

<u>AREA WITHIN VEGETATED WETLANDS</u>	
CONSERVATION RESTRICTED	A. 9742 SF
	B. 22,698 SF
TOTAL	32,440 SF (0.746 ACRES)
GENERAL INDUSTRIAL	C. 34,871 SF
	D. 216,457 SF
TOTAL	251,328 SF (6.011 ACRES)
TOTAL WETLANDS	588,468 SF (13.556 ACRES)

<u>TOTAL LAND AREA</u>	
GENERAL INDUSTRIAL	33.451 ACRES
CONSERVATION RESTRICTED	14.46 ACRES
TOTAL	47.911 ACRES



PLOT OF LAND IN ACTON, MASS.
OWNED BY
HAARTZ CORPORATION



Exhibit A

Description

That certain parcel of land which is shown as the "Residential (R-2)" portion of the property shown on "Plan of Land in Acton, Mass. Owned By: Haartz Auto Fabric Company, dated February 9, 1976, recorded with Middlesex South District Registry of Deeds at the End of Book 12956.

Said parcel is more particularly bounded and described as follows:

Southwesterly by Charter Road seventy-four and 18/100 (74.18) feet;

Northerly by land of Charter Oaks Realty Trust, as shown on said plan, one hundred ninety-seven and 77/100 (197.77) feet;

Westerly by said land of Charter Oaks Realty Trust, as shown on said plan, two hundred fifty-two and 56/100 (252.56) feet;

Southerly by said land of Charter Oaks Realty Trust, as shown on said plan, eighty-five and 51/100 (85.51) feet;

Westerly by land of James E. Jr. and Barbara Ryan, as shown on said plan, eighty and 5/100 (80.05) feet;

Southerly by said land of Ryan, as shown on said plan, thirty-nine and 9/100 (39.09) feet;

Westerly by land of Raymond J. & Catherine F. Grey and land of Donald E. & Joan B. Westcott, as shown on said plan, four hundred twenty and 48/100 (420.48) feet;

Northwesterly by the wall at land of Charter, as shown on said plan, seventy-three and 90/100 (73.90) feet;

Westerly by the wall at land of Charter, as shown on said plan, by two courses, nineteen and 62/100 (19.62) and forty and 46/100 (40.46) feet, respectively;

Northwesterly by the wall at land of Charter, as shown on said plan, by two courses, sixty-three and 69/100 (63.69) and two hundred seventy-eight and 24/100 (278.24) feet, respectively;

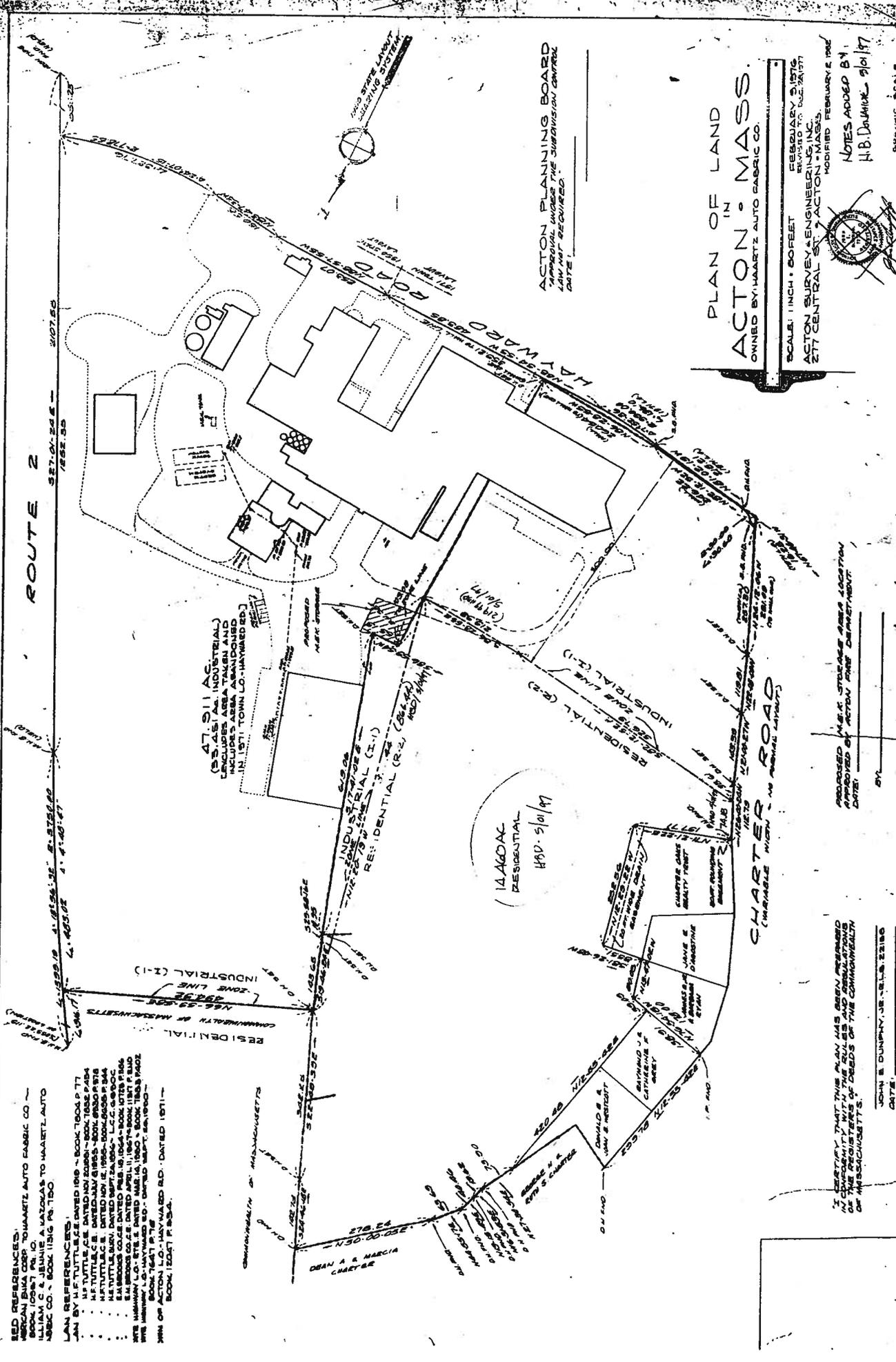
Northeasterly by the wall at land of the Commonwealth of Massachusetts, as shown on said plan, by two courses, one hundred forty-two and 78/100 (142.78) and three hundred forty-two and 25/100 (342.25) feet, respectively;

Easterly by "Industrial (I-1)" land of Grantor eight hundred sixty-six and 44/100 (866.44) feet;

Southerly by "Industrial (I-1)" land of Grantor, as shown on said plan, by two courses, two hundred nineteen and 99/100 (219.99) and five hundred twenty-six and 79/100 (526.79) feet, respectively;

Containing 14.46 acres of land, as shown on said plan, by computation.

For title, see deed recorded with said deeds in Book 11316, Page 750. See sketch plan attached hereto and incorporated herein by reference.



RED REFERENCES:
 AMERICAN BANK CORP. TO HAARTZ AUTO FABRIC CO. - BOOK 1087 P. 10
 BOOK 1087 P. 10
 N.B.C. CO. & BANKING & TRADING TO HAARTZ AUTO FABRIC CO. - BOOK 1186 P. 1100

LAN REFERENCES:
 LAN BY U.F. TUTTLE DATED 1916 - BOOK 7604 P. 77
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83A
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83B
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83C
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83D
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83E
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83F
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83G
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83H
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83I
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83J
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83K
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83L
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83M
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83N
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83O
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83P
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83Q
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83R
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83S
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83T
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83U
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83V
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83W
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83X
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83Y
 DEAN & MARGA CHARTER - DATED 1917 - BOOK 1204 P. 83Z

ACTION PLANNING BOARD
 "APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED."
 DATE: _____

PLAN OF LAND
ACTION, MASS.
 OWNED BY HAARTZ AUTO FABRIC CO.

SCALE: 1 INCH = 50 FEET
 RESUBDIVISION DATED FEBRUARY 2, 1976
 REVISIONS TO BOOK 1204 P. 83
 ACTION SURVEY & ENGINEERING, INC.
 277 CENTRAL ST., ACTION, MASS.
 MODIFIED FEBRUARY 2, 1982

NOTES ADDED BY:
 H.B. DUNPHY, 9/10/87

PRODUCED BY M.E.A. STODOLSKA ASSOCIATION
 APPROVED BY ACTION PLAN DEPARTMENT
 DATE: _____

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED
 IN ACCORDANCE WITH THE RULES AND REGULATIONS
 OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH
 OF MASSACHUSETTS."
 JOHN E. DUNPHY, JR. 9/10/87
 DATE: _____

APPENDIX B

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS DIVISION OF CONSERVATION SERVICES

100 Cambridge Street
Boston, MA 02202
617/727-1552

DATE: _____

MUNICIPALITY: _____

NUMERIC ASSIGNMENT: _____
(Agency use only)

CONSERVATION RESTRICTION APPLICATION FORM

Pursuant to the provisions of G.L. c. 184, §32, the Secretary of Environmental Affairs is hereby requested to approve a conservation restriction as described below.

A. GENERAL INFORMATION

1. GRANTOR: The Haartz Corporation
(Name)
87 Hayward Road, Acton, Massachusetts 01720
(Address)
(508) 263-2741 x272 Richard Hatfield
(Tel. No.) (Contact Person)
2. GRANTEE: Conservation Commission Town of Acton
(Name)

(Address)

(Tel. No.) (Contact Person)
3. TYPE OF RESTRICTION: a. Conservation only: X
b. Joint restriction: _____
Type _____
(agricultural, historical, watershed)

NOTES

If the grantee is a non-profit charitable corporation or trust, proof must be provided 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). The Division also reserves the right to review the organization's by-laws and list of officers if warranted.

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 7).

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, 100 Cambridge St., Boston, MA 02202, and from an historical preservation restriction, which is approved by the Massachusetts Historical Commission, 80 Boylston St., Rm 310, Boston, MA 02116, and from a watershed preservation restriction which is approved by the Commissioner of the Metropolitan District Commission, 20 Somerset Street, Boston, MA 02202.

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

3. GRANTOR'S INTENT

- a. Charitable contribution: Yes No
Do you intend to claim an IRS income tax deduction? Yes No
- b. 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. Is this restriction 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) N/A

- c. Other: please explain (for example, sale of a C.R. to a public agency):
overall planning of Kelly's Corner

- d. Is this a perpetual restriction? Yes No If less than permanent for how many years yrs.

B. PUBLIC BENEFIT

- 1. Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public? 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? One that 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(e) 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 benefit. The above tests (section B) are sufficient demonstrations of the 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

Location:

1. Municipality Acton Street Location Hayward/Charter Rd
2. Grantor's Registry of Deeds Bk. # 11316 Page # 750
3. Assessors Map # _____ Lot # _____
4. New Site. Addition to existing restricted area: _____ (please specify)

Zoning: Commercial _____; Industrial ; Residential ; (check all that apply)

Title: Does applicant have clear title? Yes No _____ Assent of mortgagee(s) is required.
If no, please explain: _____

Encumbrances: Is the property encumbered by any easement(s)? Yes _____ No .
Please explain: _____

Geographic information:

1. Total acres covered by restriction: 14.5
2. Cover: acres in
A. Upland Forest 13.8
C. Vegetated Wetland .7
B. Open (field, pasture, etc.) _____
D. Water _____
3. Topography: acres in
A. Flat _____
C. Rolling _____
B. Hilly _____
D. Mountains _____
4. Waterfront: feet on
A. Ocean _____
C. Stream _____
B. River _____
D. Lake _____

Please identify waterbody _____

General Information:

1. 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:

Leaching field or other subsurface septic treatment
facilities

2. 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, the Site Data form must be completed for that portion of the restriction within each community.

3. If the property is under agricultural use, is the soil considered prime or of statewide agricultural significance? Not known

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

4. Is the property adjacent to any public or quasi-public land or buildings? Yes X No ___
Describe briefly:

Adjacent to land of the Commonwealth of Massachusetts
in part (approximately 500' common boundary - near Route 2)

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

No

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

Prepared by:

Gray H. Wexelblat

Address:

P. O. Box 66

Concord, MA 01742

(508) 369-8641

telephone number

ATTACHMENTS:

- | | Enclosed |
|---|---|
| a. Conservation Restriction (required) | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| b. USGS Topographic map with area identified thereon (required) | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| c. Photographs (required); aerial (if available) | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| d. Applicable federal, state or local plans, programs (excerpts therefrom) or zoning ordinances, if appropriate (Kelley's Corner Study) | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| e. Survey, plotmap, or sketch plan (required) | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| f. Special reports, studies, if available excerpts from Kelley's Corner Study | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| g. Natural resource inventory, if available | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| h. Wetlands Order of Conditions C. 131, §40, if applicable n/a | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| i. C. 40A, §9 Special Permit, if applicable n/a | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| j. I.R.S. letter ruling, if applicable | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| k. Charitable status documentation, if applicable | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| l. Assent of mortgagee(s), if applicable n/a | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| m. USDA Soil Data, if applicable | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| n. Other (please specify) | Yes <input type="checkbox"/> No <input type="checkbox"/> |

NOTES:

The conservation restriction must be prepared in a form suitable for recording and be approved and signed by the grantor, grantee and municipal official(s). The applicant may wish to submit a draft of the conservation restriction document for a determination as to whether it is acceptable for approval by the Secretary. This procedure is recommended in situations in which the gift is complex or the applicant needs guidance in drafting an acceptable document. Regardless of whether the applicant files a draft or executed conservation restriction, all required attachments must be submitted for review.

The Division of Conservation Services, as part of its records retention program and in conjunction with the Massachusetts State Archivist, will retain the grantee's baseline data in the State Archives at no cost. Grantees need only submit duplicate originals of the documents and photograph negatives with the application. The documents will be permanently preserved in the State Archives, 220 Morrissey Boulevard, Boston, MA 02125, and will be available for viewing or recovery as needed.

APPENDIX C

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

100 Cambridge Street
Boston, MA 02202
617/727-1552

DATE _____

MUNICIPALITY: _____

NUMERIC ASSIGNMENT: _____

(Agency use only)

CONSERVATION RESTRICTION FIELD INSPECTION FORM

1. MUNICIPALITY: Acton LOCATION (street, road, etc.): Charter Road
2. GRANTOR: The Haartz Corporation GRANTEE: Town of Acton acting solely through its Conservation Commission
3. NEW SITE: ADDITION TO SITE: _____ TOTAL ACRES: 14.46 TERM: _____
4. ARE BUILDINGS INCLUDED? YES ___ NO
If yes, estimate value, condition, and existing or proposed use (include photographs and negatives):

5. PRESENT AND PAST USE OF SUBJECT PROPERTY AND ADJACENT LANDS:
(Please include USGS topographical maps showing subject and adjacent public lands, if any.)
As set forth in Purposes Section of Conservation Restriction

6. BRIEF DESCRIPTION OF PROPERTY, INCLUDING NATURAL RESOURCES AND ANY UNIQUE FEATURES:
As set forth in Purposes section of Conservation Restriction

- a. Are prohibited activities sufficient to protect the resource values? YES NO ___
- b. Are retained uses compatible with the preservation or protection of the natural resources?
YES NO ___ (If answers to 6a or 6b are no, please explain in 8 below.)
7. ARE PUBLIC ACTIVITIES PERMITTED? YES ___ NO
If yes, please explain NATURE and SCOPE. _____

8. COMMENTS AND RECOMMENDATIONS _____

INSPECTOR: *Tom Moran*

DATE: SEPT. 8th, 1997

ACCOMPANIED BY: _____