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**BOARD OF SELECTMEN**

Middlesex, ss.

March 8, 2004

**ORDER OF STREET LAYOUT**

WHEREAS, the Board of Selectmen has referred the proposed layout to the Planning Board of the Town of Acton in accordance with Chapter 41, Section 81-I of the General Laws, and said Planning Board has approved the laying out as hereinafter described; and

WHEREAS, the Board of Selectmen has determined and adjudged that common convenience and necessity require that Town ways be laid out in the locations hereinafter described; and

WHEREAS, notice of the intention of this Board to lay out said ways has been duly given in accordance with the applicable provisions of the General Laws, and other provisions of the law have been complied with; and

WHEREAS, the Board of Selectmen met at the time and place appointed for the hearing.

NOW THEREFORE, it is ordered and adjudged that Town ways for the use of the Town be and are hereby laid out as follows:

**In the MAPLE CREEK FARM SUBDIVISION**

**WOODFIELD ROAD** – from the southerly sideline of Summer Street a distance of 994 feet, more or less, in a generally southerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

**SHADY LANE** – from the westerly sideline of Woodfield Road a distance of 594 feet, more or less, in a generally westerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

The description, bounds and location of Woodfield Road and Shady Lane are as shown on a plan entitled, "Maple Creek Farm" Definitive Subdivision Planned Conservation Residential Community, Record Plan and Easement Plan of Land in Acton, Mass., Record Owner: Robert A. Reid, 3<sup>rd</sup>, 6 Autumn Leaf Lane, Nashua, NH, Prepared For: Northwest Structures, Inc., P.O. Box 657, Acton, MA 01720, Date: July, 1993, Rev: October, 1993, Scale: 1" = 60', Lancewood Engineering, Inc., 411 Massachusetts Avenue, Acton, MA 01720, recorded at the Middlesex South District Registry of Deeds

(the "Registry") as Plan No. 1104 of 1993 (the "1993 Plan"). Woodfield Road and Shady Lane are also shown on two additional plans, the first entitled "As-Built Plan and Profile Woodfield Road and Shady Lane, prepared for Sweeney & Sons, Inc." two sheets dated September 30, 2003, by Foresite Engineering Associates, Inc. (the "As-Built Plan"), and the second plan entitled "As-Built Monumentation Plan of Maple Creek Farm, Woodfield Road and Shady Lane, Acton, Massachusetts, prepared for Maple Creek Farm, Inc.", dated September 29, 2003, by Zanca Land Surveyors Inc. (the Monumentation Plan). Both the As-Built Plan and the Monumentation Plan are on file with the Town of Acton Engineering Department. Woodfield Road and Shady Lane are more particularly described as follows:

### **WOODFIELD ROAD**

Beginning at a stone bound with drill hole on the southerly side of Summer Street and the easterly side of Woodfield Road;

thence running, along the easterly sideline of Woodfield Road, along a curve to the left having a radius of 25.00' for a length of 41.60' to a stone bound with drill hole;

thence running  $S07^{\circ}46'03''W$ , 154.67' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 130.00' for a length of 73.66' to a stone bound with drill hole;

thence running  $S40^{\circ}14'02''W$ , 118.18' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 90.00' for a length of 125.88' to a stone bound with drill hole;

thence running  $S39^{\circ}54'23''E$ , 111.44' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 170.00' for a length of 224.07' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 30.00' for a length of 42.63' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 70.00' for a length of 332.22' to a stone bound with drill hole;

thence running  $N46^{\circ}07'29''E$ , 63.45' to a point;

thence running along a curve to the left having a radius of 130.00' for a length of 195.20' to a stone bound with drill hole;

thence running  $N39^{\circ}54'23''W$ , 111.44' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 130.00' for a length of 181.83' to a stone bound with drill hole;

thence running N40°14'02"E, 118.18' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 90.00' for a length of 51.00' to a stone bound with drill hole;

thence running N07°46'03"E, 30.77' to a stone bound with drill hole at the southerly side of Shady Lane;

thence running N07°46'03"E, 116.14' to a stone bound with drill hole at the northerly side of Shady Lane;

thence running N07°46'03"E, 27.99' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 25.00' for a length of 29.75' to a stone bound with drill hole at the southerly sideline of Summer Street;

thence running non-tangent along the southerly sideline of Summer Street, S64°50'58"E, 13.38' to a point;

thence running along the southerly sideline of Summer Street, S70°17'56"E, 69.07' to a stone bound with drill hole at the point of beginning.

### **SHADY LANE**

Beginning at a stone bound with drill hole on the westerly side of Woodfield Road and the southerly side of Shady Lane;

thence running, along the southerly sideline of Shady Lane, along a curve to the left having a radius of 30.00' for a length of 31.12' to a stone bound with drill hole;

thence running N51°40'35"W, 78.90' to a drill hole;

thence running along a curve to the left having a radius of 380.00' for a length of 116.38' to a stone bound with drill hole;

thence running N69°13'25"W, 62.71' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 90.00' for a length of 112.58' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 24.14' for a length of 49.14' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 70.00' for a length of 328.65' to a stone bound with drill hole;

thence running N11°29'49"E, 63.61' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 130.00' for a length of 225.26' to a stone bound with drill hole;

thence running S69°13'25"E, 62.71' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 420.00' for a length of 128.63' to a stone bound with drill hole;

thence running S51°40'35"E, 19.86' to a stone bound with drill hole;

thence running along a curve to the left having a radius of 30.00' for a length of 63.12' to a stone bound with drill hole at the westerly sideline of Woodfield Road;

thence running along the westerly sideline of Woodfield Road, S07°46'03"W, 116.14' to a stone bound with drill hole at the point of beginning.

Meaning and intending to layout Woodfield Road and Shady Lane as shown on the 1993 Plan, however otherwise bounded, measured or described. For title reference to Woodfield Road and Shady Lane see a deed to Maple Creek Farm, Inc. dated December 27, 1993 and recorded at the Registry in Book 24112, Page 221.

## **EASEMENTS**

Woodfield Road and Shady Lane are laid out together with certain easements as follows:

### **Easement No. 1**

The perpetual right and easement over, under and upon those portions of Lot 1 and 2 shown as "25' Drainage Easement" on the 1993 Plan and on a plan of Maple Creek Farm dated June 15, 1994 and recorded at the Registry as Plan No. 673 of 1994. Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a stone bound with drill hole on the easterly sideline of Woodfield Road and the westerly sideline of Lot 2;

thence running N07°46'03"E 154.67' along the easterly sideline of Woodfield Road to a stone bound with drill hole;

thence running along a curve to the right having a radius of 25.00' for a length of 2.34' along the westerly sideline of Woodfield Road to the beginning of the 25' Drainage Easement;

thence continuing along the curve to the right having a radius of 25.00' for a length of 39.26' to a stone bound with drill hole at the southerly sideline of Summer Street;

thence running S76°52'55"E 53.36' along the southerly sideline of Summer Street to a point;

thence running S83°04'52"E 33.67' along the southerly sideline of Summer Street to a point;

thence running 15' parallel to the westerly sideline of Lot 1, S05°06'31"W 254.61' to a point;

thence running N74°48'51"W 25.39' to a point;

thence running 10' parallel to the easterly sideline of Lot 2, N05°06'31"E 225.95' to a point;

thence running N83°04'52"W 10.80' to a point;

thence running N76°52'55"W 79.71' to the point of beginning of the 25' Drainage Easement at the easterly sideline of Woodfield Road. Said easement having an area of 8,404± Sq.Ft.

## **Easement No. 2**

The perpetual right and easement over, under and upon those portions of Lot 2 and Parcel A shown as "Detention/Retention Pond Easement" on the 1993 Plan. Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a stone bound with drill hole on the easterly side of Woodfield Road and the northwesterly sideline of Lot 2;

thence running S07°46'03"E 154.67' along the easterly sideline of Woodfield Road to a stone bound with drill hole;

thence running along the easterly sideline of Woodfield Road, along a curve to the right having a radius of 130.00' for a length of 17.92' to the beginning of the easement;

thence running S27°11'09"E 60.18' to a point;

thence running S24°39'08"W 112.70' to a point;

thence running S79°18'43"W 103.06' to a point on the easterly sideline of Woodfield Road;

thence running, along the Easterly sideline of Woodfield Road, along a curve to the right having a radius of 90.00' for a length of 40.83' to a stone bound with drill hole;

thence running N40°14'02"E 118.18' along the easterly sideline of Woodfield Road to a stone bound with drill hole;

thence running along the easterly sideline of Woodfield Road, along a curve to the left having a radius of 130.00' for a length of 55.74' to the point of beginning of the Detention/Retention Pond Easement. Said easement having an area of 10,184± Sq.Ft.

### **Easement No. 3**

The perpetual right and easement over, under and upon those portions of Lot 3 and Parcel A shown as "25' Drainage Easement" and "Detention/Retention Pond Easement" on the 1993 Plan. Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a stone bound with drill hole on the easterly sideline of Woodfield Road and the northwesterly corner of Lot 3;

thence running S39°54'23"E 52.14' along the easterly sideline of Woodfield Road to the beginning of the easement;

thence running N54°52'29"E 43.50' to a point;

thence running N31°41'38"W 25.82' to a point;

thence running N55°41'24"E 39.52' to a point;

thence running S72°41'14"E 9.63' to a point;

thence running N65°17'39"E 71.74' (see Plan No. 673 of 1994) to a point;

thence running S71°12'23"E 33.14' to a point;

thence running S28°17'01"E 115.69' to a point;

thence running N71°11'12"W 138.61' to a point;

thence running S54°52'29"W 83.04' to a point;

thence running N39°54'23"W 25.09' along the easterly sideline of Woodfield Road, to the point of beginning of the 25' Drainage Easement and Detention/Retention Pond Easement. Said easement having an area of 11,573± Sq.Ft.

#### **Easement No. 4**

The perpetual right and easement over, under and upon those portions of Lot 4 and Lot 5A shown as "25' Drainage Easement" on the 1993 Plan (as to Lot 4) and on a plan recorded at the Registry as Plan 266 of 1998 (as to Lot 5A). Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a point on the westerly side of Woodfield Road and the northeasterly sideline of Lot 6;

thence running, along the westerly sideline of Woodfield Road, S46°07'29"W, 63.45' to a stone bound with drill hole;

thence running, along the westerly sideline of Woodfield Road, along a curve to the left having a radius of 70.00' for a length of 270.14' to a point at the beginning of the easement;

thence running S48°44'50"E 159.01' to a point;

thence running S14°24'31"W 14.01' (see Plan No. 265 of 1998) along the easterly sideline of Lot 4 to a stone bound with drill hole;

thence running S54°00'35"W 12.82' along the southerly sideline of Lot 5A to a point;

thence running N48°44'50"W, 150.91' to a point at the easterly sideline of Woodfield Road;

thence running, along the easterly sideline of Woodfield Road, along the first mentioned curve to the left having a radius of 70.00' for a length of 27.74' to the point of beginning of the 25' Drainage Easement. Said easement having an area of 3,905± Sq.Ft.

#### **Easement No. 5**

The perpetual right and easement over, under and upon those portions of Parcel A-1 shown as (i) "Detention/Retention Pond Easement" on a plan entitled "Maple Creek Farm" Plan of Land in Acton, Mass., Owner and Applicant: Maple Creek Farm, Inc., P.O. Box 549, Maynard, MA 01754, Date: November 7, 1994, Scale: 1" = 40', Lancewood Engineering, Inc., 411 Massachusetts Avenue, Acton, MA 01720, recorded at the Registry as Plan No. 168 of 1995 (the "1995 Plan"); and (ii) "Proposed Retention Pond Easement" on a plan recorded at the Registry as Plan No. 265 of 1998. Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a stone bound with drill hole on the easterly corner of Lot 5A off Woodfield Road and the southerly corner of Lot 4;

thence running N14°24'31"E 25.51' along the easterly sideline of Lot 4 to a point;  
thence running N75°08'59"E 56.00' to a point;  
thence running S13°38'59"E 54.20' to a point;  
thence running S10°22'59"W 47.89' to a point;  
thence running S32°51'14"W 32.51' to a point;  
thence running S67°06'26"W 40.59' to a point;  
thence running N48°48'08"W 91.93' to a point;  
thence running N54°00'35"E 73.62' to a stone bound with drill hole at the point of beginning. Said easement having an area of 11,034± Sq.Ft.

**Easement No. 6**

The perpetual right and easement over, under and upon those portions of Parcel C shown as "Retention Pond Easement" on the 1995 Plan. Said easement includes the right to enter upon the easement area to install, maintain, operate, repair, remove and replace drainage facilities of all types and kinds, including, but not limited to, pipes, culverts, manholes, catch basins, detention/retention basins, slopes, ditches and appurtenant structures for the surface and subsurface drainage of storm water. Said easement is more particularly described as follows:

Beginning at a point on the southerly sideline of Summer Street and the northwesterly corner of Parcel C and the northeasterly corner of Lot 15B;

thence running S65°08'39"E 27.68' along the southerly sideline of Summer Street to a point;

thence running S64°50'58"E 16.63' along the southerly sideline of Summer Street to a stone bound with drill hole at the westerly sideline of Woodfield Road;

thence running along a non-tangent curve to the right having a radius of 25.00' for a length of 29.75' along the westerly sideline of Woodfield Road to a stone bound with drill hole;

thence running S07°46'03"W 27.99' along Woodfield Road to a stone bound with drill hole at the northerly sideline of Shady Lane;

thence running along a curve to the right having a radius of 30.00' for a length of 63.12' along the northerly sideline of Shady Lane to a stone bound with drill hole;

thence running N11°51'08"W 65.36' to a point;

thence running N25°33'26"E 30.00' to the point of beginning of the Retention Pond Easement. Said easement having an area of 4,642± Sq.Ft.

**Easement No. 7**

The perpetual right and easement over, under and upon that portion of Parcel B-1 being shown as "Sight Easement" on the 1995 Plan. Said easement includes the perpetual right to enter upon the easement area to remove vegetation, maintain landscaping, and clear obstructions in order to provide adequate sight distances for motorists along Woodfield Road and Shady Lane. Said easement is more particularly described as follows:

Beginning at a drill hole on the southerly sideline of Shady Lane and the northerly sideline of Parcel B-1;

thence running S51°40'35"E 78.90' along the southerly sideline of Shady Lane, to a stone bound with drill hole;

thence running along a curve to the right having a radius of 30.00' for a length of 5.16' to the beginning of the easement;

thence continuing along the curve to the right having a radius of 30.00' for a length of 25.96' to a stone bound with drill hole on the westerly sideline of Woodfield Road;

thence running S07°46'03"W 30.77' to a stone bound with drill hole;

thence running along a curve to the right having a radius of 90.00' for a length of 51.00' to a stone bound with drill hole;

thence running S40°14'02"W 43.93' to a point on the westerly sideline of Woodfield Road;

thence running N18°48'08"E 141.60' to the point of beginning of the Sight Easement. Said easement having an area of 2,098± Sq.Ft.

Without limiting the foregoing, all of the easements described herein include the right to enter upon said easement areas for the purpose of effectuating this layout, and to fully exercise any rights granted by said easements.

All installation, maintenance, use, repair, replacement and removal hereby authorized shall be done in such a manner as not to interfere unreasonably with the surface or aerial uses of said easement areas. Whenever any surface is disturbed by authority of this instrument, it shall be restored with reasonable promptness to substantially its condition prior to such disturbance.

Included in this layout are all trees, roadway improvements and all structures located thereon, but not including wires, cables, poles, towers, pipes, conduits and other appurtenances for the conveyance of gas, electricity, cable television or telephone communication located in or upon Woodfield Road, Shady Lane or any of the easements herein described. The "Proposed Stump Dump Easement" on Lots 3 and 4, as shown on the 1993 Plan, is also excluded from this layout.

At the conclusion of the layout and acceptance of Woodfield Road, Shady Lane and the easements described herein, the Town of Acton's maintenance responsibilities will follow standard procedures for Town streets and ways and shall be limited to the improvements located within the street layouts and associated with their function as streets, and to any improvements associated with street drainage located within designated drainage or utility easements. All private utilities and services located within or outside the street layouts or said easements and any private drainage facilities feeding into drainage structures located within the street layouts or easements shall not be the responsibility of the Town of Acton.

No betterments are to be assessed and no damages are to be awarded.

This order and plan shall be filed forthwith in the Office of the Town Clerk and reported to the Annual Town Meeting for acceptance.

Witness our hands and seals this 8<sup>th</sup> day of March 2004.

**BOARD OF SELECTMEN, TOWN OF ACTON**

\_\_\_\_\_  
Walter M. Foster, Chairman

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Peter K. Ashton, Vice Chairman

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F. Dore Hunter, Clerk

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William H. Shupert, III

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Robert A. Johnson