

Town of Ashland
Planning Department
 101 Main St.
 Ashland, MA 01721
 508.881.0101
 Ashlandmass.com/193/Planning

Application for Planning Board Approval/Permit

Note: Application must be complete, with a certified plot plan and all application fees to be accepted.

Property Information:

Street Address: BAWARD ROAD, MARIETTA ROAD, HIGHLAND RD & 100 FOUNTAIN ST.

Zoning District: "RA" Overlay District: _____
 Assessor's Map: 9 Lot: 199-207, 250, 255-257 Deed Book: BOOK 41453 Page: PAGE 213 AND
10 Lot: 35 Deed Book: BOOK 51534 Page: 403

Current Property Owner: SUE ROBERTSON AND THE ROBERTSON NOMINEE TRUST

Permit/Approval Sought:

- Special Permit (\$9.3) Special Permit Amendment/Modification Design Plan Review (\$9.6)
 Site Plan Review (\$9.4) Site Plan Modification Scenic Road Permit (Ch. 249 §20)
 Earth Removal Permit (Ch. 242 §3) Site Alteration Special Permit (\$5.8)
 Subdivision (Include Subdivision Application Form) Wireless Communication Facilities (\$6.4)

Use Type: Residential: Commercial: Industrial: Mixed Use:

Applicant Information:

Owner: Tenant: Prospective Purchaser/Tenant:

Name: SUE ROBERTSON

Address: 100 FOUNTAIN ST. ASHLAND MA 01721

Phone: 774-217 9907 Email: SUE ROBERTSON 100 @ COMCAST.NET

Agent's Name: _____

Agent's Address: _____

Agent's Phone: _____ Agent's Email: _____

Additional Information:

- Are all real estate taxes and other assessments to the Town current?: Y
 Is the parcel on a scenic road?: N Is the parcel in a flood plain?: N
 Is the parcel within 100 feet of a wetland or 200 feet of a river: Y
 Is this an amendment to a previously issued Special Permit? (attach approved permit): N

Date structure(s) built?: 1940



Description of the Relief Sought: (attach additional pages if needed)

COMMON DRIVEWAY TO ACCESS TWO SINGLE-FAMILY HOUSE LOTS. 12' WD. DRIVEWAY WILL ALLOW ACCESS SUFFICIENT FOR TWO HOMES AND REDUCE TREE CLEARING AND SITE ALTERATION ASSOCIATED WITH TYPICAL ROADWAY

What specific zoning bylaws and/or Special Permit types are relevant to this application?:

COMMON DRIVEWAY - CHAPTER 202 SECTION 603.50

Benefits of Project:

LESS TREE CLEARING & SITE DISTURBANCE

Existing use and condition of the property and surrounding neighborhood: (Please list all non-conformities.)

RESIDENTIAL

Attach Building Permit Denial letter if applicable.

By signing below you assert this application is complete and accurate to the best of your knowledge:

Signatures:

Applicant/Agent: _____ Applicant's Name: _____

Agent's Relationship to Applicant: _____ Firm: _____

Owner: Sue E Robertson Owner's Name: SUE E ROBERTSON

Note: If the applicant is not the owner, please have the owner sign above or submit a letter of permission with the application.



Subdivision Application Supplemental Form:

Approval Sought:

Preliminary Plan Definitive Plan Plan Modification Lot Line Revision
 Approval Not Required (ANR)

Subdivision Name (if not an ANR): BAWARD ROAD EXTENSION

Number of Lots Proposed: 4 Total Acreage: 6.1 AC Total Open Space: NA

Linear Feet of Proposed/Modified Road: 475'

Are there any easements or deed restrictions on/in the development? (attach copies): Y

Will the development be any of the following?:

Senior Residential Community (See Ch.282 §7.2): N

Cluster Development (See Ch.282 §7.3): N

Assisted Elderly Facilities (See Ch.282 §7.4): N

Multi-family Dwelling (See Ch.282 §7.5): N

Accessory Family Dwelling (See Ch.282 §7.6): N

Additional Considerations:

Is the project in a Flood Hazard Area? (See Ch.282 §8): N

Was a plan submitted to the Conservation Commission?: N If yes, when?: _____

Will a plan be submitted?: Y If no, signature of Conservation Agent: _____

Is the site within 500 ft. of another municipality?: N

Does the property contain walking trails and/or trees 14" in diameter or larger?: Y

Additional Parties:

Engineer: JD MARQUEDANT & ASSOC. Phone: 508 435 4145 Email: JDMAENG@AOL.COM

Architect: _____ Phone: _____ Email: _____

Landscape Architect: _____ Phone: _____ Email: _____

Attorney: _____ Phone: _____ Email: _____



J.D. MARQUEDANT & ASSOCIATES INC.

Land Surveying
34 Hayden Rowe Street #203
Hopkinton MA 01748
Phone: 508-435-4145 Fax: 508-435-0157

February 15, 2022

Mr. Peter Matchak
Town Planner/Director of Planning
Town of Ashland
101 Main Street Ashland MA 01721
Re: Ballard Road Extension Preliminary Plan

Dear Peter,

On behalf of Sue Robertson and The Robertson Nominee Trust I have filed an application with the Town of Ashland Planning Board for review of a four lot residential subdivision filed with your office as a preliminary plan.

The application deals with several parcels of land originally created on boundary plans from the 1950's. The parcels have the following addresses according to the Town of Ashland Assessors Office records: #0 Ballard Road, #0 Marietta Road, #0 Highland Road and #100 Fountain Street Ashland MA.

The parcels have the following parcel ID numbers: 09-199, 200, 201, 202, 203, 204, 205, 206, 207, 250, 255, 256, 257 and 10-35.

Title to the parcels identified here can be found in Middlesex South Registry of Deeds book 41453 page 213 and book 51534 page 403.

Thank you for your attention to this matter

Regards,



Joseph P Marquedant
Project Manager
JD Marquedant & Associates Inc.

Cc: Sue Robertson

**George F. Connors
Counselor At Law**

10 Southwest Cutoff, Northboro, MA 01532
Zero Cranberry Lane, Hopkinton, MA 01748
Phone (508) 393-6055 • Fax (508) 393-5242
george@gfconnorslaw.com

Ashland Planning Board
Mr. Peter Matchak, Planner
Town Hall
Via email

February 17, 2022

RE: Robertson – Preliminary Subdivision – Upland Road- Ballard and Highland Locus.

Dear Members of the Planning Board:

The Robertson Nominee Trust, Sue Robertson trustee, and individually submits the attached Preliminary (Subdivision) Plan, prepared by J.D. Marquedant and Associates, dated January 3, 2022.

This plan depicts two separate roadways; one as in improvement of Ballard Road, an existing way currently serving the existing house at 8 Ballard Road and Highland Road for a Common Driveway.

These roads and former lots are shown on a Plan entitled “Plan of Lots Belonging to Santo and Marietta Romeo, dated January 1950,” and recorded in the Middlesex South District Registry of Deeds as Plan 76 of 1950 (copy attached). The applicants intend to improve the ways to provide access and utilities as shown on the Preliminary Plan. Ballard Road already provides access to the house at 8 Ballard Road.

Improvements may be made to the ways shown on the plan as provided for in the deed citing “...*Subject to any and all restrictions and easements of record.*” (Book 515334, Page 403-404), said easements being the ways shown on the plan, initially more precisely stated in Book 30190, Page 83-82 “*Subject to, and with the benefit of all easements, rights of way, and restrictions recorded with said deeds as well as the right to use the streets and ways shown on the plan for all purposes for which streets and ways are used in the Town of Ashland.*”

Ballard Road will be extended to provide a suitable turn-around cul-de-sac layout at the terminus of the existing layout and it terminates at about 400 feet from Upland Road, well below the 800 foot regulation. Upgrading of the utility lines and extensions to the new dwellings are proposed. This work will serve two additional lots. This is a “Lane” road as provided for in the Ashland Subdivision Rules and Regulations.

Highland Road, currently a wooded area, is proposed to be improved as a Common Driveway, by Special Permit from the Planning Board, as provided for in the Zoning Bylaws at Section 6 (Special Regulations) .3 (Driveways):-

"5. Common Driveways. Common driveways serving not more than two (2) lots may be allowed on special permit by the Planning Board. A common driveway must satisfy all of the conditions in this Section, as well as all of the following conditions:

1.

The center line intersection with the street center line shall not be less than 45 degrees;

2.

A minimum cleared width of 12 feet shall be maintained over its entire length of the common driveway;

3.

Proposed documents shall be submitted to the Planning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest."

The common driveway shows to have minimal impact to the landscape and in particular the existing neighborhood, by minimizing impervious surfaces and attendant drainage runoff. In addition, as can be seen from the plan, the cross slope over the right-of-way would cause more clearing and sideslope cuts/fills to support a subdivision roadway.

Very truly

George Connors

Encls 



Bk: 41453 Pg: 213

Recorded: 11/18/2003

Document: 00001335 Page: 1 of 2

2-

Quitclaim Deed

We, Dorothy M. Robertson, of Hopkinton, Middlesex County, Massachusetts and Sue E. Robertson, of Ashland, Middlesex County, Massachusetts for consideration being nominal, grant to Sue E. Robertson, individually of 100 Fountain Street, Ashland, Middlesex County, Massachusetts,

With Quitclaim Covenants,

The land, with the buildings thereon, located in Ashland, Middlesex County, Massachusetts, and more particularly described as Lot #12 on Fountain Street shown on a plan entitled "Plan of Lots belonging to Santo and Marietta Romeo, Ashland, Mass." By Charles E. Dearborn, Engineer, dated January 1950, recorded as Plan Number 76 of 1950 in Book 7530, Page end, with the Middlesex South District Registry of Deeds.

Subject to, and with the benefit of, all easements, rights of way, and restrictions recorded with said deeds as well as the right to use the streets and ways shown on said plan for all purposes which streets and ways are used in the Town of Ashland.

Meaning and intending to convey and hereby conveying the same premises conveyed to Dorothy M. Robertson by deed of Sue E. Robertson dated February 15, 1995 and recorded with the Middlesex South District Registry of Deeds in Book 25187, Page 321.

12 Fountain St, Ashland

450 12/18/03 02:41:07 1305 125.00

Witness our hands and seals on this, the 13th day of November, 2003.

Dorothy M. Robertson
Dorothy M. Robertson

Sue E. Robertson
Sue E. Robertson

Commonwealth of Massachusetts

Middlesex, ss

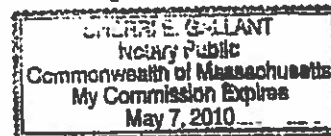
November 13, 2003

Then personally appeared the above-named Dorothy M. Robertson and Sue E. Robertson and acknowledged the foregoing instrument to be her free act and deed before me.

Shari E. Gallant

, Notary Public

My commission expires:



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MASSACHUSETTS QUITCLAIM DEED

I, **DOROTHY M. ROBERTSON** of Middlesex County, Massachusetts, for consideration paid and in full consideration of **ONE (\$1.00) DOLLAR;**

grant to, **DEBORAH M. SCHUEPBACH, JEAN M. ROBERTSON and SUE E. ROBERTSON, Co-Trustees of THE ROBERTSON NOMINEE TRUST,** a Declaration of Trust dated June 19, 2008 and recorded prior hereto in Middlesex South Registry of Deeds at Book _____ Page _____.

with **QUITCLAIM COVENANTS**

The land, with the buildings thereon, in Ashland, Middlesex County, Massachusetts, and shown as the following numbered lots on the plan hereinafter described:

- Lot #11 on Upland Road and Fountain Street
- Lot #15 on Ballard Road
- Lot #16 on Ballard Road
- Lot #17 on Ballard Road
- Lot #18 on Marietta Road
- Lot #19 on Marietta Road
- Lot #20 on Marietta Road and Highland Road
- Lot #21 on Highland Road and Marietta Road
- Lot #28 on Highland Road
- Lot #29 on Highland Road
- Lot #30 on Highland Road
- Lot #31 on Highland Road
- Lot #32 on Highland Road
- Lot #33 on Highland Road and Upland Road
- Lot #34 on Upland Road



Bk: 51534 Pg: 403 Doc: DEED
Page: 1 of 2 08/05/2008 10:37 AM

LOCUS: Ashland, MA

Also, Lots # 22 and #23 on Marietta Road as shown on said plan excepting therefrom land conveyed by deed to Robert J. Roy and Geraldine A. Roy, dated July 11, 1963, recorded in Book 10324, Page 164, at the Middlesex South Registry of Deeds.

All of the above lots are shown on a plan entitled "Plan of Lots belonging to Santo and Marietta Romeo, Ashland, Mass." by Charles E. Dearborn, Engineer, dated January 1950, recorded as Plan Number 76 of 1950 in Book 7530, Page end, with the Middlesex South Registry of Deeds.

Also, any other lots, parcels or pieces of land that I may own in the Town of Ashland, with any buildings thereon, meaning thereby to convey any and all land that I may now own, or have an interest in, located in the Town of Ashland, excepting therefrom Lot #12 on Fountain Street as shown on a plan entitled "Plan of Lots belonging

RETURN TO:
Christine H. Burke, Esq.
77 Main Street
Hopkinton, MA 01748

to Santo and Marietta Romeo, Ashland, Mass." by Charles E. Dearborn, Engineer, dated January 1950, recorded as Plan Number 76 of 1950 in Book 7530, Page end, with Middlesex South District Registry of Deeds, it being the intention of the Grantor to continue to hold title to Lot #12 with Sue E. Robertson as joint tenants.

Subject to any and all restrictions and easements of record.

For Grantor's title see deed of SUE E. ROBERTSON to DOROTHY M. ROBERTSON dated January 12, 2000 and recorded with the Middlesex South Registry of Deeds at Book 31090, Page 82.

WITNESS my hand and seal this 19th day of June, 2008.

Dorothy M. Robertson
DOROTHY M. ROBERTSON

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

June 19, 2008

On this 19th day of June, 2008, before me, the undersigned notary public, personally appeared **DOROTHY M. ROBERTSON**, proved to me through satisfactory evidence of identification, which was her Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Christine H. Burke
CHRISTINE H. BURKE, Esquire

Notary Public
My Commission Expires:
February 7, 2014

Eugene C. Brune

Attest Middlesex S. Register



CHRISTINE H. BURKE, ESQ.
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
February 7, 2014

RETURN TO:
Christine H. Burke, Esq.
77 Main Street
Hopkinton, MA 01748

0716**3120 65501 N 19 14 N

BK10324 PG164

K7-05

We, Santo Romeo and Marietta Romeo, husband and wife

of Ashland Middlesex County, Massachusetts, for consideration paid, grant to Robert J. Roy and Geraldine A. Roy, husband and wife, as tenants by the entirety, both

of Framingham, in said County with quitclaim covenants

(Description and encumbrances, if any)

A certain parcel of land situated on the westerly side of a private way called Ballard Road, in the Town of Ashland, containing 30,000 sq. feet, bounded and described as follows:

Beginning at a point on the westerly side of Ballard Road at land of Stanley A. and Nancy A. Wenzell, thence running N. 53° 50' W. by said Wenzell Land and Land of Katherine E. McIntyre, One Hundred Fifty (150) feet to other land of the grantor; thence running N. 36° 10' E., by other land of the grantor, Two Hundred (200) feet; Thence running S. 53° 50' E., still by other land of the grantor, One Hundred Fifty (150) feet to Ballard Road; Thence running S. 36° 10' W., by Ballard Road, Two Hundred (200) feet to the point of beginning.

The above courses include Lot 24 and part of Lots 22 and 23 as shown on a "Plan of Lots belonging to Santo and Marietta Romeo, Ashland, Mass., Charles E. Dearborn, Engr. January 1950" recorded in Middlesex South District Deeds, Book 7530, Page at end of Book.

Said premises are conveyed subject to the following restriction;

No building other than a single family dwelling shall be erected on said lot, except a garage, tool house or a playhouse for the occupants of such dwelling house. The front main part of the house shall not be nearer than Thirty (30) feet to the street line boundary of said lot, the side main parts of the house shall not be nearer than Eight (8) feet to the side line boundaries of said lot. Open porches, bay windows, canopies and porticos, may extend into this reserved space.

No tent, hut, or trailer shall be occupied as living quarters or used for industrial or commercial purposes. No cow, goat or poultry shall be kept on said lot. No fences higher than four feet above ground shall be erected thereon.

For source of grantors title to land contained in the aforesaid plan reference is made to the following deeds, duly recorded in the Middlesex South District Registry of Deeds; Bowers, Trustees to Romeo, 6/5/30, Book 5467, Page 344. Taylor to Romeo, Aug. 24, 1932, Book 5004, Page 53. Irwin to Romeo, Dec. 10, 1943, Book 6731, Page 130. Comm of Mass to Romeo, May 16, 1946, Book 6985, Page 290-291.

subject to the Zoning Laws of the Town of Ashland, Middlesex County of said grantor, We,

release to said grantee all rights of tenancy by the curtesy dower and homestead and other interests therein.

Witness our hand & seals this Eleventh day of July 1963

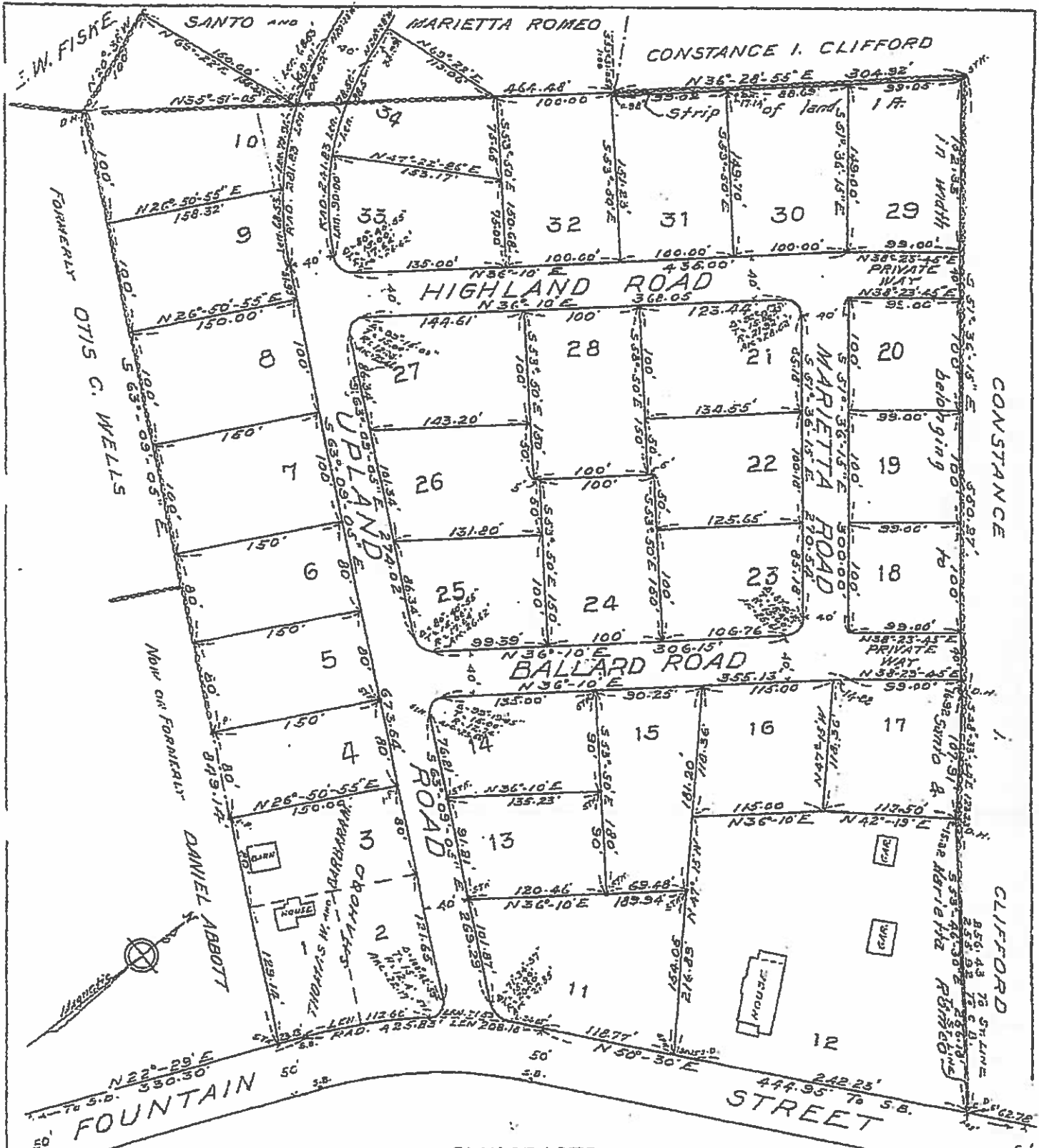
Santo Romeo
Marietta Romeo

cancelled
The Commonwealth of Massachusetts
Middlesex ss July 11, 1963

Then personally appeared the above named Santo Romeo and acknowledged the foregoing instrument to be his free act and deed before me

James V. Giblio Notary Public
My commission expires January 31, 1960
sum of \$1.65 affixed and cancelled

(* Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)



Charles E. Dearborn, Engr. 1950
 JAN. 16, 1950, 2:25 P.M.
 ALONE
 Page

PLAN OF LOTS
 BELONGING TO
SANTO AND MARIETTA ROMEO
 ASHLAND, MASS.
 Charles E. Dearborn, Engr. January 1950
 SCALE - 1 INCH = 60 FEET.