



TEL: (508) 881-0100

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

Preston Crow, Chairman

RECEIVED  
TOWN CLERK  
ASHLAND, MA

2018 MAY 10 PM 12:30

**Certificate of Approval - Site Alteration Special Permit**  
**Ruth Lacroix**

**86 Hilldale Road**  
**Map 09 Lot 321**  
**April 26, 2018**

The Planning Board received an application on December 18, 2017 for approval of a Site Alteration Special Permit for work already undertaken to fill in and grade a rear yard. The applicant and property owner is Ruth Lacroix. There is an identical application for 82 Hilldale Road, Ashland, MA, and many of the submissions apply to both applications. The hearings for both properties were held simultaneously.

The application packet for the Site Alteration Special Permit was stamped in at the Town Clerk's Office on December 19, 2017 and contained:

- Application for a Site Alteration Special Permit for 86 Hilldale Road.
- Project Narrative by J.D. Marquedant & Associates, Inc. of Hopkinton, MA Titled "Site Alteration Special Permit 82-86 Hilldale Road Ashland MA" dated November 13, 2017. Photographs and an Abutters List were included.
- Plan titled "82-86 Hilldale Road Ashland MA Parcel ID: 09-321 and 09-3221 Site Plan of Land" prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, MA, signed and stamped by Joseph D. Marquedant, Registered Professional Land Surveyor No. 27873, and by Russell D. Hart, Registered Professional Engineer No. 28139. The plans are dated October 23, 2017.

Materials submitted before the Public Hearing on January 25, 2018:

- Letter submitted by Mike Crisafulli, Ashland Building Commissioner, dated January 22, 2018.
- Letter submitted by Fred Schube, 90 Hilldale Road, received on January 23, 2018.

Materials Submitted after the initial Public Hearing on January 25, 2018:

- Letter submitted by Ruth Lacroix, 86 Hilldale Road, received February 7, 2018.
- Printouts of two (2) photographs submitted to the Planning Board on March 1, 2018 by Fred Schube.

The Planning Board held a Public Hearing on January 25, 2018. The hearing was continued until February 15, March 1, March 8, March 22, and April 26, 2018. The Legal Notice was as follows:

*Ashland Planning Board*

*Two applicants, Ashley Arseneau of 82 Hilldale Road and Ruth LaCroix of 86 Hilldale Road, have both applied to the Planning Board for Site Alteration Special Permits to fill and regrade the rear yards under Chapter 282 Section 5.8, and any other applicable sections of the Ashland Bylaws. The properties above are located in the Residential A Zoning District. The two Public Hearings will be held concurrently on*

*January 25, 2018 at 7:45 PM in the Board of Selectmen's Room at Town Hall, 101 Main St., Ashland, MA.*

*This matter was originally scheduled for January 11<sup>th</sup>, but was rescheduled due to an error in the legal notification. We apologize for any inconvenience.*

*Parties wishing to be heard on this matter should submit comments to the Planning Board ahead of time and/or appear at the time and place indicated above.*

John Rossi and Joseph Rubertone were not in attendance at the January 25, 2018 Planning Board meeting, but did watch the recorded proceedings and signed affidavits to that effect.

### ***Findings***

Based on the evidence presented, the board makes the following findings:

1. The 11,900 square foot property is located in the Residential A Zoning District.
2. The property is currently occupied by a single family home.
3. Work filling and grading the rear yard began in August of 2017. A stop work order was issued from Mike Crisafulli, Ashland Building Commissioner, on August 28, 2017 due to a lack of permitting.
4. The project area was seeded after the stop work order was issued to stabilize the area.
5. The Ashland Planning Board discussed this application and the identical application for 82 Hilldale Road as one project as the filling and grading project took place across both 86 and 82 Hilldale Road. The two properties are abutting.
6. Four (4) Planning Board members conducted a site visit. Two (2) members on Friday, February 2, and two (2) members on Friday, February 9, 2018. The concerns stated by the Board members were:
  - a. The steepness of the slope on the western side of the project.
  - b. The screening for the neighbor to the north, 90 Hilldale Road.
  - c. The location of the property line between 86 and 90 Hilldale Road.
  - d. The requirement for fencing along the top of the slope for safety.

### ***Decision***


Following presentations by the Applicant and their engineer, a review by Board members, and comments from the public the Board voted 4-0-0 to approve the Site Alteration Special Permit as shown on the plan prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, MA, signed and stamped by Joseph D. Marquedant, Registered Professional Land Surveyor No. 27873, and Russell D. Hart, Registered Professional Engineer No. 28139, dated October 23, 2017 subject to the following conditions:

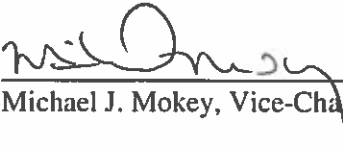
- a. The applicant shall comply with any code requirements of the Building Department and Fire Department.
- b. This approval shall be recorded at the South Middlesex Registry of Deeds. A copy of the recorded document bearing the date of recording and the book and page number shall be delivered to both the Planning and Building Departments before any completion of the project.

- c. All sloped areas shall be graded to less than 3-to-1, or if not possible, "rip-rap" shall be installed on the slope, of 150mm sieved stone or the equivalent. All slopes greater than 3-to-1 shall have fencing of at least 4 foot in height.
- d. The project area shall be graded such that water does not pool, and all water shall run towards the western edge of the property.
- e. Screening shall be installed according to the Plan dated October 23, 2017 mentioned above.
- f. At completion of the project, the project shall be inspected by a member of the Planning Board and/or the Planning Department.
- g. At completion the project shall be surveyed and an as-built plan shall be submitted to the Planning Department.
- h. In accordance with Section 9.4.14 of the Zoning Bylaw, Site Alteration Special Permit 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 Alteration Special Permit approval may, for good cause, be extended in writing by the Board upon written request of the Applicant.

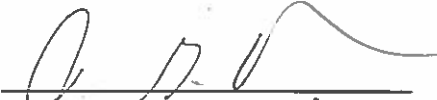
Pursuant to Section 9.4.17 of the Zoning Bylaw, any appeal of this certificate of approval shall be made in accordance with G.L. c. 40A, § 17, to a court of competent jurisdiction.

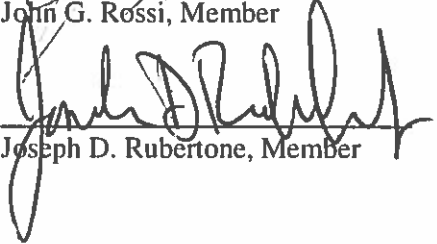
**Town of Ashland Planning Board**

By:   
Preston Crow, Chairman

By:   
Michael J. Mokey, Vice-Chairman

By: \_\_\_\_\_  
Dale M. Buchanan, Member

By:   
John G. Rossi, Member

By:   
Joseph D. Rubertone, Member

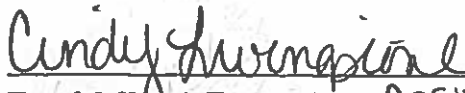
**COMMONWEALTH OF MASSACHUSETTS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the members of the Planning Board of the Town of Ashland, Massachusetts, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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: June 4, 2018

  
Tara M. Ward, Town Clerk, Assistant  
Cindy Livingstone