

MUNICIPAL CERTIFICATION

(We) the undersigned Conservation Commission of TOWN OF ACTON (the certifier/holder) hereby certify that the proposed conservation restriction is in the public interest in that it (describe public benefit):

GROENER CR, 12 ACRES

EXECUTIVE OFFICE OF ENERGY and ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

100 Cambridge St., 9th fl.
Boston, MA 02114-2150
(617) 626-1011

For agency use only
DATE: _____
MUNICIPALITY (list all): _____

CONSERVATION RESTRICTION APPLICATION FORM

Pursuant to the provisions of M.G.L. ch. 184. §32. the Executive Secretary of Energy and Environmental Affairs is hereby requested to approve a perpetual conservation restriction as described below:

A. GENERAL INFORMATION (please indicate contact person for CR review)

1. GRANTOR(S) (must list all owners)
TOWN OF ACTON (Name(s))
472 MAIN STREET, ACTON, MA (Address)
978-264-9612 (Telephone & fax No.) STEVE LEDOUX (Contact Person)

2. GRANTEE(S): ACTON CONSERVATION TRUST (Name(s))
PO BOX 658, ACTON, MA 01720 (Address)
978-369-9264 (Telephone & fax No.) SUSAN MITCHELL-HARDY (Contact Person)

3. ARE THERE ONE OR MORE MORTGAGES ON THE PROPERTY? Yes No
(Assent of mortgagee(s) is required and must be recorded with the restriction.)

4. IS THE RESTRICTION IN MORE THAN ONE MUNICIPALITY? Yes No

5. TYPE OF RESTRICTION: a. Conservation Only:
b. Joint Restriction:
Type: _____
(agricultural, historical, watershed)

6. STATE OR FEDERAL FUNDS INVOLVED Yes No
 CPA (attach attested copy of town meeting vote(s) as an exhibit)
 Grant (type) (attach as an exhibit)
 Other (attach)
 Is there a deadline for completing restriction (reason)? _____ 20__

NOTE: (A full package must be submitted for CR review, even if all or some of the materials were submitted as part of the grant process, as the grant programs are separate)

7. PUBLIC OFFICIALS: State Representative(s) _____

State Senator(s) _____, Other involved Official(s) _____

NOTES:

If the grantee is a non-profit charitable corporation or trust, DCS may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3) that qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization's by-laws and list of officers.

Regardless of whether the grantee is a qualified private non-profit organization or a city or town or commission, authority, or other instrumentality thereof, the local conservation commission must define the reasons for preserving the property and certify that the restriction is in the public interest (please refer to page 6):

A conservation restriction is a voluntary limitation on the use of land designed to preserve it from adverse future change. But it should be distinguished at the outset from an agricultural preservation restriction which is approved by the Commissioner of Food and Agriculture for the Commonwealth, 251 Causeway Street, Boston, MA 02114-2150, and from an historical preservation restriction, which is approved by the Massachusetts Historical Commission 80 Boylston Street, Rm. 310, Boston, MA 02116, and from a state watershed preservation restriction which is approved by the Commissioner of the Department of Conservation and Recreation, 251 Causeway St., Boston, MA 02114-2150.

It is possible for a restriction to fit into more than one category, requiring more than one approval. If this is a joint restriction, has the approval process been started with the joint holder, including the Commissioners of Food and Agriculture, DCR, the Massachusetts Historical Commission, etc.? Yes No

8. GRANTOR'S INTENT

- a. Charitable contribution: Yes No
Do you intend to claim an IRS income tax deduction? Yes No
- b. Granted or required as part of municipal or state permitting process? Yes No
 - 1. Is this restriction required by a M.G.L. C.40A §9 special permit? Yes No
(Please attach a copy of the permit(s) as an exhibit)
 - 2. Required by M.G.L. C.131, §40 Wetlands Order of Conditions? Yes No
(Please attach a copy of the Order of Conditions)
 - 3. Other? Yes No (please explain)

c.. Other: Please explain (for example, sale of a C.R. to a public agency):

PURCHASE OF LAND WITH COMMUNITY PRESERVATION FUNDS

d. Is this a perpetual restriction? Yes No- If less than permanent, for how many years: _____
(It is the policy of DCS not to approve less than permanent restrictions except in exceptional circumstances. Please discuss the restriction with DCS before submitting a non-permanent CR)

B. PUBLIC BENEFIT

- 1. Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public (will there be public access)? Yes No
- 2. Is the restriction for the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems? Yes No
- 3. Is the restriction for the preservation of open space (including farmland and forest land) where such preservation is:
 - a. pursuant to a clearly delineated federal, state, local governmental policy, and will yield a significant public benefit? Yes No
 - b. for the scenic enjoyment of the general public and will yield a significant public benefit? Yes No
- 4. Is the property historically significant or meets National Register Criteria or is within a registered historic district or contributes to the integrity of an historic building or property? Yes No

5. Other public benefit? Yes No (if yes, please explain)

NOTES:

The Secretary will find sufficient evidence of the "public interest," if the applicant can show that the restriction meets any of the tests for deductibility under the Internal Revenue Service Code Section 170(h) and the Regulations promulgated thereunder, or a private letter ruling by the Internal Revenue Service shall be deemed sufficient for establishing such deductibility, or the applicant makes an independent showing of eligibility for deductibility. The letter ruling or documentation demonstrating eligibility for deductibility should be attached along with this application

Regardless of the intent of the grantor's gift, the Secretary's determination of public interest will be dependent upon how well the applicant demonstrates public interest; however, grantors should be advised that the Secretary reserves the right to require modifications to the conservation restriction where in his/her opinion the retained rights adversely impact the public interest or natural resource values of the property or when the document is improperly drafted.

C. SITE DATA

- 1. Location:
 - 1. Municipality ACTON Street Location 193 NAGOG HILL ROAD
 - 2. Grantor's Registry of Deeds Bk. # 50251 Page # 161
 - 3. Assessors Map # D Lot # 37
 - 4. New Site?: Addition to existing restricted area: _____ (please specify)

2. Zoning: Commercial Industrial Residential (check all that apply)

3. Title: Does applicant have clear title? Yes No
If no, please explain:

4. Encumbrances: Is the property encumbered by any easement(s)? Yes No
Is the property encumbered by any mortgages(s)? Yes No
Please explain and attach copy of easement, mortgage, subordination, etc.:

5. Geographic Information (if restriction is located in 2 municipalities, fill out separate page for each):

- 1. Total acres: 12.1 Acres covered by restriction: 12.1 Total unrestricted areas _____
- 2. Cover: acres in A. Upland Forest 8 B. Open (field, pasture, etc.) _____
C. Vegetated Wetland 4 D. Water _____ E. Other _____
- 3. Topography: acres in A. Flat _____ B. Hilly _____
C. Rolling D. Mountains _____
- 4. Water front: feet on A. Ocean _____ B. River _____
C. Stream _____ D. Lake _____

Please identify waterbody _____

6. General information:

Are there any improvements existing on the property, or to be permitted after execution of the C.R.? Yes No If yes, please describe in detail:

7. Is the property currently under any of the preferential real estate tax assessment programs?

Yes No If yes, which one: c.61 c.61A c. 61B

NOTE:

If the restriction lies in more than one community, separate Site Data forms, Selectmen and Conservation Commission approvals must be completed for that portion of the restriction within each community

8. If the property is under agricultural use, is the soil considered prime or of statewide agricultural significance?

Yes No (If yes, USDA Soil Conservation Service data must be provided)

9. Is the property adjacent to any public or quasi-public land or buildings? Yes No

Describe briefly:

ABUTS NAGOE HILL CONSERVATION AREA

10. Does the property lie within an historic district, include an archaeological or rare species site, fall within a Department of Conservation and Recreation designated scenic landscape, river, or within an Executive Office of Energy and Environmental Affairs designated Area of Critical Environmental Concern, a Zone II of a public water supply etc.? Please explain:

11. Will public access be allowed? Yes No If yes, explain any limitations, type, etc.:

Prepared by: SUSAN MITCHELL-HART

Address: 328 POPE RD

ACTON, MA 01720

978-369-9264

(telephone number, fax number if comments are to be sent to preparer)

(Appendix F)
Executive Office of Energy and Environmental Affairs / Division of Conservation Services
GIS Data Entry Form

Local Acquisitions for Natural Diversity (LAND) (formerly Selp-Help), Parkland Acquisitions and Renovations for Communities (PARC) (formerly Urban Self-Help), SURF, Land & Water Conservation Fund Projects and Conservation Restrictions

1. Contact Person: SUSAN MITCHELL-HARDY
ACTON CONSERVATION TRUST
PO BOX 658
ACTON MA 01720
 (telephone) 978 369 9264

2. Project Type (select one):
 LAND
 PARC
 SURF
 Land & Water Conservation Fund
 Other CONSERVATION RESTRICTION

3. Municipality(ies): ACTON Project Number _____

4. a. Fee Owner: TOWN OF ACTON
 (Holder of the Deed)

b. Manager (if different from Owner): STEVE LEDOUX

5. *Conservation Restriction held by: ACTON CONSERVATION TRUST

*Complete only if land is encumbered by a Chapter 184 section 31-33 Conservation Restriction.
 Check the box corresponding to how the restriction was obtained:
 Gifted Purchased Exacted by Regulation or given as part of permit process

Number of reserved lots within the restriction, if any: 0

6. Assessor's Information D4 _____ 37
 (map) (Bloc) (lot)

7. Registry Information TOWN OF ACTON
 (name)
50251 161 1136 OF 2007
 (book) (page) (plan) (page)

8. Acreage: 12.1

9. Primary Use: (select one)

- Conservation
- Recreation
- Both Conservation and Recreation
- Water Supply Protection
- Agriculture
- Historic/Cultural
- Other (please explain)

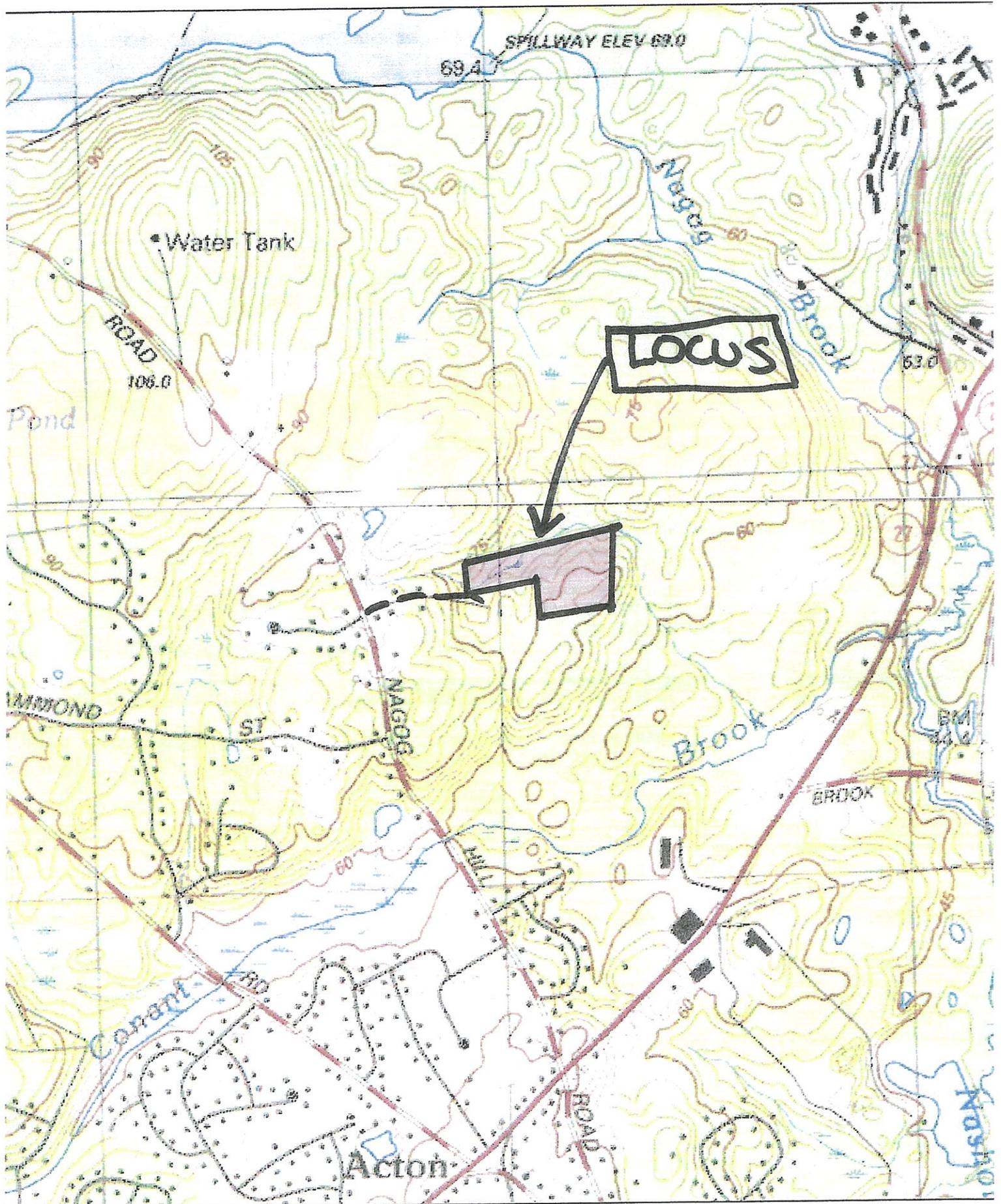
Public Access:

- Public
- Public, limited (explain) _____
- Public, seasonal
- None
- Other (please explain) _____

The applicant must provide to the Executive Office of Energy & Environmental Affairs materials that will allow MassGIS to accurately represent the site in the state's open space data layer. These materials include:

1. A USGS topological map or copy (including the name & date of the quad) with the site accurately drawn on it.
2. A copy of the site plan and/or a survey plan if available (required for exacted conservation restrictions).
3. A printout of the digital representation of the site on a USGS topological map background and a note indicating that the digital representation of the site has been emailed to Dominique.pahlavan@state.ma.us in appropriate format (Massachusetts State Plane Meters NAD1983 Datum) with a subject line of: <town> <Project Type> <Project#> (e.g. Boston CR #12).

MassGIS will attempt to add the site to the open space data layer using these materials but may request additional material from the grantee if the materials provided are not at an appropriate scale or are not sufficiently clear to support conversion to digital data that conform to MassGIS data standards. Topographical maps can be purchased at book stores or printed from <http://www.mass.gov/mgis/mapping.htm>. Please call Dominique Pahlavan at MassGIS, 617.626.1184, with any questions or for assistance with this form.



Name: MAYNARD
Date: 5/7/2010
Scale: 1 inch equals 1000 feet

Location: 042° 29' 51.6" N 071° 26' 02.2" W