



TEL: (508) 881-0100

**TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET**

Mike Mokey, Chairman
Nat Strosberg, Director

**Village of the Americas, Phase VII
Certificate of Approval
Site Plan Review**

Date: February __, 2016

To: Town Clerk

RE: Application of Ashland Chestnut Realty, LLC for Approval of Site Plan Review under the Town of Ashland Zoning Bylaw section 282-9.4

Applicant: Ashland Chestnut Realty, LLC, 120 Quarry Drive, Milford, MA 01757

The Property: Located in Wildwood Mixed Use District A between America Boulevard and Queen Isabella Way.

BACKGROUND AND PROCESS

1. The Planning Board (the “Board”) received an application from Ashland Chestnut Realty, LLC on September 23, 2015 for site plan review consisting of a proposal to construct 54 multifamily condominium units within 13 buildings and with associated driveways, grading, and utilities.
2. The proposed development is more fully set forth on a plan set entitled, “Village of the Americas” Phase VII Site Plan Buildings 70 Through 82 In Ashland Massachusetts, produced by Guerriere & Halnon Inc., 333 West Street, Milford, MA 01757, dated September 11, 2015 (Revised Versions: November 2, 2015 and December 2, 2015), and consisting of 10 sheets.
3. The Planning Board’s deliberation process and a public discussion for this application began on October 22, 2015 and were continued on November 12, 2015, December 10, 2015, January 14, 2016, January 21, 2016, and February 4, 2016. At its meeting on February 4, 2016, the Planning Board voted __ to __ approve this application.
4. Following presentations by the Applicant and its consultants, a review by Board members and comments from the Board’s own consultants, the Board voted to approve the Project as conditioned below. It did so based, in part, on the following documentation:

- a) Document A: Application for Approval of Site Plan Review, dated September 21, 2015 and stamped by the Town Clerk on September 23, 2015 at 9:09AM.
- b) Document B: Site Plan entitled, “Village of the Americas”, Phase VII Site Plan, Buildings 70 Through 82, In Ashland Massachusetts, produced by Guerriere & Halnon, 333 West Street, Milford, MA 01757, dated September 11, 2015 (Revised Versions: November 2, 2015 and December 2, 2015), and consisting of 10 sheets.
- c) Document C: Design Review Committee Meeting Minutes, produced by the Ashland Design Review Committee and dated November 19, 2015.
- d) Document D: Overall Conceptual Sketch Plan, Village of the Americas, Bike Path, produced by Benchmark Engineering Corporation and dated December 9, 2015.
- e) Document E: Construction Phasing, Phase VII, Village of the Americas, produced by Benchmark Engineering Corporation and dated December 10, 2015.
- f) Document F: Peer Review Comments, produced by TEC and dated October 16, 2015, November 19, 2015, and December 14, 2015.
- g) Document G: Overall Conceptual Site Plan, Village of the Americas, produced by Benchmark Engineering Corporation and dated January 14, 2016.
- h) Document H: Letter to Planning Board from Benchmark Engineering Corporation, Subject – Affordable Units in Phase VII, dated January 14, 2016.
- i) Document I: Operations & Maintenance Plan, prepared by Benchmark Engineering Corporation and dated January 26, 2015.

5. The plans and other submission material were reviewed by the Planning Board and its consulting engineer, TEC. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

DETERMINATION AND DECISION

In accordance with Section 9.4.12 of the Zoning Bylaw, it was determined by the Board that the Project will constitute a suitable development and is in compliance with the Zoning Bylaw’s site plan review criteria, subject to and only when the Applicant meets all of the Conditions of this site plan review decision, as set forth below:

- 1) Construction vehicles shall only enter the construction site from Chestnut Street. Construction vehicles shall not use Queen Isabella Way or America Boulevard to access the construction site.
- 2) All fencing at the locus shall be constructed according to the specifications set forth in the Construction Phasing Plan, referred to as Document E above.
- 3) The Applicant shall ensure that all construction sites, as well as all equipment storage sites, at the locus are completely surrounded by fencing until construction is complete according to the discretion of the Ashland Town Planner.

- 4) The Applicant shall abide by the Operations & Maintenance plan, referred to as Document I above.
- 5) No dirt/fill shall be brought to the locus until written permission is provided by the Ashland Town Planner.
- 6) The Applicant shall be responsible for replacing all plantings shown on Sheet 8 of the Site Plan, dated December 2, 2015 and referred to as Document B above, within 2 years after construction of Phase VII is complete.
- 7) Any irrigation of/application of water to the locus, both during and after construction, shall be conducted in a manner that is consistent with the procedures and policies of the Ashland Department of Public Works. Further, within 30 days of the Planning Board's approval of Phase VII, the Applicant shall provide the Ashland Town Planner with a letter from Ashland's Director of the Department of Public Works stating that the Director approves of the manner through which the Applicant will be irrigating/applying water to the locus, and of the manner that the applicant will be instructing future residents to apply water to the locus.
- 8) The proposal to connect the irrigation system to the detention basin at the corner of Chestnut Street and Queen Isabella Way is under the jurisdiction of the Ashland Conservation Commission. The applicant shall not construct the irrigation system without the approval of the Ashland Conservation Commission. Further, the Applicant shall furnish the Ashland Town Planner with proof of this approval prior to any site disturbance at the locus.
- 9) The Applicant shall not connect any irrigation system to the local municipal water system.
- 10) All planting at the locus shall occur during the spring and fall planting seasons. Specifically, plantings shall not be done between the dates of June 15 and September 15.
- 11) Utilities and buildings shall be constructed according to the Construction Phasing Plan, referred to as Document E above.
- 12) There shall be no hammering of concrete, stone, or retaining wall material at the locus, with the exception of attached ledge.
- 13) Buildings surrounding the locus shall be completely cleaned/washed of dirt and dust to the satisfaction of the Planning Board prior to any site disturbance at the locus.
- 14) The construction of the green space, as shown on the Site Plan, dated December 2, 2015 and referred to as Document B above, shall be complete prior to the issuance of the first occupancy permit of the ninth completed building in Phase VII.
- 15) The Applicant shall abide by all commitments and representations set forth in Documents G & H above regarding the production of affordable housing units.
- 16) The Applicant shall abide by all recommendations listed in the Ashland Design Review Committee's minutes, referred to as Document C above.
- 17) All stormwater basins on America Boulevard and Queen Isabella Boulevard shall be cleaned prior to any site disturbance at the locus and within 30 days of the

- conclusion of the Phase VII construction process, and also cleaned during the construction process as needed. A third-party engineer, hired by the Town at the Applicant's expense, shall confirm that the basins are clean prior to site disturbance and within 30 days of the conclusion of the construction process.
- 18) All exposed dirt/soil at the locus that remains undisturbed for a period of at least two weeks shall be tackified to an extent suitable to a third-party engineer, hired by the Town at the Applicant's expense.
 - 19) Piles of dirt/soil or any other material at the locus shall be no higher than 10 feet.
 - 20) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction activities shall not commence on any day before 7:30AM and shall not continue beyond 6:00PM. There shall be no construction activities on any Sunday or federal legal holiday.
 - 21) During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust, and blocking of town roads, as well as all applicable directives in the Operations & Maintenance plan, referred to as Document I above.
 - 22) For each calendar year between the commencement and conclusion of the Phase VII construction process, the Applicant shall pay to the Town a sum of \$25,000.00 to hire a part-time inspection official tasked with monitoring the locus for violations of local, state, and federal laws and regulations. The payment for 2016 shall be due within 30 days of the Planning Board's approval of Phase VII. All other payments shall be due within 30 days of the start of the calendar year. The inspection official shall produce a weekly report for the Town Planner detailing violations. The inspection official shall be under the oversight of the Ashland Department of Community Development and Health.
 - 23) The Applicant shall meet with the third-party inspectional engineer, hired by the Town at the expense of the Applicant, at least seventy-two hours prior to the commencement of any site disturbance at the locus to hold a pre-construction conference. The Ashland Town Planner shall be notified by the Applicant when such conference will be held.
 - 24) The Applicant shall provide notice to any and all buyers describing the full extent and potential duration of ongoing construction activities.
 - 25) Rough grading of the land at the locus shall be completed prior to any installation of water and sewer infrastructure.
 - 26) Sub-section 8.6.9 of the Wildwood Mixed Use Special District section of the Ashland Zoning Bylaw states, "For public convenience, a pedestrian and/or bicycle way shall connect various uses and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system." To further this goal, and to produce a way that is safe, user-friendly, and, in general, promotes a higher quality of life for local residents, further research shall be conducted to soundly determine the optimal method for fulfilling the above goal and aim. The optimal method shall be one of two alternatives:

- A) 1. The Applicant shall construct a bicycle and pedestrian path prior to the granting of the first occupancy permit in the second completed building in Phase VII. The Applicant shall provide a detailed site plan of the path, including adequate buffering and screening where necessary, to the satisfaction of the Planning Board. The path shall not be constructed without the approval of the Planning Board. In no event shall the cost of construction of the path surpass the cost of construction of the Phase I and Phase II bicycle and pedestrian paths shown on the Overall Conceptual Sketch Plan, referred to as Document D above.
2. In the portions of the bicycle and pedestrian path not located on Town property, the Applicant shall present an easement to the Planning Board for a public bicycle and pedestrian path, the terms of which shall be acceptable to the Planning Board, no later than 30 days prior to the commencement of construction of the path. The easement shall be recorded prior to commencement of construction and proof of recording shall be provided to the Planning Board within two weeks of the recordation date.
3. Conditions 34, 35, & 36 below shall apply.
- B) 1. The Applicant shall provide the Town with a payment of \$578,134.00 in lieu of constructing a bicycle and pedestrian path. The payment shall be provided to the Town prior to the granting of the first occupancy permit for the second completed building in Phase VII. The payment shall be used by the Town and/or its designee to further the development of bike path infrastructure in Ashland.
2. The Applicant shall present an easement to the Planning Board for a public bicycle and pedestrian path, the terms of which shall be acceptable to the Planning Board, prior to the granting of the first occupancy permit for the second completed building in Phase VII.
- 27) The bicycle and pedestrian path shall be 12 feet in width and consist of a 4-inch bituminous concrete surface placed over a 10-inch aggregate base. A stone dust buffer shall extend three feet from both sides of the path, except in locations where a sidewalk or another permanent built feature exists adjacent to the path.
- 28) No portion of the bicycle and pedestrian path shall be constructed without the granting of a stormwater management permit from the Ashland Conservation Commission.
- 29) The Town or its designee shall have sole responsibility over public access to and maintenance of the full extent of the bicycle/pedestrian path. Said

bicycle/pedestrian path shall be open to use by the public in addition to the residents of the adjacent properties.

- 30) The Applicant shall be responsible for maintaining all vegetative buffering and screening alongside the bicycle and pedestrian path for a duration of three years from the path's completion. The Applicant shall deliver sufficient security to the Planning Board to cover all maintenance expenses for the three-year duration no later than 15 days prior to the commencement of construction of the path. Such security amount shall be calculated by a third-party engineer hired by the Town at the Applicant's expense.
- 31) No occupancy permit shall be issued until the Planning Board is satisfied that the conditions and stipulations set forth on this document and in the abovementioned documents have been reasonably fulfilled.
- 32) Any non-permanent structure used as a point of coordination for construction activities shall be located within the boundaries of the same.
- 33) The Applicant shall supply two mylars and five sets of prints for the endorsement of the Planning Board within 15 days of the Planning Board's approval of Phase VII.
- 34) The term, "Applicant", as used in this decision shall mean the Applicant, its heirs, successors, and assigns.

In accordance with Section 9.4.14 of the Zoning Bylaw, site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Site plan approval may, for good cause, be extended in writing by the Board upon written request of the Applicant.

Pursuant to Section 9.4.17 of the Zoning Bylaw, any appeal of this decision of the Board shall be made in accordance with G.L. c. 40A, § 17, to a court of competent jurisdiction.

Town of Ashland Planning Board

By: _____
Mike Mokey, Chair

By: _____
Vanessa Charles

By: _____
Preston Crow

By: _____
John Dudley

By: _____
Max Geesey

Filed with the Town Clerk on:

Date: January __, 2016

Town Clerk

I HEREBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

DATE: _____

Tara M. Ward, Town Clerk