

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

January 4, 2011

Town of Ashby
Office of the Planning Board
895 Main Street
Ashby, MA 01431

Re: Special Permit for Site Plan Review
873 Main Street, Ashby
DER Job. No. 24062

Dear Board Members:

On behalf of our client, DLR Realty Trust, David E. Ross Associates, Inc. is pleased to submit a site plan and special permit application in accordance with M.G.L Ch. 40A and Ashby Zoning By-Laws, Section 11.3 and 11.5 for proposed redevelopment of the above referenced commercial site.

Existing Conditions

The proposed parcel consists of two entire parcels (4 and 5 from Map 9) and a portion of another parcel (1.1 from Map 9). If the project is approved, an Approval Not Require (ANR) plan will be submitted to combine the parcels creating one new parcel with approximately 166,204 square feet of area. Currently, parcels 4 and 5 are primarily in the Residential/Commercial Zoning District B and developed with an existing 3,080 sq.ft. commercial building with associated parking, access, and utilities. Parcel 1.1 is in the Residential Zoning District with a valid permit to install a sewage disposal system for a new single-family dwelling. The rear portions of parcels 4 and 5 and parcel 1.1 are wooded with varying terrain. Also, there exists a bordering vegetated wetland (BVW) along the northeastern side of the properties.

Proposed Uses

The existing building and asphalt will be removed and disposed of properly. The existing utilities will be abandoned in place. The proposal is to construct two new buildings. The building closest to Main Street, the "Market Building", will be approximately 7,566 sq.ft.. It will have 1,939 sq.ft. of leasable space designated for office use; 1,755 sq.ft. of leasable space designated for a farmer's market; 782 sq.ft. of leasable space designated for a coffee shop; and 1,790 sq.ft. of leasable space designated for a 28-seat restaurant. The building furthest away from Main Street, the "Police Station", will be approximately 6,760 sq.ft. Its space will be designated exclusively for a municipal police station.

Zoning Impacts

The existing building does not comply with side and front yard set backs. Both buildings as proposed will fully comply with all zoning setbacks and criteria. Building coverage for the project will be approximately 9% yielding and open space of 91% for the parcel.

Environmental and Stormwater Impacts

The open space for the project will be maintained around the existing wetlands and surrounding 50 foot buffer zone. There will be no parking proposed within the 100 foot buffer zone. Tree clearing will be limited to allow for proper grading of the site and installation of utilities. Tree clearing for installation of the public

public water supply well and connecting utilities on parcel 1.1 will be minimized. This will allow significant buffers to be maintained in the residential area and along abutting properties. There will be a temporary disturbance of approximately 725 sq.ft. of wetlands for installation of the water service. This disturbance will be compensated for by replication of approximately 915 sq.ft. of wetland area. Erosion controls will be put in place to minimize disturbance and control stormwater runoff during construction.

All stormwater runoff from impervious surfaces will be directed away from the wetlands. There will be no new or untreated discharges directed toward the wetlands. All stormwater runoff from impervious surfaces on the site will be directed to Low Impact Development (LID) design elements including stone drip trenches, water quality swales, and rain gardens. This infrastructure will serve to attenuate, treat, and recharge runoff generated from the project. This will be a significant improvement from the existing development which has no stormwater controls. Drainage calculations are included in the package to demonstrate that post-development runoff does not exceed pre-development runoff.

Earthwork

The proposed project will not require any suitable materials to be removed from the site. Only unforeseen unsuitable materials discovered during excavations for foundations or utilities would potentially be removed from the site. The project will require materials to be brought on site in order to obtain proposed finish grading.

Traffic and Pedestrian Impact

The existing development has two curb cuts on Main Street. One of the curb cuts is approximately 60 feet wide and the other is 40 feet wide. The redevelopment proposes to maintain two curb cuts. However, they will be reduced to standard 24 foot access aisles with 20 foot curb radii. Separation between entrances has also been increased by 60 feet. This will significantly improve the traffic circulation and safety at the entrances to the site. The sidewalk will be extended between entrances creating a pedestrian connection along Main Street. It will also be extended into the site providing a safe connection to the "Market Building".

Based on the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, Land Use Code 730 – Government Office Building and Land Use Code 820 – Shopping Center, we have calculated the traffic that will be generated as a result of the proposed development. The "Government Office Building" land use code is the classification in the manual closest to a police station. This will be a conservative estimate due to the fact that this code is typical of a city hall which gets more frequent visitor traffic than a police station. The "Shopping Center" land use code is the classification in the manual closest to the market building. This code takes into account mixed commercial uses in a building including a restaurant.

When analyzing the impact of a development, the morning and evening (A.M. and P.M.) peak hours of commuting traffic are typically reviewed. Based on the ITE values for Government Office and a Shopping Center, the A.M. and P.M. peak hours will generate a total 11.6 trips and 33.1 trips respectively for the size buildings being proposed. If the 11.6 A.M. and 33.1 P.M. peak vehicle trips are applied over the one hour period, the potential impact to Main Street is approximately one vehicle every five minutes in the A.M. and one vehicle every two minutes in the P.M. at the driveway entrance. In addition, this total number of vehicle trips is distributed between two (2) separate roadway entrances approximately 135 feet apart, thus further reducing traffic impact to Main Street.

The MRPC Historic Traffic Counts published in March 2007, listed a total volume of vehicle trips along Main Street of 5,600 in 2004. Calculating the total vehicle trips for the intended uses of a weekday yields approximately 329 total trips. The proposed project would potentially increase the overall daily traffic along Main Street by approximately 6%.

Based on this information, this office feels there will be minimal impact to the current traffic along Main Street. Additionally, the following measures are proposed in order to further mitigate traffic impacts of this project:

- A bike rack and designated storage area will be provided to promote alternative transportation.
- The site design incorporates traffic calming techniques, including short driveway segments requiring stopping and 90° turns.
- Traffic flow will utilize two entrances off Main Street.

Local Impacts

This project will fit into the character of the neighborhood and town. It is proposed in a commercially zoned district and will be surrounded by similar uses. It will be a private development with no public responsibilities for site maintenance or expenses. There are no public utilities proposed for use on the site with only cable, telephone, and electric being extended into the property. A public water supply well will be developed for the project and permitted properly with MA DEP. Sewage will be disposed of properly by a Title V compliant septic system on the site. The project will also generate significant tax revenue to further benefit the Town.

Required Approval and Permits

The project will need the following permits or approvals:

- Site Plan Special Permit from the Ashby Planning Board for the proposed redevelopment
- Special Permit from Ashby Zoning Board of Appeals for Restaurant Use in a Residential/Commerical District B
- Order of Conditions from the Ashby Conservation Commission for work within protective buffer zones of a bordering vegetated wetland
- Sewage Disposal Construction Permit from the Ashby Board of Health for the installation of a on-site sewage disposal system
- Permit to Access State Highway from MassDOT Highway Division
- Transient Non-Community Water Supply Permit from the MA DEP for the well installation
- Approval Not Required Plan endorsement from the Ashby Planning Board for the creation of the final lot if all other approvals are obtained

The project has already received a decision from the Ashby Zoning Board of Appeals to allow two principle use buildings on one lot. The Notice of Decision is enclosed for reference.

The following items are included with this submission as required:

- a) Copy of the Application for Site Plan Approval
- b) Four (4) copies of the Development Impact Statement

- c) Four (4) full-size copies of the plan set (11 sheets per set)
- d) Four (4) copies of the Stormwater Management Report
- e) Copy of the Ashby Zoning Board of Appeals Notice of Decision dated 8/30/10
- f) Copy of the recorded Deeds and Record Plans of the parcels proposed for development
- g) Certified Abutters List
- h) Copy of the "Draft" Legal Notice
- i) Application Fee of \$500 (Check #1695) for Site Plan Review and Approval

If you have any questions or comments, please call me at our office.

Very truly yours,
DAVID E. ROSS ASSOCIATES, INC.



Jesse Johnson, P.E.

Enclosure

cc: Rene Rainville (DLR Realty Trust), w/ Enclosure

TOWN OF ASHBY PLANNING BOARD

APPLICATION

FOR

SITE PLAN APPROVAL

File completed Application with the Town Clerk and then present 16 separate copies of the Application, folded to fit neatly within a letter-sized file folder, to the secretary for the Planning Board along with a filing fee payable to "Town of Ashby" in the amount required by the Rules and Regulations for Site Plan Approval. Refer to the "Rules and Regulations for Site Plan Approval" for details on the information required.

Please type or print this Application.

APPLICANT'S NAME: DLR Realty Trust PHONE #: 978-337-7534

MAILING ADDRESS: 505 South Road - Ashby, Mass.

LOCATION AND STREET ADDRESS OF SITE: 873 Main Street

Ashby, Mass.

AREA OF SITE: 166,204 sq. ft. FRONTAGE: 200 linear feet

RC:B

ZONING DISTRICT: R ASSESSOR'S MAP NO.(s): 9 PARCEL NO.(s): 1.1,4,5

RA

SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK NO.(s): 48438; 52692

PAGE NO.(s) or LAND COURT CERTIFICATE OF TITLE NO.(s): 127,129; 191

Rene Rainville

PROPERTY OWNER: David Rainville PHONE #: 978-337-7534

MAILING ADDRESS: Laura Rainville 505 South Road

REASON FOR APPLICATION: Commercial Development

Please complete the following check list for your Application indicating with a check mark the information included. If an item is not applicable to your Application, write "N/A" in the blank. If any applicable items are missing attach additional sheets explaining the omission. Note that this list is not a complete description of the requirements for a complete Application; it is each Applicant's responsibility to prepare a complete Application according to the "Rules and Regulations for Site Plan Approval" as adopted by the Planning Board and available from the Planning Board's secretary. An Application lacking any required information in the appropriate format may not be accepted or may be cause for denial of said Application.

If any Special Permits or variances have been filed previously for this site please attach copies of the decisions.

 X DEVELOPMENT IMPACT STATEMENT

- X Description of proposed or possible uses
- X Building coverage, total coverage, and open space areas
- X Drainage calculations
- N/A Earth removal calculations
- X Traffic study (8 copies)
- X List variances and Special Permits previously issued by the Planning Board of Appeals and any needed for this proposal

 X PROVIDE COPIES OF ANY "APPROVAL NOT REQUIRED" SUBDIVISIONS

 X LIST ANY SPECIAL PERMITS OR HEALTH PERMITS REQUIRED AND PROVIDE COPIES

OF ANY RECEIVED

- X Note if Conservation Commission approval needed and provide copy of approval if received

 X LOCUS PLAN

 X SITE COMPOSITE PLAN

Design certifications

Legends

General site characteristics -

Existing and proposed buildings and structures

Driveway entrances for abutting properties and those across a public way with dimensions

All underground tanks/structures existing or proposed or abandoned

Zoning, Flood Plain, and Groundwater Protection District boundaries if applicable

Yards/setbacks dimensioned

Names of abutting property owners

Natural site characteristics -

Waterways

Wetland boundaries and buffers

Existing and proposed contours

Open space with square footage calculations

Site improvements -

Dimensions of traffic lanes

Label all paved surfaces and note materials

Parking spaces and parking lot landscaping with dimensions

Building areas for each floor

Exterior lighting
Existing and proposed signage
Outdoor storage areas labeled
Parking calculations

Site utilities -

Stormwater drainage facilities shown & dimensioned
Underground storage containers with capacities and contents
Water services
Fire hydrants on or off site
Underground utilities
Fire alarm master box
Sprinkler feed line
Solid waste disposal facilities
Sewage disposal system
Erosion and sedimentation controls

 X CONSTRUCTION DETAIL PLAN

Detail of structures
Landscaping details
Parking details in compliance with the Ashby Zoning Bylaw
Tabulations of building coverage and open space
Details of outdoor lighting

 X LANDSCAPE PLAN

Certifications
Legend
Number, type, & size of trees and shrubs
Landscape buffers
Land contours
Site features
Limits of work
Perimeter of trees
Outdoor lighting structures

 X BUILDING ELEVATION PLAN

Certifications
Scale
Front, rear, & side elevations with maximum height

 X FLOOR PLAN

Certifications
Scale

Net floor areas

Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.

The undersigned hereby apply to the Planning Board for a public hearing and site plan approval under the Town of Ashby Zoning Bylaw approving the Application as described above.

The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

Ben L. Hamble 12/29/2010
Date Signature of Applicant

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Application presented above.

Ben L. Hamble 12/29/2010
Date Signature of Owner



Town Hall
Town Clerk,
Treasurer &
Town Accountant
978-386-2424

TOWN OF ASHBY
895 Main Street
Ashby, Mass. 01431
Town Hall Fax: 978-386-2490

**Board of Selectmen &
Town Administrator**
978-386-2501
**Town Collector &
Board of Assessors**
978-386-2427

CERTIFICATION

It is hereby certified on this day, the 27th day of September 2010
that twenty (20) days have passed since the attached decision was
filed in the office of the Town Clerk, and no Appeals have been
filed.

A True Copy Attest:

Lorraine Pease

TOWN CLERK
TOWN OF ASHBY

ZONING BOARD OF APPEALS

----NOTICE OF DECISION----

PETITIONER (S): Rene L. Rainville, Paul S. Lieneck, AIA

PROPERTY OWNER: Rene L. Rainville, David and Laura Rainville

PROPERTY LOCATION: Map 9, Parcels 4 and 5
873 Main Street

DATE OF APPLICATION: July 19, 2010

DATE(S) OF HEARING: August 30, 2010

DATE OF DECISION: August 30, 2010

PETITION: To appeal a Decision of an Administrative Officer dated, June 30, 2010 that denied their request to put two principle buildings on the same lot.

DECISION: To reverse the Building Inspectors ruling and allow two Principle use buildings on an allowed lot.

Findings:

1. The applicant's property is in the Residential/Commercial District B.
2. The applicant proposes 2 principle buildings, a retail building and a building for a municipal use (police station).
3. The Building Inspectors decision is based on the definition of "lot" in Section 3: Definitions.
4. Section 6: Residential/Commercial does not reference "lot" but rather gives dimensional requirements and uses.

BASIS OF DECISION: Section 2:, sub section 2.3.2 Principal Use,
A principal use is a main or primary use of a lot or structure. More than one principal use may be allowed on a lot, except where such use is a dwelling and provided that each principal use is permitted and the sum of such principal uses complies with the other requirements of this By- Law.

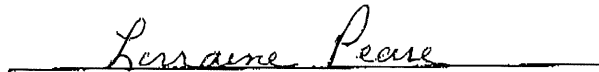
VOTE: UNANIMOUS

BOARD MEMBERS PRESENT: James Stacy
Garry Baer
David Martin



David M Martin, Chairman

Filed with the Town Clerk on September 7, 2010,



Ashby Town Clerk

NOTICE OF APPEALS: A appeal of this decision if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws And shall be filed in the appropriate court within 20 days of the filing of this notice in the office of the Town Clerk.

Distribution: Building Inspector
Planning Board
Board of Selectmen
Board of Health
Town Clerk
Applicant/Owner
Fire Department

CERTIFIED COPY