

GAEBEL LAND BASELINE DOCUMENTATION REPORT

Prepared for the Acton Conservation Trust

November, 2013

GAEBEL LAND BASELINE DOCUMENTATION

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GAEBEL CONSERVATION RESTRICTION
ACTON, MASSACHUSETTS

(2013)
FIELD BINDER

Property Summary

Grantor:

The Town of Acton
472 Main Street
Acton, MA 01720

Current Owner Name and Contact Information:

Steve Ledoux, Town Manager
Acton Town Hall
472 Main Street
Acton, MA 01720
978-264-9612; manager@acton-ma.gov

Grantee:

Acton Conservation Trust
P.O. Box 658
Acton, MA 01720

Property Location:

Lot 1, Combined Parcels A, B, X
6 Piper Road Rear, Acton, MA 01720
Parcel H3A-4, Lot 1, combined Parcels A,B,X
Plan #681
Combined Parcels B,X, 8 Piper Lane: Middlesex South, Book 52270, Page 164, from
Edythe Gaebel
Parcel A, 6 Piper Road Rear: Middlesex South, Book 54950, Page 180 from Horne Builders,
Inc.

Property Name: Gaebel Land

Directions to the Property:

The Gaebel Land is at 6 Piper Road Rear, Acton, MA. (See Gaebel Street Map).

Public Access:

The Gaebel Land has access to the general public through Parcel A on Piper Road. There is no parking along Piper Road, but limited roadside parking along Lilac Court, (a side street across from 6 Piper Rd). Trails from the Great Hill Conservation and Recreation Land also give access to the Gaebel Land and off road parking is located at the rear of the South Acton Fire Station, 54 School Street, Acton, MA.

MANAGEMENT

History

Pre baseline monitoring report completed on June 21, 2012 And again May 22, 2013. Baseline Documentation Report completed on October 31, 2013.

Baseline Information

The Gaebel property comprises 5.24 acres, Parcels A, B and X of Lot 1 on the GPR map, and on the Town of Acton GIS Map with property ID H3-4,

Parcel A is marked by square stone bound at the south corner covered by a few inches of dirt and debris. The top is spray painted pink. The granite stone bound marker at the other corner is about 4" above grade and surrounded by poison ivy. A white PCV drainage pipe from the Morse property (8 Piper Road parcel H3A-7) is located a few yards from this marker. Parcel A is lined with large stones on both sides.

Parcel B has boundaries marked with pink spray paint on the south side. There is a stone bound marker on the north corner in the stone wall and a stone bound marker for parcel X across the path.

Parcel X meets Parcel B behind the garage. The boundary line to the stone bound marker between parcel Z and C is covered in pachysandra. The boundary along the side of parcel C is heavily wooded up to the stone bound marker for the rear of parcel C. A cistern on a large mound is located behind the garage.

Following the rear boundary of parcel C it was also heavily wooded and has a stone bound marker on the other corner. The pipe marker was sprayed red and is visible from the previous corner. There is abundant pachysandra and lily of the valley in this area.

Along the west boundary line between parcel X and the Great Hill Conservation Land is heavily wooded with patches of burning bush.

The northern boundary was identified by a pipe marker located behind a large tree and approximately 2 feet from the stone wall. The stone wall runs along the boundary line and there were abundant blueberry bushes, and several lady slippers.

The east/west boundary is near the intersection of the stone wall and path. It is not marked. Turning right and walking along the pathway, there is a patch of lily of the valley.

The next marker along this boundary is a stone bound painted white. There are several piles of wood and brush visible from the marker along pathways.

A wood stake with an orange flag marks a well used path between the stone wall. A large heap of brush, wood and yard waste was just inside the Gaebel boundary, blocking a former path along the stonewall. The heap was possibly 4 - 5 feet High.

Continuing back toward parcel B, there was the Indian Grinding Stone next to the path. The boundary line along the stone wall is heavily wooded.

Current Management Issues

Pre-existing conditions of invasive plants such as buckthorn, bittersweet, and burning bush persist. Near the pathway leading to the property there was a large pile of yard waste. Parcels B and X have missing markers. Several feet of the stone wall are missing including near the stone bound marker on Parcel B. The parcel A stone bound marker in the corner where the driveway meets Piper Road was buried under a couple inches of dirt and debris and will likely be covered again. Two conduits at 8 Piper Road and one on the other side discharge water onto the Gaebel land.

Management Recommendations:

Check boundaries annually. Maintain clear boundary markers....Discourage abutters from dumping or draining. Protect stone wall.

Preparer's Qualifications:

The consultant, Susan Kennedy, has studied the Mass. Audubon "Massachusetts Conservation Restriction Stewardship Manual". Consultant has participated in several baseline documentations and annual Conservation Restriction Monitoring inspections and is familiar with the Gaebel land.

History and Chronology

In January 2008 a neighbor of the vacated property at 8 Piper Lane (location of Gaebel Land) contacted the Acton Conservation Trust (ACT) that 8 Piper Lane was for sale. ACT got in touch with the landowner. He strongly preferred that the Town purchase the property, if the Town could match the offer he had received from a developer. ACT contacted the Open Space Committee (OSC) who opened negotiations on the property which included an antique 3 bedroom home on 5.5 upland acres abutting Great Hill Conservation Area.

After arriving at a deal, a Special Town Meeting was called on Oct. 2, 2008. Town Meeting voted to allocate \$730,000 from the Community Preservation Open Space Set Aside Funds toward the purchase of the home on 5.51 acres.

- The property was sold to the Town with the caveat that a conforming lot would be created for the historic house so that it could be sold and the backland could be used to augment the Great Hill Conservation Area.

As the antique house did not have separate access to a Town road, and resale had proven difficult, the Town had the opportunity to purchase approximately ½ acre at 6 Piper Road Rear that adjoined the house lot for the historic Gaebel house. The purpose of this land purchase was to provide driveway access and frontage on Piper Road. Not only would this make the property more marketable but an easement could be created from Piper Road to the Great Hill Area giving the public greater access to the conservation land. The Town voted to allocate \$39,000 from General Funds to purchase the lot and an additional \$6000 for improvements necessary to prepare the property for sale. Sale proceeds from the house were intended to be used to fully reimburse Town General funds for this article.

In May 2012, the Gaebel home sold to James Cullen of Boxborough for \$204,701. Approx. \$163,000 was returned to the CPA, and the Town General Fund was reimbursed approx., \$42,000 from the sale to cover the cost of improvements, such as the driveway.

A letter was sent by the President of ACT to Mr. Cullen introducing ACT and noting that ACT will hold the CR on Lot 1 of the adjacent land.

CONSERVATION RESTRICTION ABSTRACT

(To be appended once filed)

Bk: 52270 Pg: 164

Total Pages = 3



Bk: 52270 Pg: 164 Doc: DEED
Page: 1 of 3 02/20/2009 12:02 PM

Quitclaim Deed

I, **EDYTHE G. GAEBEL**, of Acton, Middlesex County, Massachusetts

for consideration paid and in full consideration of **SIX HUNDRED FIFTY THOUSAND and 00/100 (\$650,000.00) DOLLARS**

grant to the **TOWN OF ACTON**

with its town offices located at 472 Main Street, Acton, Middlesex County, Massachusetts

with Quitclaim covenants

PROPERTY LOCATION: 8 PIPER LANE, ACTON, MASSACHUSETTS

PARCEL I:

A certain parcel of land, with the building(s) and improvements thereon, situated in the southerly part of said Acton, numbered 8 Piper Lane, shown as Lot B on a plan of land belonging to the estate of Ellen L. Piper, surveyed by Horace F. Tuttle dated July 1, 1946, recorded with Middlesex South District Registry of Deeds in Book 7025, Page 473, and bounded as follows:

BEGINNING at the northwesterly corner thereof at a stone bound at land of Albert R. Jenks; THENCE S. 71° E. by said Jenks land 94 feet to a stone bound at land of Ralph W. Piper; THENCE S. 16° 30' W. by said Piper land 188 feet to other land of the estate of Ellen L. Piper; THENCE N. 77° 15' W. by said Ellen L. Piper land 82 feet to land of Albert R. Jenks; THENCE N. 13° 45' E. on said Jenks land 196 feet to the bound first mentioned, containing according to said plan 17,325 square feet.

Subject to a right of way over said premises from land of Albert R. Jenks to the Private Way called Piper Lane as shown on said plan, also subject to and together with a right of way over said Piper Lane, shown on said plan, in common with others from School Street to the granted premises together with the right to erect and maintain poles and wires for electric current and install and maintain underground pipes for water and gas in and over Piper Lane from said School Street to the granted premises; excepting that parcel shown as B¹ on a plan entitled "Land in Acton, Subdivision of a plan of land surveyed for Ralph W. Piper by H.F. Tuttle, dated May 15, 1942, recorded with Middlesex South District Registry of Deeds in Book 7778, Page 519.

Subject to easements, rights, restrictions and covenants of record if they affect the locus and are in full force and effect, expressly not intending nor meaning to extend the same in the event that they have expired by operation of law or otherwise.

**8 PIPER LANE, ACTON, MASSACHUSETTS
QUITCLAIM DEED
PAGE 1 OF 3**

Return to:
Scheier & Katin, P.C.
103 Great Road
Acton, MA 01720

PARCEL II:

A certain parcel of land, with the building(s) and improvements thereon, being shown as Lot C² on a plan entitled "Land in Acton" subdivision of a plan of land surveyed for Ralph W. Piper by H.F. Tuttle, dated May 15, 1942, made for H. Calvin Gaebel and Ernest A. Magoon, by Horace F. Tuttle, C.E., dated July 28, 1951, recorded with said Deeds in Book 7778, Page 519, bounded and described as follows:

BEGINNING at a point at a stone bound on the Easterly side of a private way as shown on said plan;
THENCE running North 70° 30' West, ninety four (94) feet by land of H. Calvin Gaebel to a stone bound as shown on said plan;
THENCE turning and running South 14° 15' West, by land of said Gaebel, one hundred seventy-six (176) feet to the junction of lots B¹ and C¹ as shown on said plan;
THENCE turning and running North 76° 45' West, one hundred (100) feet by Lot C¹ as shown on said plan to a pipe;
THENCE turning and running Northwesterly by said Lot C¹, nine hundred six (906) feet, more or less, to a pipe as shown on said plan;
THENCE turning and running South 79° East by a stone wall, three hundred thirty-five (335) feet to a bar post at land of Mary Ann Law;
THENCE turning and running South 1° East by land of Mary Ann Law, four hundred ten (410) feet to a stone bound, as shown on said plan;
THENCE running by said stone wall and land of Quimby and W.T. Merriam, two hundred twenty-two (222) feet, as shown on said plan;
THENCE turning and running South 12° West one hundred (100) feet on said stone wall by land of E.L. Piper to the stone bound at the point of beginning.

Containing 5.51 acres, as shown on said plan.

This conveyance is made subject to and together with a right of way as shown on said plan running along the Easterly side of said lot and crossing the parcel shown as H. Calvin Gaebel and Lot B¹ and land of Ernest A. Magoon out to School Street, subject to easements, rights, restrictions and covenants of record if they affect the locus and are in full force and effect, expressly not intending nor meaning to extend the same in the event that they have expired by operation of law or otherwise.

Meaning and intending to convey the same premises as conveyed by virtue of deed of Ralph W. Piper, Administrator of the Estate of Ellen L. Piper to Homer C. Gaebel and Edythe G. Gaebel dated July 30, 1946, recorded with the Middlesex South District Registry of Deeds at Book 7025, Page 476, and also see deed of J. Edward Sibel to H. Calvin Gaebel and Edythe G. Gaebel dated July 31, 1951, recorded with said Deeds in Book 7778, Page 502. Homer C. Gaebel died on December 3, 1984.

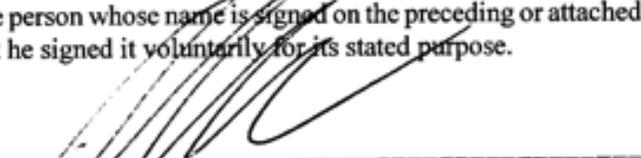
Witness my hand and seal this 5th day of February, 2009.

Edythe G. Gaebel
Gerald Gaebel POA
Edythe G. Gaebel, by her attorney
in fact, Gerald Gaebel, under Power of
Attorney dated October 18, 1988, to
be recorded herewith

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this 5th day of February, 2009, before me, the undersigned notary public, personally appeared Gerald Gaebel under power of attorney for Edythe G. Gaebel, proved to me through satisfactory evidence of identification, which was driver's license, passport, employee ID card, personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary public:
My commission expires:



Quit Claim Deed for Home Builders Parcel A

Bk: 54950 Pg: 180

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**



Bk: 54950 Pg: 180 Doc: DEED
Page: 1 of 2 07/06/2010 03:08 PM

SPACE ABOVE FOR REGISTRY USE ONLY

QUITCLAIM DEED

HORNE BUILDERS, INC., a Massachusetts corporation ("Grantor"), for consideration paid, and in full consideration of Thirty-Nine Thousand and 00/100 (\$39,000.00) Dollars, grants to the **TOWN OF ACTON**, a Municipal corporation with an address of 472 Main Street, Acton, Middlesex County, Massachusetts 01720 ("Grantee"), with **QUITCLAIM COVENANTS**, the following described property:

A certain parcel of vacant land situated in Acton, Middlesex County, Massachusetts and shown as Parcel A on a plan entitled "Plan of Land in Acton, Mass., Owned by Horne Builders, Inc." and prepared by David W. Perley, Civil Engineers, Scale 1" = 20', dated September 26, 1990, which plan is recorded with the Middlesex South District Registry of Deeds as Plan No. 998 of 1990. Said Parcel A contains 20,210 square feet of land, more or less, be however otherwise said Parcel A may be bounded, measured and/or described.

Together with any and all rights to pass and repass over Piper Lane, as shown on said plan, in so far as in force and applicable.

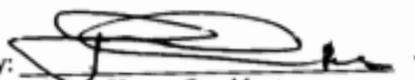
The Grantee or its successors in title shall not divide said premises in any way so as to create a second building lot for construction of another single family residence without the express written approval required pursuant to the restriction set forth in a Deed from Ralph W. Piper, Jr. to Horne Builders, Inc., dated June 30, 1986 and recorded with said Registry at Book 18551, Page 149, reference to which is hereby made for Grantor's title.

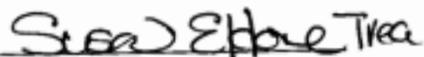
The premises do not represent all, or substantially all, of the assets of the Grantor located within the Commonwealth of Massachusetts.

Property Address: 6 Piper Road, Acton, MA

Executed under corporate seal this 1st day of July, 2010.

Horne Builders, Inc.

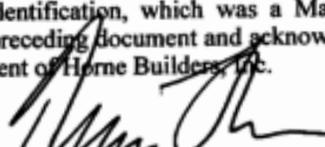
By: 
John N. Horne, President

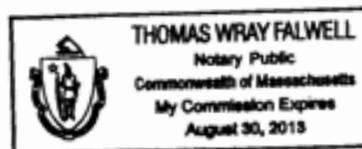
By: 
Susan E. Horne, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 1st day of July, 2010, before me, the undersigned notary public, personally appeared, John N. Horne, proved to me through satisfactory evidence of identification, which was a Massachusetts drivers' license, to be the person whose name is signed on the preceding document and acknowledged that he executed the same voluntarily for its stated purpose as President of Horne Builders, Inc.


Thomas Wray Falwell, Notary Public
My commission expires: August 30, 2013



Legal Information

AFFIDAVIT OF FILE PREPARER

I, Susan Kennedy, Trustee, Acton Conservation Trust, 68 Parker Street J, Acton, MA 01720, certify that:

1. I have personally inspected the property that is the subject of this baseline documentation file;
2. I have personally taken the photographs contained in this baseline documentation report;
3. I have personally reviewed the maps, photographs, and other information contained in this baseline documentation report; and
4. The maps, photographs, and other information contained in this baseline documentation report accurately represent the condition of the subject property at the baseline documentation report, to the best of my knowledge and belief.

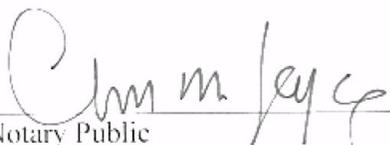


Honorable Susan M. Kennedy

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY

On this 30 day of Oct, 2013, before me, Hon. Susan Kennedy
the undersigned, personally appeared Susan M. Kennedy, proved to me through satisfactory identification, (drivers license), to be the person whose name subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

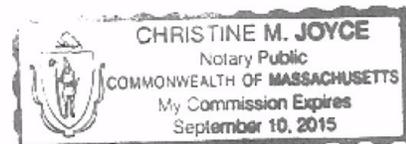
In witness whereof I hereunto set my hand and official seal.



Notary Public

My commission expires:

9



ACTON CONSERVATION TRUST, INC.
ACKNOWLEDGEMENT OF BASELINE DOCUMENTATION

The undersigned, being the grantor/successor under a conservation restriction Granted to the Acton Conservation Trust, Inc (“ACT”) with respect to land located at 6 Piper Road, Rear, Acton property ID H3A-4, Acton, MA (“the Property”), hereby certifies to ACT that the accompanying baseline documentation, which includes the “relevant documents” listed below, is an accurate representation of the Property and its condition on the date hereof. The undersigned agrees that the conditions documented in said baseline documentation do not necessarily represent the conditions of the Property allowed or required by the conservation restriction, and that ACT in no way waives any rights either at or in equity, to enforce the provisions of the conservation restriction.

Signed this _____ Day of _____, 20__

Grantor/Successor

Grantor/Successor

Acknowledged by:
Acton Conservation Trust, Inc.

By: _____

Relevant Documents:

- Property Summary, October 2013
- Baseline Information, October 31, 3013
- Photos (numbered 1 through 5 and 9 through 12) and dated May 30, 2013
- Photo numbered 6 and dated 5/17/13 and photos (numbered 7 through 8) and dated 9/24/13
- Photo Log, dated 5/30/13, 5/17/13, and 9/24/13
- Photo Map
- Photography Affidavit, signed and dated, October 30, 2013

THE COMMONWEALTH OF MASSACHUSETTS

_____, ss.
On this ____ day of _____ 20__ , before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as _____ of Acton Conservation Conservation Trust, Inc.

(official seal)

Notary Public

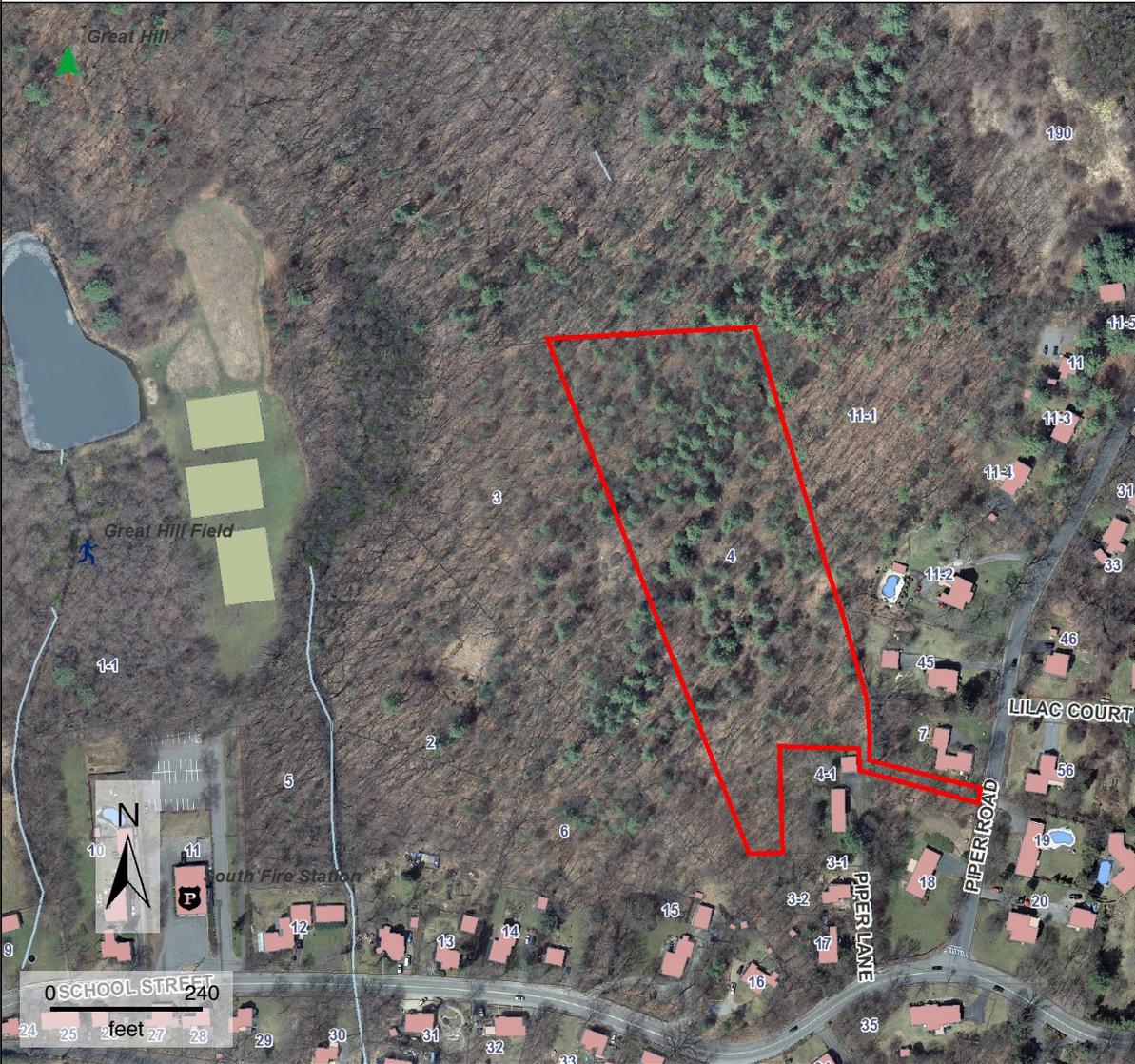
MY COMMISSION EXPIRES _____

Aerial Photo with CR boundaries shown in Red (Labeled Parcel 4)

Acton GIS Viewer

1/20/2014

Gaebel Land 6 Piper Road Rear



Property Information

Property ID H3A-4
 Location 6 PIPER RD REAR



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.

