

May 3, 2024

VIA FEDEX AND EMAIL

Town Clerk
Planning Board
Town of Bolton
663 Main Street
Bolton, MA 01740
978-779-3308

**Re: FORM A- APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED
NOT TO REQUIRE APPROVAL**

**Applicants/Owners: Michael McDowell and Renee McDowell (52 Powder
Hill Road, Bolton, MA 01740)**

**Marissa Salamanca (44 Powder Hill Road, Bolton, MA
01740)**

To whom it may concern,

This office represents the applicants/owners for the purpose of subdividing a use easement into two fee simple parcels on the above-referenced Properties pursuant to Sections 2100-2310 of the Town of Bolton Subdivision Rules and Regulations.

Enclosed for the Board's consideration please find:

1. Signed FORM A-Application for endorsement of plan believed not to require approval from Michael McDowell and Renee McDowell (52 Powder Hill Road, Bolton, MA 01740) and Marissa Salamanca (44 Powder Hill Road, Bolton, MA 01740) with addendum.
2. Exhibit A- Proposed subdivision plan [two 24 x 36 copies of the plan]
3. Exhibit B- Mylar of the plan [one 24 x 36 mylar]
4. CD with PDF of submission (format compatible with ArcGIS)
5. Check to the Town of Bolton MA for \$85 dollars (Description: Fees for application of FORM A-Application for endorsement of plan believed not to require approval).

Page 2

If you have any questions about the application, or require additional information, do not hesitate to contact my office.

Sincerely,

/s/ Tara E. Lynch

Tara E. Lynch

Enclosures

cc: Jeffrey B. Loeb, Esq. JLoeb@richmaylaw.com
Ashley M. Berger, Esq. aberger@richmaylaw.com

BOLTON PLANNING BOARD 8510.

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN

BELIEVED NOT TO REQUIRE APPROVAL

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Marissa Salamanca, Michael McDowell and Renee

1. Name of Applicant(s): McDowell

Marissa Salamanca (44 Powder Hill Road, Bolton, MA 01740)

Contact Address: Michael McDowell and Renee McDowell (52 Powder Hill Road, Bolton, MA 01740)

857-504-2022

To be contacted through: Tara E. Lynch,

Phone: _____ Email Address: Esq (tlynch@grsm.com)

Marissa Salamanca, Michael McDowell and

2. Name of Property Owner(s): Renee McDowell

Marissa Salamanca (44 Powder Hill Road, Bolton, MA 01740)

Contact Address: Michael McDowell and Renee McDowell (52 Powder Hill Road, Bolton, MA 01740)

857-504-2022

To be contacted through: Tara E. Lynch,

Phone: _____ Email Address: Esq (tlynch@grsm.com)

Douglas W. Andrysick, PLS

3. Name of Registered Land Surveyor: _____

ANDRYSICK LAND SURVEYING (Division of Hancock Associates)

Address: 206 Worcester Rd, Princeton, MA 01541

(978) 464-5890

dwandrysick@hancockassociates.com

Phone: _____ Email Address: _____

4. Deed of property recorded in: Book No., _____ Page, _____

[See attachment to
of the numeral 4] _____ Registry of Deeds

44 Powder Hill Road, Bolton, MA

5. Property Location: 52 Powder Hill Road, Bolton, MA

Map 5D

6. Assessor's Map and Parcel: 44 Powder Hill Road (Lot 14) is parcel 71
52 Powder Hill Road (Lot 16) is parcel 69

The premises are located in the Residential Zoning

7. Zoning District(s): District.

BOLTON PLANNING BOARD 8510.

[See attachment to numeral 8]

8. Property Acreage: _____

2

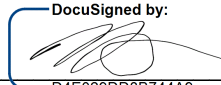
9. Number of Existing Lots: _____

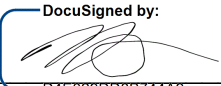
10. Proposed Lot(s) Frontage & Acreage: _____
Proposed lots do not front the public way. The use easement is being subdivided into two fee parcels and added to existing properties, as shown on plan.

11. List any Board of Appeals decisions pertaining to this site: _____

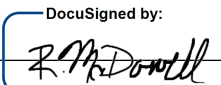
On 2/27/24, the Board of Appeals approved: Variance requests seeking relief from Lot Area Requirements for 44 Powder Hill Road and relief from Lot Shape Factor and side yard setback requirements for an accessory structure for 52 Powder Hill Road. On 4/17/24, the Town Clerk certified the decision was not appealed and it was properly Recorded with the Worcester Registry of Deeds that same day.

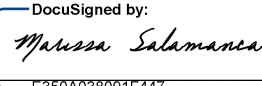
12. Reason plan does not constitute a subdivision: _____
Does not meet the definition of subdivision established by the law.

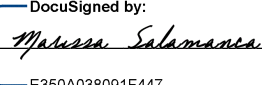
Signature of Applicant: _____
DocuSigned by:  Date: May 3, 2024 | 3:47 AM PDT
D4E029DD8B744A9...

Signature of Owner: _____
DocuSigned by:  Date: May 3, 2024 | 3:47 AM PDT
D4E029DD8B744A9...

Signature of Applicant: _____
DocuSigned by:  Date: May 2, 2024 | 7:28 PM EDT
8812435A9BC0414...

Signature of Owner: _____
DocuSigned by:  Date: May 2, 2024 | 7:28 PM EDT
8812435A9BC0414...

Signature of Applicant: _____
DocuSigned by:  Date: May 2, 2024 | 11:12 AM PDT
E350A038091F447...

Signature of Owner: _____
DocuSigned by:  Date: May 2, 2024 | 11:12 AM PDT
E350A038091F447...

**ATTACHMENTS TO FORM A
APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL**

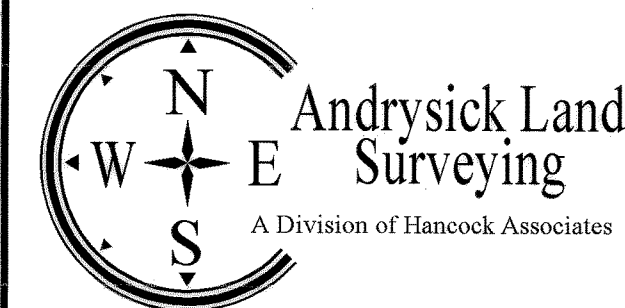
4. Deed of property recorded in:

- 52 Powder Hill Road, Book 59273 Page 47
- 44 Powder Hill Road, Book 53731 Page 234
- Covenant Deed, Book 17127 Page 267
- Declaration of Grading and Fill Easements, Book 17990 Page 375
- 2/27/2024 Board of Appeals decision approving Variance requests seeking relief from Lot Area Requirements for 44 Powder Hill Road and relief from Lot Shape Factor and side yard setback requirements for an accessory structure for 52 Powder Hill Road, Book 70409 Page 364

8. Property Acreage:

The applicants/petitioners are proposing to subdivide a use easement into two fee simple parcels for the purpose of benefiting the applicants' properties at 44 Powder Hill Road and 52 Powder Hill Road, resolving a dispute regarding the exclusivity and scope of the use easement, and restoring neighborly relations.

The applicants/petitions refer to the proposed subdivision plan attached as **Exhibit A**. Specifically, the partition involves combining Parcel A, containing 5,444 sq. ft., with Lot 16, containing 65,498 sq. ft., to form Lot 16A containing 70,942 sq. ft. In addition, Parcel A, containing 5,444 sq. ft. will be taken away from Lot 14 to form Lot 14A containing 60,056 sq. ft.



Civil Engineers
Land Surveyors
Wetland Specialists

206 WORCESTER RD
PO BOX 97, PRINCETON, MA 01541
VOICE (978) 464-5890, FAX (978) 464-5383
DWANDRYSICK@HANCOCKASSOCIATES.COM
WWW.HANCOCKASSOCIATES.COM

PREPARED FOR:

RICH MAY, P.C.
C/O JEFFREY B. LOEB
176 FEDERAL STREET
BOSTON, MA 02110

OWNERS OF RECORD:

MARISSA SALAMANCA
44 POWDER HILL RD
BOLTON, MA 01740

MAP 5D LOT 69

MICHAEL W. & RENEE M. MCDOWELL
52 POWDER HILL RD
BOLTON, MA 01740

MAP 5D LOT 71

DEED REFERENCE:

DEED BK 53731 PG 234

DEED BK 59273 PG 47

COVENANT DEED

DEED BK 17127 PG 267

SHARED DRIVEWAY LOTS 3A AND 16

EASEMENT DEED

DEED BK 17071 PG 144

PLAN REFERENCE:

PLAN BK 694 PLAN 23

PLAN BK 689 PLAN 80

PLAN BK 682 PLAN 88

ZONING REFERENCE:

RESIDENTIAL

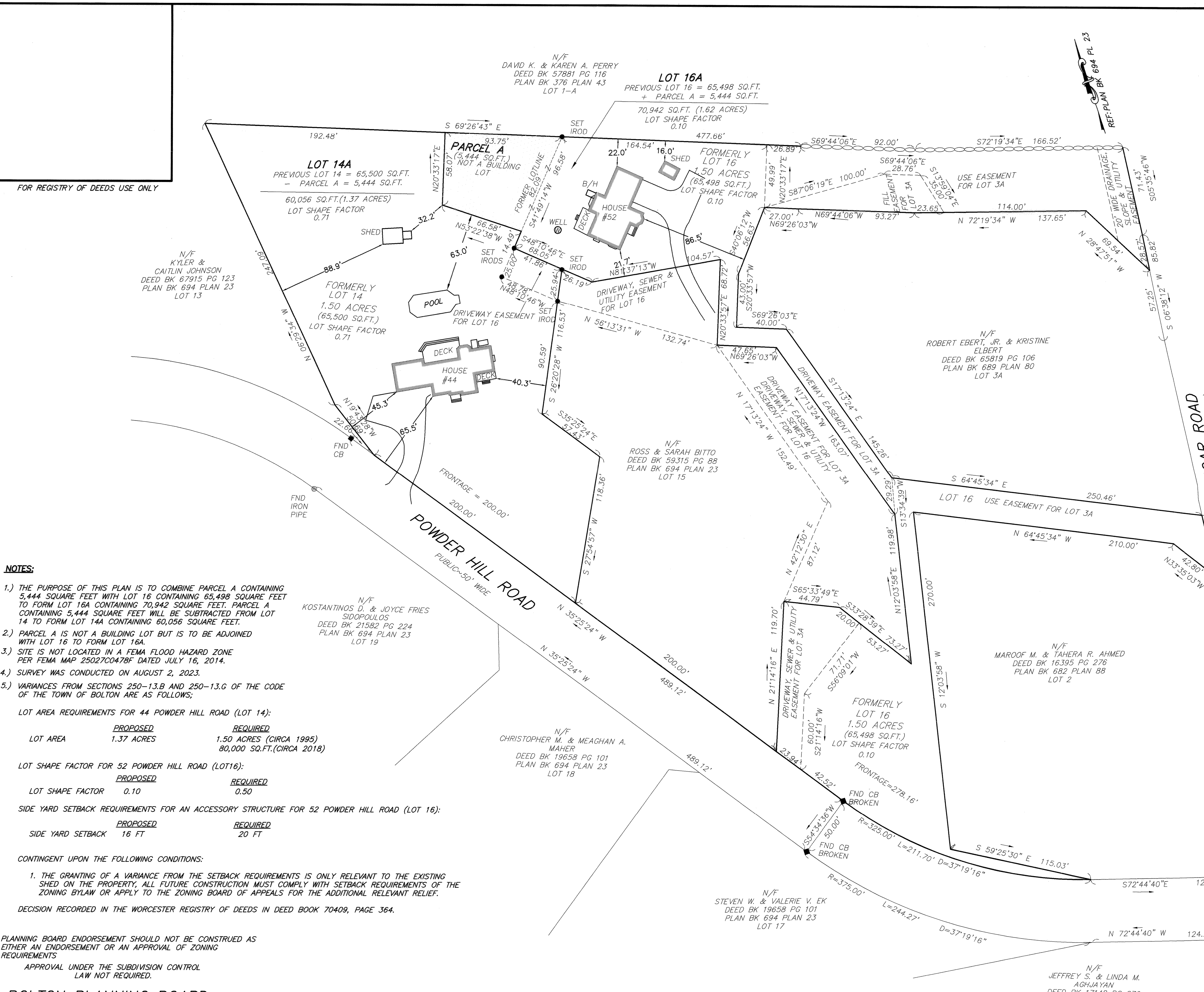
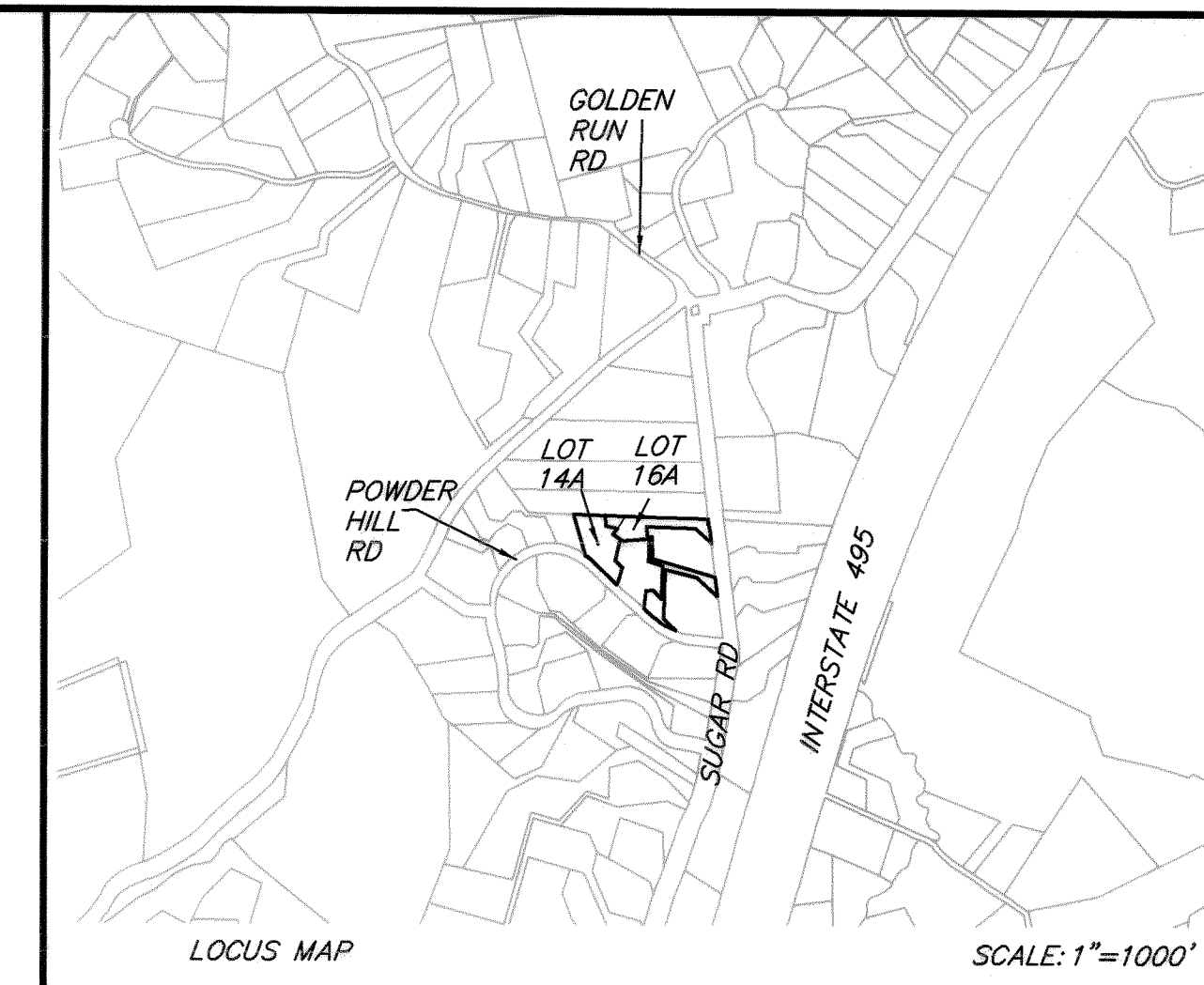
AREA = 80,000 SQUARE FEET

FRONTAGE = 200 FEET

FRONT = 50 FEET

SIDE = 20 FEET

REAR = 20 FEET



- NOTES:**
- 1.) THE PURPOSE OF THIS PLAN IS TO COMBINE PARCEL A CONTAINING 5,444 SQUARE FEET WITH LOT 16 CONTAINING 65,498 SQUARE FEET TO FORM LOT 16A CONTAINING 70,942 SQUARE FEET. PARCEL A CONTAINING 5,444 SQUARE FEET WILL BE SUBTRACTED FROM LOT 14 TO FORM LOT 14A CONTAINING 60,056 SQUARE FEET.
 - 2.) PARCEL A IS NOT A BUILDING LOT BUT IS TO BE ADJOINED WITH LOT 16 TO FORM LOT 16A.
 - 3.) SITE IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE PER FEMA MAP 25027C0478F DATED JULY 16, 2014.
 - 4.) SURVEY WAS CONDUCTED ON AUGUST 2, 2023.
 - 5.) VARIANCES FROM SECTIONS 250-13.B AND 250-13.G OF THE CODE OF THE TOWN OF BOLTON ARE AS FOLLOWS:

LOT AREA REQUIREMENTS FOR 44 POWDER HILL ROAD (LOT 14):

LOT AREA	PROPOSED	REQUIRED
LOT AREA	1.37 ACRES	1.50 ACRES (CIRCA 1995) 90,000 SQ.FT.(CIRCA 2018)

LOT SHAPE FACTOR FOR 52 POWDER HILL ROAD (LOT16):

LOT SHAPE FACTOR	PROPOSED	REQUIRED
LOT SHAPE FACTOR	0.10	0.50

SIDE YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE FOR 52 POWDER HILL ROAD (LOT 16):

SIDE YARD SETBACK	PROPOSED	REQUIRED
SIDE YARD SETBACK	16 FT	20 FT

CONTINGENT UPON THE FOLLOWING CONDITIONS:
1. THE GRANTING OF A VARIANCE FROM THE SETBACK REQUIREMENTS IS ONLY RELEVANT TO THE EXISTING SHED ON THE PROPERTY, ALL FUTURE CONSTRUCTION MUST COMPLY WITH SETBACK REQUIREMENTS OF THE ZONING BYLAW OR APPLY TO THE ZONING BOARD OF APPEALS FOR THE ADDITIONAL RELEVANT RELIEF.
DECISION RECORDED IN THE WORCESTER REGISTRY OF DEEDS IN DEED BOOK 70409, PAGE 364.

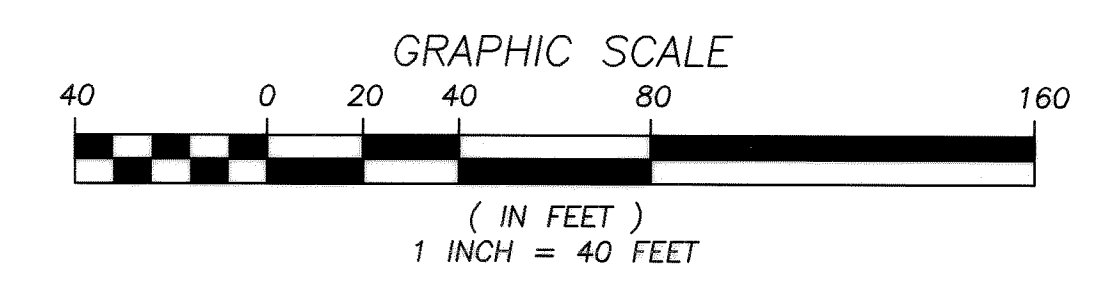
PLANNING BOARD ENDORSEMENT SHOULD NOT BE CONSTRUED AS EITHER AN ENDORSEMENT OR AN APPROVAL OF ZONING REQUIREMENTS
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

BOLTON PLANNING BOARD

DATE: _____

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DOUGLAS W. ANDRYSICK
NO. 34608
PROFESSIONAL LAND SURVEYOR
DATE: 4/22/24



LEGEND

	PROPERTY LINE
	SET IRON ROD
	FOUND CONCRETE BOUND
	EASEMENT

1	DA	DA	4/8/24	ZBA INFORMATION
	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

PLAN OF LAND IN BOLTON, MA

44 & 52 POWDER HILL RD
BOLTON, MA 01740
MAP 5D LOTS 69 & 71
OWNERS OF RECORD:
MARISSA SALAMANCA
44 POWDER HILL RD
BOLTON, MA 01740

MICHAEL & RENEE MCDOWELL
52 POWDER HILL RD
BOLTON, MA 01740

DWG: 27160-survey	ANR
LAYOUT:	
SHEET: 1 OF 1	
PROJECT NO.:	27160