

DESCHENES & FARRELL, P.C.

Attorneys at Law
The Fiske House at Central Square
One Billerica Road
Chelmsford, MA 01824-3010
Telephone: (978) 250-8877
Facsimile: (978) 250-0057

D+F
FILE COPY

*Douglas C. Deschenes
Kathryn Lorah Farrell*

*Anthony J. Natola
Melissa E. Robbins
Kevin S. Eriksen
Of Counsel:
Michael G. Furlong*
Admitted in MA and NH

September 1, 2011

Town of Acton Planning Board
472 Main Street
Acton, MA 01720

RECEIVED

SEP 2 2011

Town of Acton
Planning Department

RE: "Duggan Farm"
Definitive Subdivision with Option Residential Compound Plan
Comfort Homes, Inc.

Dear Members of the Board,

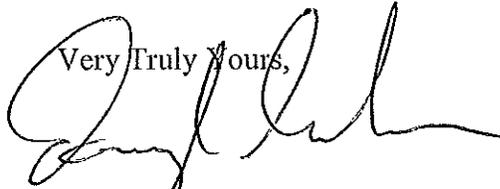
Please be advised that this office represents Comfort Homes, Inc. Enclosed please find an application for a Definitive Subdivision with an Option Residential Compound Plan under Section 10 of the Acton Subdivision Rules and Regulations. The proposed subdivision will allow for the creation of three (3) lots. The proposed project property is located off of 314 Arlington Street and consists of 2.1678 acres. The lot is located completely within the Residential District in the Town of Acton. There is a small two story home currently on the property and the remainder of the property primarily consists of meadow or brush land with a very small portion (.04 acres) of wetland.

The application enclosed herewith consists of the following:

1. Form DP "Application for Approval of Definitive Plan" including the Development impact Report
2. Form DC "Designer's Certificate"
3. Twelve (12) Full size Plans
4. Twelve (12) Reduced Sized plans
5. Stormwater Management Report
6. Letter to Planning Board in conformance with Section 5.2.9 of the Acton Subdivision Rules and Regulations
7. Corporate Vote of Comfort Homes, Inc.
8. Corporate Vote for Hobbyhorse, LLC
9. Copy of the Deed and Mortgage
10. List of Waivers

11. Certified Abutters list, along with a prepared postage prepaid mailing for Abutters
12. Filing fee in the amount of \$ 4,180.00.

Kindly schedule this matter for your next available hearing date. Please contact me should you require any further information.

Very Truly Yours,

Douglas C. Deschenes

DCD/cas
Enclosure(s)

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September 1, 2011

Town of Acton
Office of the Town Clerk
472 Main Street
Acton, MA 01720

RE: Duggan Farm
Application for Definitive Subdivision and Residential Compound

Dear Sir or Madam,

In accordance with Section 5.5 of the Town of Acton's Procedure for the Submission and Approval of Definitive Subdivision Plan entitled "Notice to Town Clerk" please allow this letter to serve as written notice that this office on behalf of the applicant, Comfort Homes, Inc., this office has submitted this notice as well a copy of the definitive subdivision plan which was filed with the Acton Planning Board in conformance with MGL Chapter 41, S.81-T.

Very Truly Yours,

Douglas C. Deschenes

Douglas C. Deschenes

RECEIVED
SEP - 2 2011

TOWN CLERK, ACTON

Enclosures.

ACTON PLANNING BOARD

FORM DP

APPLICATION for APPROVAL of DEFINITIVE PLAN **

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

- 1. Name of Proposed Subdivision Duggan Farm
- 2. Name of Applicant(s) Comfort Homes, Inc.
Contact Address 2100 Lakeview Ave., Dracut, MA 01826 Phone 978-957-8110
- 3. Name of Property Owner(s) Hobbyhorse, LLC
- 4. Name of Engineer Hancock Associates
Address 315 Elm St., Marlborough, MA 01752 Phone 508-460-1111
- 5. Name of Land Surveyor Hancock Associates
Address 315 Elm St., Marlborough, MA 01752 Phone 508-460-1111
- 6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number 57250*,
Page Number 552; and/or registered in Middlesex Registry of Land Court, Certificate of
Title Number _____.
- 7. Zoning District R2, Town Atlas Map No. F2A Parcel No. 123
Approximate acreage in subdivision 2.1678, Number of Lots 3
Total length of road(s) in feet 210
Location and Description of Property 314 Arlington Street, Acton, MA

8. Said plan has () / has not (X) evolved from a preliminary plan submitted to the Board on _____ 20 __; and approved (with modifications) () or disapproved () on _____ 20 __.

Applicant(s) Signature, Date

[Signature] 9/1/11
Applicant(s) Signature, Date

Owner(s) Signature, Date

[Signature] 9/1/11
Owner(s) Signature, Date

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.

*Plan no. 1138 of 1958
1887 + 1892 County Layout of Arlington St.
Plan no. 766 of 1958

** and any other permit relief as may be required under the Subdivision Rules and Regulations of the Town of Acton to allow the proposed project.

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision Duggan Farm
2. Location 314 Arlington Street
3. Name of Applicant(s) Comfort Homes, Inc.
4. Brief Description of the Proposed Project 3 lot subdivision on a common driveway.
5. Name of Individual Preparing this DIR John Boardman, P.E.
 Address Hancock Associates Business Phone 508-460-1111
31 Elm St., Marlboro, MA
6. Professional Credentials P.E.

A. Site Description

7. Present permitted and actual land uses by percentage of the site.

<i>Uses</i>	<i>Percentage</i>
Industrial	-
Commercial	-
Residential	100
Forest	-
Agricultural	-
Other (specify)	-

8. Total acreage on the site: 2.1 acres.

<i>Approximate Acreage</i>	<i>At Present</i>	<i>After Completion</i>
Meadow or Brushland (non agriculture)	1.61	1.37
Forested	0.33 ac	0.32
Agricultural (includes orchards, cropland, pasture)	-	-
Wetland	0.04 ac	0.04 ac
Water Surface Area	-	-
Flood Plain	-	-
Unvegetated (rock, earth, or fill)	-	-
Roads, buildings and other impervious surfaces	0.12	0.37
Other (indicate type)	-	-

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

District	Percentage
R2	100

10. Predominant soil type(s) on the site: Hinckley loamy sand
Deerfield loamy sand

Soil drainage (Use the US Natural Resources Conservation Service's definition)

Soil Type	% of the Site
Well drained	100
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? yes no

12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0 - 10%	100
10 - 15%	
greater than 15%	

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well? Zone(s) 3 / 4 Proximity to a public well: 2,300+/-feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director). yes no

If yes, specify: _____

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

yes no

If yes, specify: _____

16. Are there any established foot paths running through the site or railroad right of ways?

yes no

If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area?
 yes no

Is the site adjacent to conservation land or a recreation area? yes no

If yes, specify: _____

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? yes no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?
 yes no

If yes, specify: Wetland, drainage swale along eastern property line.

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? yes no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? yes no

If yes, specify results: _____

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? yes no

If yes, specify _____

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Acton Historical Society.)

yes no

If yes, please describe _____

24. Is the project contiguous to or does it contain a building in a local historic district or national register district? yes no

25. Is the project contiguous to any section of the Isaac Davis Trail? yes no

If yes, please describe _____

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

Average weekday traffic (9.57)		29
Average peak hour volumes morning 0.75		2
Average peak hour volumes evening 1.01		3

ITE Trip Gen Manual 7th Edition

27. Existing street(s) providing access to proposed subdivision:

Name Arlington Street Town Classification town accepted public way

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways Route 111, Summer Street

29. Location of existing sidewalks within 1000 feet of the proposed site? _____

East of site, see plan.

30. Location of proposed sidewalks and their connection to existing sidewalks:

Proposed sidewalk from project to existing sidewalk to the east.

31. Are there parcels of undeveloped land adjacent to the proposed site? yes no

Will access to these undeveloped parcels be provided within the proposed site?

yes no

If yes, please describe _____

If no, please explain why Adjacent parcels already developed.

C. Utilities and Municipal Services

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

12

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? N/A

34. How will sewage be handled? Onsite

35. Storm Drainage

a. Describe nature, location and surface water body receiving current surface water of the site:

Town drainage swale / wetland along eastern property line.

b. Describe the proposed storm drainage system and how it will be altered by the proposed development:

Onsite treatment and infiltration to prevent an increase in offsite flows.

c. Will a NPDES Permit be required? yes no

36. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

2 minute travel time, per online mapping

37. Schools (if residential)

a. Projected number of new school age children: 3 homes X 2 = 6 children

b. Distance to nearest school: 1 +/- mile

D. Measures to Mitigate Impacts - See attached stormwater report.

Attach brief descriptions of the measures that will be taken to:

38. Prevent surface water contamination.

39. Prevent groundwater contamination.

40. Maximize groundwater recharge.

41. Prevent erosion and sedimentation.

42. Maintain slope stability.

43. Design the project to conserve energy. N/A

44. Preserve wildlife habitat. Preserving wetlands and town buffer zones

45. Preserve wetlands. No wetland alteration

46. Ensure compatibility with the surrounding land uses. All residential

47. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.

48. Preserve historically significant structures and features on the site. N/A

49. To mitigate the impact of the traffic generated by the development. N/A

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

ACTON PLANNING BOARD

FORM DC

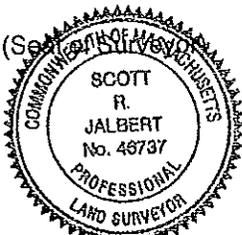
DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled Duggan Farm Definitive
Subdivision Residential Compound dated 8/22/11
 is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to
 an accuracy of a ratio "error of closure" not to exceed 1/15000*; that it is a subdivision of 2.1678
 acres conveyed by Estate of Brenda J. Duggan to
Hobbyhorse LLC by a deed, dated
August 3, 2011 and recorded in Middlesex County Registry of Deeds, South District,
 Book 57250, Page 552.

Other sources of information used in the preparation of the plan are:

1. Other deeds and plans, as follows Plan No. 113B of 1968, 1887 & 1892
County Layout of Arlington St., Plan No. 766 of 1958
2. Oral information furnished by _____
3. Other _____

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and
 Technical Standards for the Practice of Land Surveying", Section 250 CMR** 5.0 between
6/28/11 and 7/19/11.
 (date) (date)



Signed Scott R. Jalbert 8/24/11
 Registered Land Surveyor Date
 Address 315 Elm St., Marlborough MA
 Registration No. 46737

*As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

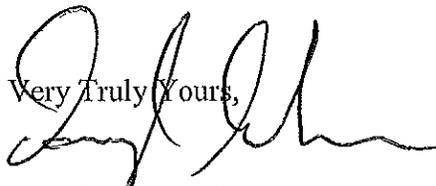
September 1, 2011

Town of Acton Planning Board
472 Main Street
Acton, MA 01720

**RE: Duggan Farm
Definitive Subdivision with Option Residential Compound Plan**

Please be advised that this office represents Comfort Homes, Inc. regarding the proposed Definitive Subdivision with an Optional Residential Compound Plan under Section 10 of the Acton Subdivision Rules and Regulations known as "Duggan Farm". In accordance with Section 5.2.9 of the Acton Subdivision Rules and Regulations regarding the procedure for the submission and approval of a Definitive Subdivision Plan, please allow this letter to serve as the applicants acknowledgement that if the Hobbyhorse, LLC, its successors or assigns, does not properly complete or maintain the Private Way or maintain the proposed Private Way in conformance with the conditions set forth in the permit, or as shown on the Definitive Subdivision Plan, that it will allow the Town of Acton to complete said construction and/or services at the expense of the homeowners. In conformance with Section 10.1.1 of the Residential Compound section of the Acton Subdivision Rules and Regulations an easement and covenant that states the same will be recorded prior to or simultaneously with the approved Definitive Plan.

Very Truly Yours,



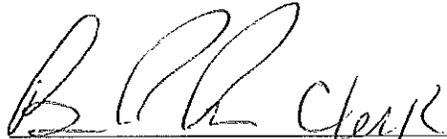
Douglas C. Deschenes
Deschenes & Farrell, P.C.,
Attorney for Hobbyhorse, LLC

CERTIFICATE OF VOTE

At a regularly scheduled meeting of Comfort Homes, Inc., of 2100 Lakeview Avenue, Dracut, Middlesex County, MA 01826, all Members of the Corporation being present, it was:

VOTED: that Brian L. Lussier, Registered Agent and Treasurer of the Corporation, shall have the authority to do the following:

1. to do, act and perform any acts necessary, in its capacity as Developer, on behalf of Hobbyhorse LLC, with respect to that certain subdivision to be located at 314 Arlington Street, Acton, MA, including, but not limited to the permitting process and any other acts that may be necessary to complete said permitting process as it relates to said premises; and
2. to execute any and all documents necessary, in the everyday course of business, to accomplish the permitting process of said subdivision on behalf of said Hobbyhorse LLC.


Brian L. Lussier, Clerk

A True Copy Attest

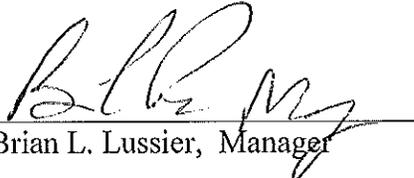
9/1/11, 2011

CERTIFICATE OF VOTE

At a regularly scheduled meeting of Hobbyhorse LLC, of 2100 Lakeview Avenue, Dracut, Middlesex County, MA 01826, all Managers and Members of the limited liability company being present, it was:

VOTED: that Brian L. Lussier, Manager of the limited liability company, shall have the authority to do the following:

1. give, grant and bestow upon Comfort Homes, Inc., the authority to do, act and perform any acts necessary, in its capacity as Developer, on behalf of Hobbyhorse, LLC, with respect to that certain subdivision to be located at 314 Arlington Street, Acton, MA, including, but not limited to the permitting process and any other acts that may be necessary or required to complete said permitting process as it relates to said premises; and
2. to execute any and all documents necessary, in the everyday course of business, to accomplish said permitting process for the Subdivision.



Brian L. Lussier, Manager

A True Copy Attest

9/1/11, 2011



2011 00135011

Bk: 67250 Pg: 552 Doc: DEED
Page: 1 of 2 08/04/2011 10:30 AM

~~MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 08/04/2011 10:30 AM
Ctrl# 157285 01160 Doc# 00135011
Fee: \$2,325.60 Cons: \$510,000.00~~

QUITCLAIM DEED

I, Patricia D. Loughlin, as Executor for the Estate of Brenda J. Duggan, Middlesex Probate and Family Court Docket No. MI 10P-3143-EA, of Acton, Middlesex County, Massachusetts, for consideration paid grant to Five Hundred Ten Thousand and 00/100 Dollars (\$510,000.00) and other good and valuable consideration,

grant to Hobbyhorse LLC, 2100 Lakeview Ave., Dracut, Massachusetts 01826,

with QUITCLAIM COVENANTS,

A certain parcel of land with the buildings thereon known as and numbered 314 Arlington Street, Acton, Middlesex County, Massachusetts, further known as Lot #2 as shown on a plan entitled "Plan of Land in Acton, Mass., owned by Martin J. Duggan and Alvaretta M. Duggan," dated September 23, 1968, by Harlan E. Tuttle, Surveyor, recorded in Plan Book 11588, Page 163, bounded and described as follows:

- NORTHERLY by Arlington Street, as shown on said plan, eighty (80.00) feet;
- EASTERLY by the property of David Reid and Amelia E. Reid as shown on said plan, one hundred thirty (130.00) feet;
- NORTHERLY by the property of David Reid and Amelia E. Reid and Thomas M. Sheehan and Lillian E. Sheehan as shown on said plan, one hundred sixty one and 40/100 (161.40) feet;
- EASTERLY by the property of Viola May Gravlin, by two courses, as shown on said plan, fifty eight and 50/100 (58.50) feet and two hundred seventy two and 51/100 (272.51) feet, respectively;
- SOUTHERLY by land of Ormal S. R. Laffin, as shown on said plan, forty four and 00/100 (44.00) feet;
- SOUTHERLY by land of A. F. Pereira and Bernadine J. Pereira, as shown on said plan, two hundred forty-five and 79/100 (245.79) feet; and

*Diacheneo & Farrell
1 Billerica Road
Chelmsford, ma 01824*

Property Address: 314 Arlington Street, Acton, Massachusetts

WESTERLY by lot #1, as shown on said plan, four hundred forty and 27/100 (440.27) feet.

Containing 94,458 plus or minus square feet, as shown on said plan.

For title see deed from Martin J. Duggan and Alvaretta M. Duggan dated October 15, 1968, and recorded with Middlesex South District Deeds in Book 11588, Page 163, and see also Estate of Edward M. Duggan, Middlesex Probate and Family Court Docket Nos. MI 09P-4881-EA and MI10P-3392-EA.

WITNESS my hand and seal this 3rd day of August, 2011.

Patricia D. Loughlin, executor
Patricia D. Loughlin
as Executor for the Estate of Brenda J. Duggan

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

August 3, 2011

Then personally appeared before me, the undersigned notary public, Patricia D. Loughlin, as Executor for the Estate of Brenda J. Duggan, and proved to me through satisfactory evidence of identification, which were personally known to me, [] Massachusetts driver's license, or [] United States Passport, 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.



Cathleen H. Summers
Notary Public: Cathleen H. Summers
My Commission Expires: March 12, 2015

Section 5.2.12 – List of Mortgage Holders

Gerald J. Lussier
2100 Lakeview Avenue
Dracut, MA 01826

Copy of recorded mortgage attached



Deschaves + Farrell, P.C.
1 Billearca Road
Chelmsford, MA
01829

(space above this line reserved for the Registry of Deeds)

MORTGAGE

HOBBYHORSE LLC ("Mortgagor"), a Massachusetts Limited Liability Company with a business address of 2100 Lakeview Avenue, Dracut, Middlesex County, MA 01826, for consideration paid, grants to GERALD J. LUSSIER, ("Mortgagee"), of Dracut, Middlesex County, MA
2100 Lakeview Ave.

with **MORTGAGE COVENANTS**, to secured the payment of Two Hundred Fifty Thousand and No/100 (\$250,000.00), together with interest payable as provided in a Promissory Note of even date, from Mortgagor, as Maker, to Mortgagee (the "Note").

The land and improvements thereon, if any, situated in Acton, Middlesex County, Massachusetts, described as follows:

A certain parcel of land with the buildings thereon known as and numbered 314 Arlington Street, Acton, Middlesex County, Massachusetts, further known as Lot #2 as shown on a plan of land entitled, "Plan of Land in Acton, Mass., owned by Martin J. Duggan and Alvaretta M. Duggan," dated September 23, 1968, by Harlan E. Tuttle, surveyor, recorded with said Deeds at Plan Book 11588, Page 163, bounded and described as follows:

- NORTHERLY by Arlington Street, as shown on said plan, eighty (80.00) feet;
- EASTERLY by the property of David Reid and Amelia E. Reid as shown on said plan, one hundred thirty (130) feet;
- NORTHERLY by the property of David Reid and Amelia E. Reid and Thomas M. Sheehan and Lillian E. Sheehan as shown on said plan, one hundred sixty one and 40/100 (161.40) feet;
- EASTERLY by the property of Viola May Gravlin, by two courses, as shown on said plan, fifty eight and 50/100 (58.50) feet and two hundred seventy two and 51/100 (272.51) feet, respectively;
- SOUTHERLY by land of Ormal S.R. Laffin, as shown on said plan, forty four and 00/100 (44.00) feet;

314 Arlington Street, Acton

SOUTHERLY by land of A.F. Pereira and Bernadine J. Pereira, as shown on said plan, two hundred forty-five and 79/100 (245.79) feet; and

WESTERLY by Lot #1, as shown on said plan, four hundred forty and 27/100 (440.27) feet.

Containing 94,458 plus or minus square feet, as shown on said plan.

Being all and the same premises conveyed to the said Mortgagor by deed of Patricia D. Loughlin, Executor of the Estate of Brenda J. Duggan, Middlesex Probate Docket No. MI 10P-3143-EA, recorded with said Deeds herewith.

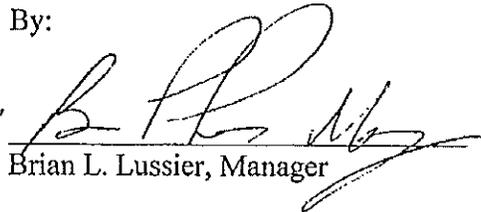
This mortgage is upon the STATUTORY CONDITION, for any breach of which the mortgagee shall have the statutory power of sale. (The terms and provisions set forth in Exhibit A attached hereto are incorporated herein by reference.)

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the said HOBBYHORSE LLC has caused these presents to be signed, under seal, acknowledged and delivered in its name and behalf by Gerald J. Lussier, Jr. and Brian L. Lussier, Managers, this 3 day of August, 2011.

HOBBYHORSE LLC

By:


Brian L. Lussier, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 3 day of August, 2011, before me, the undersigned notary public, personally appeared Brian L. Lussier, Manager as aforesaid, proved to me through satisfactory evidence of identification, which was  to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



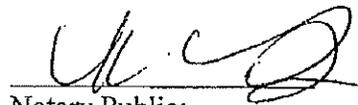

Notary Public:
My Commission Expires:

EXHIBIT A

**EXTRACT FROM GENERAL LAWS, CHAPTER 183, SECTIONS 18,19,20,21
AND AMENDMENTS THERETO**

Section 18. A deed in substance following the form entitled, "Mortgage Deed" shall when duly executed have the force and effect of a mortgage deed to the use of the mortgagee and his heirs and assigns with mortgage covenants and upon the statutory conditions and with the statutory power of sale, as defined in the three following sections, to secure the payment of the money or the performance of any obligation therein specified. The parties may insert in such mortgage any other lawful agreement or condition.

Section 19. In a conveyance of real estate the words "mortgage covenants" shall have the full force, meaning and effect of the following words, and shall be applied and construed accordingly: "The mortgagor, for himself, his heirs, executors, administrators and successors, covenants with the mortgagee and his heirs, successors and assigns, that he is lawfully seized in fee simple of the granted premises; that they are free from all encumbrances; that the mortgagor has good right to sell and convey the same; and that he will, and his heirs, executors, administrators and successors shall, warrant and defend the same to the mortgagee and his heirs, successors and assigns forever against the lawful claims and demands of all persons; and that the mortgagor and his heirs, successors or assigns, in case of sale shall be made under the power of sale, will, upon request, execute, acknowledge and deliver to the purchaser or purchasers a deed or deeds of release confirming such sale; and that the mortgagee and his heirs, executors, administrators, successors and assigns are appointed and constituted the attorney or attorneys irrevocable of the said mortgagor to execute and deliver to the said purchaser a full transfer of all policies of insurance on the buildings upon the land covered by the mortgage at the time of such sale."

Section 20. The following "condition" shall be known as the Statutory Condition, and may be incorporated in any mortgage by reference:

(CONDITION)

Provided, nevertheless, except as otherwise specifically stated in the mortgage, that if the mortgagor, or his heirs, executors, administrators, successors, or assigns shall pay unto the mortgagee or his executors, administrators or assigns the principal and interest secured by the mortgage, and shall perform any obligation secured at the time provided in the note, mortgage or other instrument or any extension thereof, and shall perform the condition of any prior mortgage, and until such payment and performance shall pay when due and payable all taxes, charges and assessments to whomsoever and whenever laid or assessed, whether on the mortgaged premises or on any interest therein, or on the debt or obligation secured thereby; shall keep the buildings on said premises insured against fire in a sum not less than the amount secured by the mortgage or as otherwise provided therein for insurance for the

benefit of the mortgagee and his executors, administrators and assigns in such form and at such insurance offices as they shall approve, and, at least two days before the expiration of any policy on said premises, shall deliver to him or them a new and sufficient policy to take the place of the one so expiring, and shall not commit or suffer any strip or waste of the mortgaged premises or any breach of any covenant contained in the mortgage or in any prior mortgage, then the mortgage deed, as also the mortgage note or notes, shall be void.

Section 21. The following "power" shall be known as the Statutory Power of Sale, and may be incorporated in any mortgage by reference.

(POWER)

But upon any default in the performance or observance of the foregoing or other condition, the mortgagee or his executors, administrators, successors or assigns may sell the mortgaged premises or such portion thereof as may remain subject to the mortgage in case of any partial release thereof, either as a whole or in parcels, together with all improvements that may be thereon, by public auction on or near the premises, then subject to the mortgage, or, if more than one parcel is then subject thereto, on or near one of said parcels, or at such place as may be designated for that purpose in the mortgage, first complying with the terms of the mortgage and with the statutes relating to the foreclosure of mortgages by the exercise of a power of sale, and may convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee-simple; and such sale shall forever bar the mortgagor and all persons claiming under him from all right and interest in the mortgaged premises, whether at law or in equity.

HANCOCK ASSOCIATES

Wednesday, August 31, 2011

The Town of Acton Planning Board
472 Main Street
Acton, MA 01720

RE: Duggan Farm, Definitive Subdivision - Waiver Request

Dear Chairman Bettez:

In order to permit the proposed small scale subdivision under *Section 10 Optional Residential Compound*, we respectfully request that the Board waive the requirements of Sections 8 and 9 of the *Town of Acton Subdivision Rules and Regulations* to allow the design and construction to generally conform to the *Rules and Regulations for Common Driveway Special Permits*.

Respectfully submitted,

HANCOCK ASSOCIATES

By:



John Boardman PE
Project Manager

DANVERS, MA
185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH, MA
315 Elm Street
Marlborough, MA 01752
Phone: (508) 460-1111
Fax: (508) 460-1121

CHELMSFORD, MA
15 Fletcher Street, Suite 7
Chelmsford, MA 01824
Phone: (978) 244-0110
Fax: (978) 244-1133

SALEM, NH
PO. Box 205
Salem, NH, 03079
Phone: (603) 898-4701
Fax: (603) 458-2230



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 929-6621
 Fax (978) 929-6340

Brian McMullen
 Assistant Assessor

Location	Parcel ID	Owner	Co-Owner	Mailing Address	Address 2	City	ST	Zip
314 Arlington Street F2.A-123								
325 ARLINGTON ST	BEIF1-32	TOWN OF ACTON		472 MAIN ST		ACTON	MA	01720
331 ARLINGTON ST	F1-32-2	RAJA REBECCA A		331 ARLINGTON ST		ACTON	MA	01720
319 ARLINGTON ST	F1-53	SCHEINGOLD STACY J	KELLER MATTHEW	319 ARLINGTON ST		ACTON	MA	01720
315 ARLINGTON ST	F1-54	MACQUILKEN KAREN L		315 ARLINGTON ST		ACTON	MA	01720
332 ARLINGTON ST	F1-62	BANTA MARK A	RYAN CHERYL A	332 ARLINGTON STREET		ACTON	MA	01720
316 ARLINGTON ST	F1-62-1	FEININGER CHARLES B		316 ARLINGTON ST		ACTON	MA	01720
350 ARLINGTON ST	BEIF1-62-2	PETERSON CLARE V	PETERSON WARREN R	350 ARLINGTON ST BEHIND		ACTON	MA	01720
352 ARLINGTON ST	BEIF1-62-3	BORG ANDREW S	BORG KAREN	352 ARLINGTON STREET		ACTON	MA	01720
356 ARLINGTON ST	BEIF1-62-4	MOLLOY KEVIN	MOLLOY ERICA	356 ARLINGTON ST		ACTON	MA	01720
43 HOMESTEAD ST	BEIF1-62-5	KELLEY FRANCIS J	GERALDINE P	43 HOMESTEAD ST		ACTON	MA	01720
336 ARLINGTON ST	F1-71	CHERNIN DANIELE	HANDLER DEBORAH E	336 ARLINGTON ST		ACTON	MA	01720
342 ARLINGTON ST	F1-78	CHURCHILL DAVID D	CASSIDY SHARON	342 ARLINGTON ST		ACTON	MA	01720
301 ARLINGTON ST	F2.A-72	TOWN OF ACTON		472 MAIN ST		ACTON	MA	01720
285 ARLINGTON ST	F2.A-84	SCHMIDT DAVID L	SANDRA K	285 ARLINGTON ST		ACTON	MA	01720
299 ARLINGTON ST	F2.A-95	MORRIS HENRY JOSEPH	MORRIS MARY	299 ARLINGTON ST		ACTON	MA	01720
299 ARLINGTON ST	F2.A-98	MORRIS HENRY JOSEPH	MORRIS MARY	299 ARLINGTON ST		ACTON	MA	01720
305 ARLINGTON ST	F2.A-106	NISBET JR WILLIAM F	NISBET KIMBERLY A	305 ARLINGTON STREET		ACTON	MA	01720
303 ARLINGTON ST	F2.A-107	WESOLOWSKI PAUL	PATRICIA A	303 ARLINGTON STREE		ACTON	MA	01720
294 ARLINGTON ST	F2.A-118	GORDON RICHARD	GORDON PAULA STARR	294 ARLINGTON ST		ACTON	MA	01720
296 ARLINGTON ST	F2.A-118-1	TRIPP STEPHEN A	TRIPP DENISE W	296 ARLINGTON ST		ACTON	MA	01720
310 ARLINGTON ST	F2.A-124	HORBER ELIZABETH R		310 ARLINGTON ST		ACTON	MA	01720
306 ARLINGTON ST	F2.A-125	TOWN OF ACTON		472 MAIN ST		ACTON	MA	01720
300 ARLINGTON ST	F2.A-126	MURPHY J MICHAEL		300 ARLINGTON ST		ACTON	MA	01720
9 CHURCH ST	F2.B-7	PAINE JOHN H	WINIFRED C	9 CHURCH ST		ACTON	MA	01720
11 CHURCH ST	F2.B-16	LICARI MARK J	LICARI ALICE MARY	11 CHURCH STREET		ACTON	MA	01720
15 CHURCH ST	F2.B-24	STERLING ANNE B		15 CHURCH ST		ACTON	MA	01720
9 WILLOW ST	F2.B-41	ATENAP REALTY TRUST	C/O SALS AUTO & TRUCK	5 WILLOW ST		ACTON	MA	01720
27 HOMESTEAD ST	F2.B-42	KELLEY GERALDINE	KELLEY FRANCIS J	43 HOMESTEAD ST		ACTON	MA	01720
23 HOMESTEAD ST	F2.B-46	PETERSON NANCY M		23 HOMESTEAD ST		ACTON	MA	01720

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE
 PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729	Maynard, MA 01754	Concord, MA 01742	Littleton, MA 01460
Carlisle, MA 01741	Stow, MA 01775	Westford, MA 01886	Sudbury, MA 01776

Daryl Powell
 Daryl Powell 8/26/2011
 Property Lister
 Acton Assessors Office

Daryl Powell
Property Lister
Acton Assessors Office

8/26/2011

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2766

ENTERPRISE BANK AND TRUST CO
DRACUT, MA 01826
59-274/113

HOBBYHORSE, LLC
2100 LAKEVIEW AVENUE
DRACUT, MA 01826
(978) 957-8110

8/25/11

PAY TO THE ORDER OF

Town of Acton

\$ 4,180.00

Four Thousand One Hundred and Eighty — 00/100 DOLLARS

00

[Handwritten Signature]

Memo Diagan Firm Definitive Submission, Acton

418566

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