



D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.  
Attorneys at Law

268 Main Street | P.O. Box 2223 | Acton, MA 01720  
tel 978.263.7777  
fax 978.264.4868

Louis N. Levine  
F. Alex Parra  
Cathy S. Netburn  
Maryann Cash Cassidy

March 2, 2011

VIA HAND DELIVERY

Conservation Commission  
Town of Acton  
472 Main Street  
Acton, MA 01720

RE: Notice of Intent of Hawthorne Homes, LLC ("Applicant")  
Project Location: 101 Nonset Path

Dear Members of the Commission:

This office represents the Nagog Woods Community Corporation ("NWCC") in connection with the above referenced Notice of Intent. NWCC is opposed to the Notice of Intent and has engaged Brian Butler of Oxbow Associates to review the filing on its behalf. NWCC is informed that the ground conditions, particularly the substantial accumulation of snow since the filing of the Notice of Intent, makes confirmation of the wetlands delineation both as to type and geographical extent impossible at this time.

Contrary to the Notice of Intent, title to the site described as 101 Nonset Path, has been conveyed to June A. Peters and is no longer in Blackstone Middlesex Realty Trust. A copy of the deed to June Peters dated January 7, 2011, prior to the Notice of Intent, is attached hereto. Therefore, the property owner has not signed the Notice of Intent. Additionally, based on the title documents submitted by the Applicant, this office is of the opinion that the Applicant's proposal is not authorized by and exceeds the scope of any retained easement.

NWCC's ability to review the Notice of Intent has been further circumscribed by the occurrence of the NWCC's annual meeting since the filing of the Notice of Intent. NWCC requested the Applicant to continue the hearing but the Applicant declined.

In view of the foregoing, NWCC respectfully requests the Commission to continue the Notice of Intent hearing until the ground conditions permit a proper review of the wetlands



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Conservation Commission  
March 2, 2011  
Page 2

delineation and other aspects of the Notice of Intent, and the above described title issues are resolved.

Thanking you for your anticipated cooperation.

Very truly yours,  
NAGOG WOODS COMMUNITY CORPORATION,  
By its attorneys,  
D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.

By: 

F. Alex Parra  
e-mail: [faparra@dlpnlaw.com](mailto:faparra@dlpnlaw.com)

FAP/jmh  
Cc: Client

Civil/Village of Nagog Woods/Letter to Conservation Commission

**QUITCLAIM DEED**

Susan E. Smith of Ashby, Middlesex County, Massachusetts, Trustee of the Blackstone Middlesex Realty Trust, created by a Declaration of Trust dated December 4, 1975 and recorded with the Middlesex County South District Registry of Deeds in Book 13390 at Page 648

Pursuant to the provisions of Section Nine of said Trust relative to the disposition of Trust property upon termination of the Trust and in consideration of One Dollar (\$1.00), hereby grants and conveys to the sole beneficiary of the Trust

June A. Peters, of 1474 Butterfield Court, Marco Island, Florida 34145

with quitclaim covenants

The following parcels of land situated in Acton, Middlesex County, Massachusetts:

495 Great Road, Acton, MA:

Lot 5C-1 as shown on a plan of land entitled "Plan of Land on Great Road in Acton, Mass." dated June 9, 1978 by Nolan Engineering Service recorded with the Middlesex County South District Registry of Deeds as Plan No. 788 of 1978 in Book 13491 at Page End and to which plan reference may be made for a more particular description of said Lot 5C-1

Said Lot 5C-1 contains 56,895 sq. ft. of land according to said plan.

Said premises are conveyed subject to easements and restrictions of record, if any, insofar as same are now in force and applicable.

Being a portion of the property conveyed to Blackstone Middlesex Realty Trust by deed of Nagog Community Developers, Inc. dated July 26, 1978 and recorded with said Deeds in Book 13499 at Page 612.

495 Great Rd, Acton  
2, 4, 6, 8 Henley Rd, Acton  
101 Nonset Path, Acton

2, 4, 6 and 8 Henley Road, Acton, MA:

Lots A, B, C and D as shown on a plan of land entitled "Plan of Land for Blackstone Realty Trust in Acton, Massachusetts" dated November 20, 2000 by Acton Survey & Engineering, Inc. and recorded with said Deeds as Plan 1447 of 2000 in Book 32194 at Page 81 and to which plan reference may be made for a more particular description of said Lots A, B, C and D.

Said Lot A contains 20,180 sq. ft. (0.46 acres) of land according to said plan.  
Said Lot B contains 21,112 sq. ft. (0.48 acres) of land according to said plan.  
Said Lot C contains 22,512 sq. ft. (0.52 acres) of land according to said plan.  
Said Lot D contains 24,006 sq. ft. (0.55 acres) of land according to said plan.

Said premises are conveyed subject to easements and restrictions of record, if any, insofar as same are now in force and applicable.

Being the same premises conveyed to Blackstone Middlesex Realty Trust by deed of Semperit of America, Inc. dated September 8, 1978 and recorded with said Deeds in Book 14636 at Page 568.

101 Nonset Path, Acton:

Lot 17 as shown on a plan of land entitled "Record Plan of Land on Nonset Path, Great Rd & Henley Rd, Acton, MA" dated July 18, 1980 by Nolan Engineering Service and recorded with said Deeds as Plan Number 20 of 1981 in Book 14184 at Page 114 and to which plan reference may be made for a more particular description of said Lot 17.

Said Lot 17 contains 314,340 s.f. of land according to said plan.

Said premises are conveyed subject to easements and restrictions of record, if any, insofar as same are now in force and applicable.

Being a portion of the premises conveyed to Blackstone Middlesex Realty Trust by deed of Nagog Community Developers, Inc. dated February 18, 1979 and recorded with said Deeds in Book 13640 at Page 99.

Meaning and intending to convey any and all of the land held by Blackstone Middlesex Registry Trust at the time of its dissolution on December 4, 1995 in accordance with the provisions of Section 9 of the Trust, or however otherwise the foregoing parcels may be bounded, measured or described.

Witness my hand and seal on this 7<sup>th</sup> day of January, 2011.

Susan E. Smith, Trustee  
Susan E. Smith, Trustee of  
Blackstone Middlesex Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Worcester  
Middlesex, ss.

On this 7<sup>th</sup> day of January, 2011, before me, the undersigned notary public, personally appeared the above-named Susan E. Smith, Trustee of Blackstone Middlesex Realty Trust, proved to me through satisfactory evidence of identification being (check whichever applies):  
 driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Heather L. Sarasin  
Notary Public  
My Commission Expires: 6/20/2014

