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December 18, 2025

BY EMAIL (ldsweet@ldsconsultinggroup.com)

Lynne D. Sweet, Principal
LDS Consulting Group, LLC
170 Worcester Street, Suite 206
Wellesley, MA 02481

Re: Review of Financial Statements
55 W. Union Comprehensive Permit Public Hearing, Ashland, MA

Ms. Sweet:

I am writing in regard to the above-referenced matter. As you know, this office serves as Town Counsel to the Town of Ashland. As you also know, we are assisting the Zoning Board of Appeals (the “Board”) with respect to the above Comprehensive Permit application and public hearing.

At the December 9, 2025 continued public hearing, which you attended on behalf of your client, the Board engaged with you and the Board’s peer review consultant (Haley Ward) regarding the location of the sewer line. Presently, your client is proposing one sewer connection and relocation of the existing cross country sewer easement, with an outlet on the easement at Memorial Drive. The March 17, 2025 site plan had proposed a sewer parallel to Memorial Drive in the slope easement, which was later moved into the site with multiple sharp angle manholes, routing the easement through the parking area, with inverts over 28 feet deep. As noted by the peer review, this configuration poses many challenges and risks, including access to manholes around parked cars, access for the Town’s vac truck through the parking area for routine maintenance, and excavation challenges for emergency maintenance or repairs. The depth of the proposed sewer and close proximity to the proposed building could prevent future excavation to repair the sewer main. As you know, the existing sewer easement runs under the proposed building, so the sewer must be relocated to construct the proposed building. The Board, and its peer review consultant, believe the sewer lines should be relocated to Memorial Drive to provide adequate access for maintenance and repair. You rejected the Board’s proposed condition and stated that such a condition would render the project **uneconomic**.¹

In light of the above, and on behalf of the Board, we hereby request that you provide your *pro forma* for the Board’s review.

¹ You reiterated this position in your December 17, 2025 email to the Town’s Director of Planning and Economic Development.

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Newburyport, MA 01950

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760 CMR 56.05(6)(b) provides that:

If the Applicant does not agree to some or all of the proposed permit conditions or Waiver denials because they would render the Project Uneconomic, the Board may ask the Applicant to submit its *pro forma*, in form satisfactory to the Subsidizing Agency, and revised as necessary to reflect the additional cost of meeting these conditions and/or denials. The revised *pro forma* may be subjected to the same consultant review as any other technical information submitted to the Board, in accordance with 760 CMR 56.05(5) and the Board's rules. The Board may then use this information to decide whether to adopt or modify its originally proposed conditions and/or denials. *Pro forma* review should conform to recognized real estate and affordable housing industry standards, consistent with the policies of the Subsidizing Agency and guidelines adopted by the Department.

We realize that not all of the conditions precedent set forth in 760 CMR 56.05(6)(a) have been satisfied, but given your statement on December 9, 2025 and the anticipated closing of the public hearing in February 2026, we have no choice but to invoke the Board's right to review your financial statements now. Please also be advised that 760 CMR 56.05(3) provides that "a hearing shall not extend beyond 180 days from the date of opening the hearing, presuming that the Applicant has made timely submissions of materials in response to reasonable requests of the Board that are consistent with its powers under 760 CMR 56.05..." Accordingly, the Board reserves the right to request an extension of the 180 days, if necessary, to complete the above review.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian Winner", with a long horizontal flourish extending to the right.

Brian Winner

Enc.

cc: Town Manager (by email)
Zoning Board of Appeals (by email)
Paul Haverty, Esq. (by email)