

Winchendon Rd  
APR-  
21/11/11



Town Of Ashburnham Planning Board

FORM A

APPROVAL NOT REQUIRED PLAN – CHECK LIST

This form must be completed by the plan preparer, signed, dated and returned with the completed copy of Form A, along with the appropriate fee. For the complete submission requirements see § 4.1 of the Planning Board's Rules & Regulations. Applications are due no later than 10 days preceding the next regular Planning Board Meeting

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICATIONS

- ☐ Completed Form A Application and corresponding Form A Checklist
- ☐ Filing Fee (See Planning Board Fee Regulations).
- ☒ Copy of the most recently recorded deed.
- ☐ Municipal tax lien, indicating no outstanding taxes and/or assessments due on the property
- ☒ If the applicant is not the owner, a copy of authorization to apply, signed by the owner.
- ☒ Is the plan located on a Scenic Road adopted by Town Meeting May 11, 1974? ☐ Yes ☒ No
- ☒ 7 – 11 x17 copies of plan, and two (2) 24' x 36" size copies of plan, Mylar to be presented at meeting

CONTENTS

- ☒ Title boundaries, north point, date and scale.
- ☒ Locus Map showing location of subdivision with adjacent streets and landmarks clearly indicated.
- ☒ Name and address of record owner and engineer or surveyor, with appropriate certification of a registered land surveyor.
- ☒ Each lot meets the requirements set forth in §4.32 of the Ashburnham Zoning By-Law.
- ☒ Frontage and area of any remaining adjoining land owned by the applicant.
- ☒ Suitable space to record the action of the board and the signatures of the members of the Board.
- ☒ Sufficient data to determine existing lines of every street and way line to include both side lines of the streets and abutters on both sides of the street.
- ☒ House numbers shall be shown on each and every lot according to the practice of the Town of Ashburnham, i.e.; 40' rule.
- ☒ Proposed lot boundaries, with areas of lots (shown in square feet if less than two acres) and lot frontage.
- ☒ Evidence that each lot on the plan, or altered by it, meets the requirements of § 4.1.2(i) and § 4.1.3 of the Planning Board's Rules & Regulations.
- ☒ Lots created for conveyance purposes only, so noted.
- ☒ The following to be noted on the plan –

"PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A SUBDIVISION UNDER M.G.L. CHAPTER 41, SECTION 81L AND DOES NOT INDICATE THAT THE LOT IS BUILDABLE OR THAT IT MEETS ZONING, HEALTH, CONSERVATION OR GENERAL BYLAW REQUIREMENTS"

Signature of registered land surveyor or registered engineer: Brian M. Szoc

Print Name: Brian M. Szoc, Company/Firm: Szoc Surveyors

Date: 2/18/21 Certification: P.L.S. Certification #: 31727 (Brian)



## Town Of Ashburnham Planning Board

## FORM A

APPLICATION FOR DETERMINATION THAT  
PLAN DOES NOT REQUIRE APPROVALDate 2/18/21

The undersigned owner(s) or authorized applicant(s) of the land shown on the accompanying plan request a determination and endorsement by the Ashburnham Planning Board that approval under the Subdivision Control law is not required.

Plan Title: PLAN OF LOTS SURVEYED FOR MN<sup>122</sup> MAIN, LLCPlan date: 2/18/21 Assessor's Map and Parcel Number: Map(s) 21 Parcel(s) 111AZone: R-A Total Area: 9.137 AC. Number of Lots: 4Drawn By: Szoc Surveyors (Brian M. Szoc)Address: 32 Pleasant Street, Gardner, MA 01440

## PLEASE COMPLETE THE FOLLOWING

The proposed lots do ☒ do not ☐ meet the present Zoning By-Law lot size and frontage requirements. (Check one)

(Items 1 – 4, circle one)

1. The applicant believes the plan does not require the Planning Board's approval because:

Each lot has the minimum required frontage under the Zoning By-Law on WINCHENDON RD ~~Street~~, which is: (Circle one)

- ☒ a. A public way, certified by the Town Clerk as maintained and used as a public way, or;
- ☐ b. A way shown on a subdivision plan dated \_\_\_\_\_, and endorsed and installed in accordance with the Subdivision Rules & Regulations, or;
- ☐ c. A private way in existence on February 18, 1954, the date when the subdivision control law became effective in the Town of Ashburnham having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. (See § 4.1.3 of the Planning Board's Rules & Regulations)
2. The division of a tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, which adds to/takes away from the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Ashburnham Zoning By-Law.

Continued on reverse



3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because two or more buildings were standing on the plan prior to February 18, 1954, the date when the subdivision control law went into effect in the Town of Ashburnham. The date the buildings were constructed and there use is as follows:

Building #1: date \_\_\_/\_\_\_/\_\_\_ Use \_\_\_\_\_

Building #2: date \_\_\_/\_\_\_/\_\_\_ Use \_\_\_\_\_

Building #3: date \_\_\_/\_\_\_/\_\_\_ Use \_\_\_\_\_

4. Other reasons or comments: ( See M.G.L., c.41, § 81L)

The owner's title to the land is derived under deed dated 6/25/19, and recorded in Registry of Deeds, Book 9356, Page 356 and Assessors' Map 21, Parcel 111A.

Has a plan of this land been submitted to the Planning Board before? Yes \_\_\_ No ☒

If yes, please provide the date of the plan, date of recordation with the Registry of Deeds or the date of filing with the Land Court. Date of plan: \_\_\_/\_\_\_/\_\_\_ Date of Recording: \_\_\_/\_\_\_/\_\_\_

Is the plan located on a Scenic Road adopted by Town Meeting May 11, 1994? \_\_\_ Yes ☒ No

Are there any wetlands within this tract of land? Yes \_\_\_ No ☒

The owner/applicant owns adjacent land Yes \_\_\_ No ☒

ED McSweeney / 69 BROAD ST. HOLLYS NH / 978-204-3319  
Signature of Owner Address Phone

Print Name of Owner

ED McSweeney / 69 BROAD ST. HOLLYS NH / 978-204-3319  
Signature of Owner Address Phone

Print Name of Owner

MATT NOWLAN / 76 KNOWLER RD WESTMANSTER, MA  
Signature of Applicant Address Phone

MATT NOWLAN  
Print Name of Applicant

For Planning Board Use Only

File Date 3/10/21  
(Next regular PB Meeting)

Decision \_\_\_\_\_  
(Not > file date +21 days)

Fee \_\_\_\_\_

Paid: Yes \_\_\_ No \_\_\_

Comments:

PAID  
3/10/21

**COPY**

**QUITCLAIM DEED**

I, Diane C. Hill, Trustee of the Diane C. Hill Trust u/d/t dated April 22, 1997, for which a Trustee's Certificate is recorded with Worcester Northern District Registry of Deeds in Book 7644, Page 121, for consideration paid, and in full consideration of One Hundred Twenty Thousand and 00/100 (\$120,000.00) Dollars

GRANT TO MN 122 Main, LLC, a Massachusetts limited liability company, of 76 Knower Road, Westminster, MA 01473

WITH QUITCLAIM COVENANTS, THE PREMISES DESCRIBED AS

Two certain parcels of land, with buildings and other improvements thereon, on the northerly side of Main Street leading from Ashburnham Center to Winchendon and known as Route 12, now known as and numbered 122 on Main Street in Ashburnham, Worcester County, Massachusetts, being more particularly bounded and described as follows:

**FIRST PARCEL**

BEGINNING at the southeasterly corner thereof at a stone wall in the northerly line of Main Street at land now or formerly of one Conlon;

THENCE South 67° West one hundred (100') feet;

THENCE South 75° West one hundred fourteen (114') feet to a highway bound;

THENCE Westerly, fifty-six (56') feet to a highway bound;

THENCE North 89° West one hundred (100') feet to a point, the preceding courses being by the northerly line of Main Street;

THENCE due North, passing through an anchor bolt used at a pole guy, two hundred fifty (250') feet more or less to a point on a stone wall;

THENCE South 85° East one hundred sixty (160') feet more or less;

THENCE North 2° East seven and no tenths (7.0') feet;

The preceding three (3) courses being by other land now or formerly of the Estate of Bertha E. Miller;

Property Address: 122 Main Street, Ashburnham, MA



- THENCE South 86° East by a stone wall, by land of said Estate and land now or formerly of one Conlon, one hundred ninety-five and five tenths (195.5') feet to an angel of said wall;
- THENCE South 1 ½° East, by a stone wall, by land of said Conlon, one hundred seventy-three and two tenths (173.2') feet to the northerly line of Main Street and the place of beginning.

Said first Parcel contains approximately 1.0 acres.

## SECOND PARCEL

- BEGINNING at the southwesterly corner thereof at a stone wall on the northerly side of Main Street at land now or formerly of one Ouellette;
- THENCE North 5° East five hundred and four (504') feet by said Ouellette land;
- THENCE South 83° East two hundred ninety- four (294') feet;
- THENCE North 7° East two hundred three (203') feet;
- The preceding three courses being by land now or formerly of one Schoonmaker ;
- THENCE South 85.5° East two hundred twenty-nine (229') feet by land now or formerly of one Campbell;
- THENCE South 6° West four hundred twenty-nine (429') feet by land now or formerly of one Hebert H. Whitney;
- THENCE due South by land now or formerly of Conlon Thirty- seven (37') feet;
- THENCE North 86° West eighteen (18') feet;
- THENCE South 2° West seven (7') feet;
- THENCE North 85° West one hundred sixty (160') feet more or less;
- THENCE due South two hundred fifty (250') feet to the northerly line of Main Street;
- THENCE North 89° West one hundred forty seven (147') feet;
- THENCE North 85° West two hundred twenty- six (226') feet;
- THENCE North 67° West one hundred seventeen (117') feet to the place of beginning.

Said Second Parcel contains approximately 8.1 acres.

Excepting from this conveyance Lot "A" as shown on a plan entitled "Plan of Land Surveyed for the Diane C. Hill Trust" dated May 29, 2019 and recorded with the Worcester North Registry of Deeds at Plan Book 520, Page 24.

Together with an easement to install, maintain and replace a sewer pipe line within the "Proposed Sewer Easement" area shown on said plan recorded in Plan Book 520, Page 24, for the benefit of the land being conveyed by this deed and the Town of Ashburnham.

As per M.G.L. c 188 s 13, the Grantor, under oath and subject to the pains and penalties of perjury, does hereby depose, state and certify that: (i) that no spouse, non-owner spouse, former spouse, or any other person resides in the home and (ii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

Being shown as remaining land of Diane C. Hill conveyed by Deed dated May 15, 2012 and recorded with Worcester North Registry of Deeds in Book 7644, Page 125.

WITNESS OUR HAND(S) AND SEAL(S) this 25<sup>th</sup> June day of May, 2019.

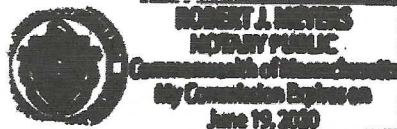
Diane C. Hill Trust u/d/t dated April 22, 1997

Diane C. Hill  
Diane C. Hill, Trustee

COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss.

On this June 25, 2019, before me the undersigned notary public, personally appeared Diane C. Hill, as Trustee of the Diane C. Hill Trust u/d/t dated April 22, 1997, and proved to me through satisfactory evidence of identification, said identification being driver's license(s), to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he/she they signed it voluntarily for its stated purpose.



Robert J. Meyers  
Notary Public Robert J. Meyers  
My Commission Expires: June 19, 2020

PLAN OF LOTS  
SURVEYED FOR  
**MN 122 MAIN, LLC**  
ASHBURNHAM, MA  
FEBRUARY 18, 2021 SZOC SURVEYORS  
66 PARKER ST., SUITE #3, GARDNER, MA  
TEL: 978-632-0233 FAX: 978-630-1548

FOR REGISTRY USE ONLY

OWNER OF RECORD:  
75 KIMBERLY ROAD  
WESTMINSTER, MA 01473  
MAP 21, LOT 114

I CERTIFY THAT THIS PLAN  
COMPLIES WITH THE  
REGULATIONS OF THE REGISTER  
OF MASSACHUSETTS.



2-18-21  
Brian M. Syc



- LEGEND:
- IRON PIN
  - DRILL HOLE
  - WOODEN PILE
  - STONE WALL
  - F.S. FOUND ON SET

TOWN OF ASHBURNHAM  
PLANNING BOARD  
APPROVED FOR THE SUBDIVISION CONTROL  
LAW IS NOT REQUIRED.

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
REVIS & VARIETY IN ASSET

ZONING DISTRICT: (M-1)  
RESIDENTIAL A (M-1)  
FRONTAGE: 120 FEET  
FRONT SET BACK: 20 FEET  
REAR SET BACK: 10 FEET  
PLANNING BOARD ENDORSEMENT OF  
THIS PLAN IS VALIDATES ONLY THAT  
THE PLAN IS IN ACCORDANCE WITH  
THE TOWN OF ASHBURNHAM  
THE LOT IS BUILDABLE ON THAT II  
OF THE ZONING BOARD CONSIDERATION  
ON GENERAL DUTY REQUIREMENTS.

