

**BLATMAN, BOBROWSKI, HAVERTY & SILVERSTEIN, LLC**  
ATTORNEYS AT LAW

9 DAMONMILL SQUARE, SUITE 4A4  
CONCORD, MA 01742  
PHONE 978.371.2226  
FAX 978.371.2296

**PAUL J. HAVERTY**  
Paul@bbhslaw.net

December 19, 2025

**Via Email**

John F. Trefethen, Chair  
Ashland Zoning Board of Appeals  
101 Main Street  
Ashland, MA 01721

RE: 55 West Union Street  
Response to Letter from Town Counsel

Dear Chair Trefethen

:

This office represents 55 West Union, LLC (the “Applicant”) regarding the comprehensive permit application for property located at 55 West Union Street, Ashland, Massachusetts (the “Property”). We are in receipt of a letter from Town Counsel Brian Winner of Mead, Talerman & Costa, LLC regarding the proposed relocation of a sewer easement on the Property. In his letter, attorney Winner requests that the Applicant provide a project *pro forma* addressing the cost of relocating the sewer easement on the Property into the public way. We believe that this request is premature, as it is necessary first to complete the review of the proposed sewer relocation to determine which approach is more appropriate from a civil engineering perspective. The Applicant has requested that its consultants be allowed to work with the Board’s peer review consultant and DPW staff to see if an agreement on this question can be reached.

We also note that conducting a *pro forma* review at this time would not provide the Board with any relevant information. Pursuant to 760 CMR 56.05(6) review of financial statements may only be done if: “1. other consultant review has been completed; 2. the Applicant has had an opportunity to modify its original proposal to address the issues raised; 3. the Board has had an opportunity to propose conditions to mitigate the Project’s impacts and to consider requested Waivers; and 4. the Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic.” Absent a decision containing all conditions and waiver decisions, a *pro forma* review is meaningless, because it is not analyzing a full proposed decision. The regulations clearly state that the determination of whether conditions render a project uneconomic is to be determined “in the aggregate”, therefore conducting a *pro forma* review without this information does not provide the Board with any relevant information.

Because the civil, architectural and water and sewer engineering reviews of the Project have not yet been completed, and because the Board has not provided the Applicant with a draft decision containing all of the proposed conditions and waiver decisions, a review of the *pro forma* is premature and would not provide the Board with any actionable information. The Applicant is not willing to undergo the time and expense of preparing a *pro forma* based upon a single proposed condition, as that will not address whether a decision from the Board, in the aggregate, will render the Project uneconomic.

If you have any questions regarding this correspondence, please feel free to contact me.

Very Truly Yours,



Paul J. Haverty

Cc: Brian Winner, Esq. (via email)  
Lynne Sweet (via email)  
Client (via email)