

Ashby Planning Board
Main Street
Ashby, MA 01431

Approval Special Permit Site Plan Special Permit
April 27, 2011
Application by DLR Realty Trust for
Site Plan at 873 Main Street

Applicant/Owner: DLR Realty Trust

Location: 873 Main Street, Ashby, MA (Map 9 Parcel 4,5, a portion of 1.1)
Zoning: Residential/Commercial B district

Plans: Plan prepared by David E. Ross Associates for DLR Realty Trust, 873 Main Street, December 2010.

Hearing: In accordance with Planning Board Rules and Regulations for Site Plan Approval the Planning Board opened the public hearing on February 9, 2011 and continued the public hearing until February 23, 2011 and April 13, 2011 for the purpose of reviewing the above referenced Site Plan. The public hearing was closed on April 13, 2011.

Waiver Requested: none

Documents Submitted: Application for Site Plan Approval
Letter dated 1/4/2011 from David E. Ross Assoc. includes Development Impact Report
Zoning Board of Appeals, Notice of Decision, 8/30/2010
Quitclaim Deeds Bk 48438, pg 129 and others
Abutters List dated 10/6/2010
Draft Hearing Notice
Stormwater Management Report for DLR Realty Trust
Plan, Site Plan of Land in Ashby, Massachusetts, prepared for DLR Realty Trust, "873 Main Street"
Copy of Certified Mail receipts
McKenzie Engineering, 2/9/2011, Proposal for Consulting Services
Letter, Ashby Police Department, dated 2/1/2011, received via email
Towne Commons Architectural Area Lighting
Revised plan sheets 2, 3, 10, 11
MassDOT permit number 3-2011-0006

Referenced Documents:
Letter from Haynes, Lieneck and Smith Inc. to Building Commissioner, 2/28/2011

Letter from Building Commissioner, 3/9/2011
Letter from McKenzie Engineering, Engineering Review Services, April
13, 2011

Findings:

The plan shows a 3.8 acre lot with 220 feet of frontage on Main Street. The plan shows on commercial building and one municipal building. The proposed use of the commercial building is a farmer's market/store, a restaurant and a coffee shop with drive up food service. The proposed use for the municipal building is a Police Station. Access to the site is by two driveways 135 feet apart, center to center. Drainage is directed to two rain gardens through drainage swales.

- 1) There are 3 lots shown. The combined lots would have adequate frontage and acreage.
- 2) Two buildings were allowed by a Zoning Board of Appeals decision of 8/30/2001.
- 3) The farmer's market/store is allowed by right, the restaurant is allowed by special permit and the coffee shop is allowed however the drive up food service is prohibited. See Zoning Bylaw section 6.5.2.1. An article amending the Zoning Bylaw to allow the drive up food service will be considered by the Town Meeting on May 7, 2011.
- 4) The Town has not agreed to use the proposed municipal building.
- 5) The distance between the two driveways is less than required by the Zoning Bylaw. See Zoning Bylaw section 4.4.1.2.
- 6) A determination cannot be made from the information submitted that proposed lighting meets sections 4.4.1.4 and 11.5.4.2 of the Zoning bylaw. The applicant stated that the requirements of those sections would be met.
- 7) The cupola on the farmer's market/store exceeds the thirty foot height restriction for the district in section 6.3.4 of the Zoning Bylaw. The cupola is determined to be a "traditional accessory appurtenance" and is permitted.
- 8) The size of the parking area complies with section 4.4.2 of the Zoning Bylaw.
- 9) Snow storage area is limited.

Decision and Conditions:

The Site Plan Special Permit is approved subject to the following conditions.

- 1) Businesses on the site may be open to the public between the hours of 5:00 am to 11:00 pm. Deliveries are limited to the hours of 7:00 am to 7:00 pm.
- 2) All exterior lighting fixtures shall be of the full cutoff type.
- 3) On site snow storage is permitted provided the minimum number of parking spaces required (37 spaces) is kept clear of snow.
- 4) The stormwater maintenance schedule described on sheet 11 of the revised plan shall be adhered to.
- 5) Approval is contingent on the applicant acquiring the drainage easements shown on the plan as revised.
- 6) Approval is contingent on the applicant receiving a zoning change for drive up food service.
- 7) Approval is contingent on receiving permits from other regulatory boards and agencies that do not materially alter the plan as revised.
- 8) Approval is contingent on the applicant receiving a variance from section 4.4.1.2 of the zoning bylaw for the distance between the driveways.
- 9) A stop sign and stop line is required at both driveways.
- 10) Directional signage is required in areas of one way traffic.
- 11) Aggregate signage is limited to that allowed by the Zoning Bylaw.

Should the applicant fail to meet one or more of the contingencies, further review will be limited to those areas of site review impacted by changes stemming from such failure.

Motion is made and seconded to approve the plan subject to the conditions above.

Vote: unanimous

Date: April 27, 2011

Signed: James Hargraves, chairman