

**Stamski And McNary, Inc.**  
Engineering - Planning - Surveying  
1000 Main Street Acton, MA 01720

# Application for Approval of a Definitive Plan

Under the Subdivision Control Law and the Acton Planning  
Board Subdivision Rules and Regulations

for

## Summer Place

111 Summer Street  
Acton, MA 01720

Owner/Applicant: Paulette Barros  
18 Saratoga Boulevard  
Devens, MA 01434

Date: May 11, 2016

SM-4051A



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### **Attached Full Size Plans**

#### **“Definitive Subdivision Plan for Summer Place”**

Acton, Massachusetts

For: Paulette Barros

By: Stamski and McNary, Inc.

(Set of 7 sheets)



**5.2.1**

**FORM DP  
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**



**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 Summer Place
2. Name of Applicant(s) Paulette Barros  
Contact Address 18 Saratoga Boulevard, Devens, MA 01434 Phone (617) 699-0855
3. Name of Property Owner(s) Paulette Barros
4. Name of Engineer Stamski and McNary, Inc.  
Address 1000 Main Street, Acton, MA 01720 Phone 978-263-8585
5. Name of Land Surveyor Stamski and McNary, Inc.  
Address 1000 Main Street, Acton, MA 01720 Phone 978-263-8585
6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number 48380,  
Page Number 242; and/or registered in Middlesex Registry of Land Court, Certificate of  
Title Number \_\_\_\_\_.
7. Zoning District Residence 2, Town Atlas Map No. F1 Parcel No. 87  
Approximate acreage in subdivision 1.84 ac, Number of Lots 2  
Total length of road(s) in feet 303'  
Location and Description of Property 111 Summer Street is a developed lot with an  
existing single family dwelling, barn and paved driveway.
8. Said plan has ( )/ has not () evolved from a preliminary plan submitted to the Board on  
\_\_\_\_\_ 20 \_\_; and approved (with modifications) ( ) or disapproved ( ) on \_\_\_\_\_ 20 \_\_\_\_.

Paulette Barros 5/5/16  
Applicant(s) Signature, Date

\_\_\_\_\_  
Applicant(s) Signature, Date

Paulette Barros 5/5/16  
Owner(s) Signature, Date

\_\_\_\_\_  
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.



**5.2.2**

**DEVELOPMENT IMPACT REPORT**



# DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision \_\_\_\_\_
2. Location 111 Summer Street
3. Name of Applicant(s) Paulette Barros
4. Brief Description of the Proposed Project Construction of a single family dwelling and a private way servicing both the proposed and an existing single family dwelling.
5. Name of Individual Preparing this DIR William Hall  
 Address Stamski and McNary, Inc. Business Phone 978-263-8585  
1000 Main Street, Acton, MA 01720
6. Professional Credentials \_\_\_\_\_

## **A. Site Description**

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

<i>Uses</i>	<i>Percentage</i>
Industrial	0
Commercial	0
Residential	100
Forest	0
Agricultural	0
Other (specify)	0

8. Total acreage on the site: 1.84 acres.

<i>Approximate Acreage</i>	<i>At Present</i>	<i>After Completion</i>
Meadow or Brushland (non agriculture)		
Forested	0.47	0.35
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces	0.31	0.35
Other (indicate type) <u>Lawn</u>	1.06	1.14

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.*

<b>District</b>	<b>Percentage</b>
Residence 2	100
Groundwater Protection District Zone 2	97
Groundwater Protection District Zone 3	3

10. Predominant soil type(s) on the site: 254B-Merrimac fine sandy loam;  
251A-Haven silt loam

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

<b>Soil Type</b>	<b>% of the Site</b>
Well drained	98
Moderately well drained	0
Poorly drained	2

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

12. Approximate percentage of proposed site with slopes between:

<b>Slope</b>	<b>% of the Site</b>
0 - 10%	70
10 - 15%	10
greater than 15%	20

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well? Zone(s) 2 & 3 Proximity to a public well: 2,000 Ft feet Clapp Well

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: Bordering Vegetated wetlands are located off site to the north.  
\_\_\_\_\_

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 Action Historical Society.)

yes  no

If yes, please describe 111 Summer Street and barn are listed on the Acton Cultural Resource List.

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		9.52 (1 dwelling)
Average peak hour volumes	morning	0.77
Average peak hour volumes	evening	1.02

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

Name Summer Street Town Classification Local

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

Name of ways Woodfield Road, Winter Street and Arlington Street.

29. Location of existing sidewalks within 1000 feet of the proposed site? A sidewalk is located along Woodfield Road and also along Summer Street between Arlington Street and Winter Street.

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

No sidewalk is proposed along private way.

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

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

yes  no

If yes, please describe \_\_\_\_\_

If no, please explain why Access is available along Massachusetts Avenue

**C. Utilities and Municipal Services**

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

4 existing, 5 proposed

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? A private septic system is to be provided.

35. Storm Drainage

a. Describe nature, location and surface water body receiving current surface water of the site:  
Bordering vegetated wetland located to the north of the site which drains to Inch Brook.

---

b. Describe the proposed storm drainage system and how it will be altered by the proposed development:  
The proposed drainage system includes a clay lined retention basin, subsurface infiltration structures, a catch basin and an infiltration trench.

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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.)  
4-8 min.

37. Schools (if residential)

a. Projected number of new school age children: 2 +/-

b. Distance to nearest school: 1 Mile

#### **D. Measures to Mitigate Impacts**

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.

44. Preserve wildlife habitat.

45. Preserve wetlands.

46. Ensure compatibility with the surrounding land uses.

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.

49. To mitigate the impact of the traffic generated by the development.

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.

37. Prevent surface water contamination: The proposed drainage system is designed in accordance with the Town of Acton Subdivision Rules and Regulations. The private way drainage will be treated by providing a catch basin with deep sump along the private way which will send runoff to a clay lined retention basin and subsurface infiltration structures. Fill material used shall be free of hazardous material and construction debris. The developer shall comply with the Erosion and Sedimentation Control Plan.
38. Prevent groundwater contamination: The septic system on the proposed lot will be designed to meet or exceed Title V and the Town of Acton Board of Health standards.
39. Maximize groundwater recharge: Re-charge of runoff for the site will be provided within the proposed drainage system. Roof Runoff for the new dwelling will be directly infiltrated into an individual roof drain drywell and a subsurface recharge area will be provided to store and recharge runoff from the private way.
40. Prevent erosion and sedimentation: During construction, any silt, construction debris, etc. shall be removed from the public way or abutting property immediately upon discovery and all sediments spilled, dropped, or washed into public rights-of-ways shall also be removed immediately. Fill material used shall be free of hazardous material and construction debris. The developer shall comply with the Erosion and Sedimentation Control Plan.
41. Maintain slope stability: Cut and fill slopes, if any, will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with hay-mulch during the non-growing season (November 1 to April 1). An Erosion and Sedimentation Control Plan has been prepared, which will provide the necessary details.
42. Design the project to conserve energy: The proposed dwelling will meet the stringent requirements of the state and local building codes.
43. Preserve wildlife habitat: The site is not located within an area of estimated habitat of rare wildlife. Existing vegetation shall be preserved wherever possible.
44. Preserve wetlands: An Erosion and Sedimentation Control Plan has been prepared that will delineate the limit of work and also provide the necessary details for protecting the wetlands. A Notice of Intent is to be filed for the construction of the road, part of the drainage system, and for the construction of the dwelling on lot 2.
45. Ensure compatibility with the surrounding land uses: The surrounding land uses are composed of residential single-family homes along Summer Street which are served by town water. The existing and proposed use of the property will be residential. The approval of this subdivision will minimize town maintenance, responsibility, and cost and preserve the rural character of the town.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment: Control of peak rates of runoff will be realized using basic drainage techniques including a catch basin and manhole system which will direct runoff to a clay lined retention basin and subsurface recharge area. Also an individual roof drywell and infiltration trench will be provided on lot 2.

47. Preserve historically significant structures and features on the site: **N/A**

48. To mitigate the impact of the traffic generated by the development: **The project will generate traffic from one additional dwelling within the proposed development. The vehicle trips generated from this proposed development are insignificant and will not require mitigation. The trip generation is also below the typical thresholds requiring traffic studies in the Town of Acton.**



### 5.2.3

#### **FILING FEE (COPY OF CHECK)**

##### **DEFINITIVE PLAN FILING FEE**

Without Preliminary Plan - \$2,500.00 + \$8.00/foot of road

- 303 ft. of road x \$8.00 = \$2,424
- \$2,500 + \$2,424 = \$4,924



1048

53-14/113

PAULETTE M BARROS

DATE 5/5/16

\$ 4924.00

PAY TO THE ORDER OF *Tung Acker*  
*four thousand nine hundred twenty four* DOLLARS

Security Features  
Printed on Back



Commerce Bank<sup>SM</sup>  
Leominster, Massachusetts 01453

*Tung Acker*

MEMO

MP

SPECIALTY GRAY

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**5.2.4**

**DEFINITIVE SUBDIVISION PLAN  
(SEE ATTACHED)**



**5.2.5**

**FORM DC  
DESIGNERS CERTIFICATE**



DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled Definitve Plan for  
111 Summer Street dated March 10, 2016

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 1.78  
acres conveyed by Murray W. Potter and Gail M. Potter to  
Paulette M. Barros by a deed, dated  
10/26/2006 and recorded in Middlesex County Registry of Deeds, South District,  
Book 48380, Page 242.

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

1. Other deeds and plans, as follows Plan No. 601 of 1959,  
Plan No. 285 of 1975
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  
10/08/2014 and 11/14/2014  
(date) (date)



Signed *Joseph March* 5/5/16  
Registered Land Surveyor Date  
Address 1000 Main Street Acton, MA 01720  
Registration No. 36384

\*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



**5.2.6**

**CERTIFIED LIST OF ABUTTERS**





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

Brian McMullen  
 Principal Assessor

Locus: 111 Summer St  
 Parcel: F1-87

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST	Zip
F1-97	113 SUMMER ST BESIDE	POTTER SHELLEY		113 SUMMER ST	ACTON, MA	01720	
F1-98	113 SUMMER ST	WHITCOMB SHELLEY		113 SUMMER ST	ACTON, MA	01720	
F1-109-1	118 SUMMER ST	WHITCOMB DOUGLAS W	WHITCOMB SUSAN E	118 SUMMER ST	ACTON, MA	01720	
F1-109	116 SUMMER ST	WHITCOMB DOUGLAS W	WHITCOMB SUSAN E	118 SUMMER ST	ACTON, MA	01720	
F1-110-1	107 SUMMER ST	HECKER JOHN BOSCO	HECKER MEGAN	107 SUMMER ST	ACTON, MA	01720	
F1-110-2	103 SUMMER ST	GARDINER EDWARD T	GARDINER MARGARET B	103 SUMMER ST	ACTON, MA	01720	
F1-110-3	101 SUMMER ST	FLETCHER ALAN E	FLETCHER KAREN L	101 SUMMER ST	ACTON, MA	01720	
F1-110	99 SUMMER ST	ZOLDAK WILLIAM H	SADLOWSKI CHRISTINE A	99 SUMMER ST	ACTON, MA	01720	
F1-117-1	112 SUMMER ST BESIDE	SOTNIKOV ANVER	SOTNIKOV ELENA	112 SUMMER ST	ACTON, MA	01720	
F1-117	112 SUMMER ST	SOTNIKOV ANVER	SOTNIKOV ELENA	112 SUMMER ST	ACTON, MA	01720	
F1-123	108 SUMMER ST	ROBINSON LYNN	ROBINSON ANWEN	108 SUMMER ST	ACTON, MA	01720	
F1-138	104 SUMMER ST	LOPORTO JOSEPH S	LOPORTO WARTHA G	104 SUMMER ST	ACTON, MA	01720	
F1-139	98 SUMMER ST	LI HONG	LI XIAO	98 SUMMER ST	ACTON, MA	01720	
F1-15	153 SUMMER ST	ERIKSON MILDRED L		213 SUMMER ST	ACTON, MA	01720	
F1-4	680 MASS AV	ACTON WATER DISTRICT		PO BOX 953	BOXBOROUGH, MA	01719	
F1-55	17 BIRCH RIDGE RD	ZHAO JULIAN		17 BIRCH RIDGE RD	ACTON, MA	01720	
F1-56	18 BIRCH RIDGE RD	CHRISTO JEFFREY D ELIZABETH L TRUSTEES		18 BIRCH RIDGE RD	ACTON, MA	01720	
F1-59-5	119 SUMMER ST	OLLIVER KATHERINE M		119 SUMMER ST	ACTON, MA	01720	
F1-60	20 BIRCH RIDGE RD	KILLIAN JOHN D	OLIVER LAWRENCE E	20 BIRCH RIDGE RD	ACTON, MA	01720	
F1-64	19 BIRCH RIDGE RD	BINNS PETER J	KILLIAN PRISCILLA E	19 BIRCH RIDGE RD	ACTON, MA	01720	
F1-69	17 CHERRY RIDGE RD	PODGROSKI JEANNETTE TRUSTEE	BINNS HENDRIKA	17 CHERRY RIDGE RD	ACTON, MA	01720	
F1-74-1	118 SUMMER ST BESIDE	WHITCOMB DOUGLAS W	PLUNKETT LAURA ANN TRUSTEE	17 CHERRY RIDGE RD	ACTON, MA	01720	
F1-75	21 BIRCH RIDGE RD	FRIORIKH SERGEY	WHITCOMB SUSAN E	118 SUMMER ST	ACTON, MA	01720	
F1-83	23 BIRCH RIDGE RD	FAN ZHANYUN	FREYDINA EVGENTY A	21 BIRCH RIDGE RD	ACTON, MA	01720	
F1-86	113 SUMMER ST REAR	POTTER SHELLEY	CHEN ZHICANG	23 BIRCH RIDGE RD	ACTON, MA	01720	
F1-88-5	361 ARLINGTON ST	CAO JINGDONG		113 SUMMER ST REAR	ACTON, MA	01720	
F1-88	359 ARLINGTON ST	TORMA DENNIS O	LIU HAIYUN	361 ARLINGTON ST	ACTON, MA	01720	
				359 ARLINGTON 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

*Mary Abbott*  
 Mary Abbott  
 Acton Assessor's Office

5/6/2016



**5.2.8**

**WAIVER REQUEST LETTER**



STAMSKI AND MCNARY, INC.

1000 Main Street  
Acton, Massachusetts 01720  
(978) 263-8585  
FAX (978) 263-9883

JOSEPH MARCH, P.E., P.L.S.  
GEORGE DIMAKARAKOS, P.E.

May 6, 2016  
Acton Planning Board  
472 Main Street  
Acton, MA 01742

Re: **Definitive Subdivision Plan at 111 Summer Street, Acton, MA**  
**Waiver Request Letter**

Members of the Board:

On behalf of our client, Paulette Barros, we hereby request waivers from Section 8, Design Standards, and Section 9, Improvements, of the Acton Subdivision Regulations. The private driveway has been designed to Common Driveway Standards which is the general rule established under Section 10.1.3 of the Acton Subdivision Regulations.

The reason for granting the requested waivers is to allow the applicant to build a small scale residential subdivision in a manner which minimizes Town maintenance, responsibility and cost, while simultaneously preserving the rural character of the Town.

Respectfully,



William Hall, E.I.T.



George Dimakarakos, P.E.



**5.2.9**

**LETTER AUTHORIZING TOWN TO COMPLETE  
DRIVEWAY**



**Paulette Barros**  
**18 Saratoga Boulevard**  
**Devens, MA 01434**

May 6, 2016  
Acton Planning Board  
472 Main Street  
Acton, MA 01742

Re: Definitive Subdivision Plan at 111 Summer Street, Acton, MA

Members of the Board:

Pursuant to and in satisfaction of Acton Subdivision Rules and Regulations section 5.2.9 ("Rules"), Paulette Barros (the "Developer") hereby grants to the Town of Acton the right to enter upon the land shown on the plan entitled "Definitive Subdivision Plan for 111 Summer Street, Acton, MA", Record Plan, For: Barros, Scale: 1"=20', May 4, 2016, Stamski and McNary, Inc., 1000 Main Street, Acton, Mass to complete the ways and services if the Developer does not complete the same in accordance with its obligations.

  
\_\_\_\_\_  
Paulette Barros



**5.2.11**

**COPIES OF RECORD DEED**





Bk: 48380 Pg: 242 Doc: DEED  
Page: 1 of 2 10/26/2006 01:25 PM

**QUITCLAIM DEED**

WE, MURRAY W. POTTER AND GAIL M. POTTER, of Acton, Middlesex County, Massachusetts

in consideration of FIVE HUNDRED NINETY THOUSAND and 00/100 (\$590,000.00) DOLLARS

grant to PAULETTE M. BARROS, an individual of Acton, Middlesex County, Massachusetts

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 10/26/2006 01:25 PM  
Ctrl# 082321 18781 Doc# 00203164  
Fee: \$2,690.40 Cons: \$590,000.00

**with Quitclaim Covenants**

A certain parcel of land situated on the Northeasterly side of Summer Street in Acton, Middlesex County, Massachusetts, being shown on a plan entitled "Land in Acton" owned by Caroline Derby by Harlan E. Tuttle, Surveyor, dated January 9, 1959 and recorded with the Middlesex South District Registry of Deeds, Book 9364, Page 581, bounded and described as follows:

- NORTHWESTERLY: by land of John J. Onslow and Henry J. Erikson as shown on said plan by several distances together measuring five hundred seventy-six and 03/100 (576.03) feet;
- NORTHEASTERLY: again by land of Henry J. Erikson as shown on said plan forty-one (41) feet;
- SOUTHEASTERLY: by land of Caroline Derby as shown on said plan five hundred sixty-six and 17/100 (566.17) feet; and
- SOUTHWESTERLY: by Summer Street as shown on said plan one hundred fifty (150) feet.

Containing an area of 1.70 acres, more or less, according to said plan.

ALSO ANOTHER certain parcel of land situated on the Northeasterly side of Summer Street, Acton, Middlesex County, Massachusetts, being shown as Parcel "E" on a plan entitled "Compiled Plan of Land in Acton, Massachusetts. Owned by Mary M. Derby and Charles E. Derby", Scale 1"=40 feet, dated April 3, 1975, John W. Lymberg, Main Street, Bolton, Massachusetts, Civil Engineer and Surveyor, which plan is recorded with the Middlesex South District Registry of Deeds in Book 12784, page 518, bounded and described as follows:

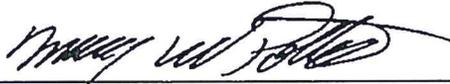
*PROPERTY ADDRESS: 111 Summer Street, Acton, MA*

SOUTHWESTERLY: by Summer Street as shown on said plan, 10.18 feet;  
 SOUTHEASTERLY: by Lot 1-A as shown on said plan 350.04 feet;  
 NORTHEASTERLY: by Lot #6 as shown on said plan 10.18 feet;  
 NORTHWESTERLY: by land of Ormal S. Laffin and mary M. Laffin as shown on said plan 350.00 feet.

Containing an area of 3,502 square feet of land, as shown on said plan.

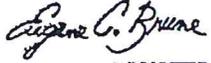
For title to the Grantors, see deed of Joseph Landis, et al., Executors, dated August 20, 1981 and recorded with said Deeds, Book 14389, Page 513.

Executed as a sealed instrument this 26<sup>th</sup> day of October, 2006.

  
 \_\_\_\_\_  
 Murray W. Potter

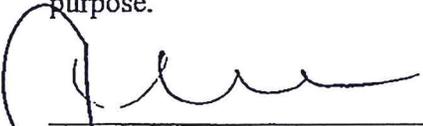
  
 \_\_\_\_\_  
 Gail M. Potter

COMMONWEALTH OF MASSACHUSETTS

REGISTRY OF DEEDS  
 SOUTHERN DISTRICT  
 ATTEST  
  
 REGISTER

Middlesex, ss.

On this 26<sup>th</sup> day of October, 2006, before me the undersigned notary public, personally appeared Murray W. Potter and Gail M. Potter and proved to me through satisfactory evidence of identification, which were state drivers licenses, to be the person whose name is signed on the preceding or attached documents, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

  
 \_\_\_\_\_  
 Notary public:  
 My commission expires:



**5.2.12**

**LIST OF MORTGAGE HOLDERS**



**Mortgage Holders**

**Middlesex Savings Bank**



**5.2.13**

**FORM RC  
DRAFT RESTRICTIVE COVENANT**



**ACTON PLANNING BOARD**

**FORM RC**

**RESTRICTIVE COVENANT**

In consideration of the approval by the Planning Board of the Town of Acton, Massachusetts (hereinafter referred to as the Board), of a plan of land located in Acton, Middlesex County, Massachusetts entitled \_\_\_\_\_, dated \_\_\_\_\_, revised \_\_\_\_\_, by \_\_\_\_\_, approved by the Board on \_\_\_\_\_ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended \_\_\_\_\_;

\_\_\_\_\_,  
(the "Developer"), having its usual place of business in \_\_\_\_\_, its successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developer is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developer.
2. The Developer shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
  - a) The Subdivision Control Law and the Acton Planning Board's Rules and Regulations governing this subdivision.
  - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated \_\_\_\_\_.
  - c) The definitive plan as approved and as qualified by the certificate of approval.
  - d) Other document(s), namely:

\_\_\_\_\_  
\_\_\_\_\_

3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.
4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developer is not so constructing such ways, the Developer shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however, that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.
5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developer and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developer agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.
11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before \_\_\_\_\_, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.
12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.
13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:
  - a) Mortgage granted by the Developer to \_\_\_\_\_, dated \_\_\_\_\_, and recorded with the Middlesex South Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and the Middlesex Registry of the Land Court as Document No \_\_\_\_\_, and
  - b) Other mortgages:

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FIRST MORTGAGE HOLDER \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

SECOND MORTGAGE HOLDER \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF, the Developer(s) has executed this Restrictive Covenant under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DEVELOPER(S)

\_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 20\_\_

Then personally appeared the above named \_\_\_\_\_, and acknowledged the foregoing instrument to be his/her/its free act and deed and the free act and deed of \_\_\_\_\_, before me.

\_\_\_\_\_  
Notary Public  
My commission expires:\_\_\_\_\_

Approved and accepted by the Acton Planning Board:

\_\_\_\_\_

Date: \_\_\_\_\_