMP HOUSE/EXIST. LOCATION

BIKE BRIDGES OVER AT 2ND & 3RD FLOORS

PLAZA WITH KIOSKS, PLANTINGS

PARKING

ACCENT CENTER

ACCENT CENTER

EXIST. CHIMNEY

ROOM FOR HISTORIC STORY (GORD. F.)

NEW MONUMENTAL SIGN WITH RE-USED GRANITE

HISTORIC SOCIETY

THE CORNER SPOT

SITE PLAN - CONCEPT

ASHLAND MILLS

ASHLAND, MA

17 FEB 2023

GORMAN RICHARDSON LEINIKS ARCHITECTS



- COMMERCIAL
- RESIDENTIAL
- STAIR/ELEV. CORE