

February 28, 2005

Acton Planning Board
472 Main Street
Acton, MA 01720

**RE: Residential Compound
Washington Drive, Acton, MA**

Dear Board Members:

On behalf of our client, Guido Gagliano, and in accordance with Section 10 of the Town of Acton's Subdivision Rule and Regulations, Goldsmith, Prest, and Ringwall, Inc. submits herewith an Application for Definitive Subdivision Plan of a Residential Compound for property located at 17 Washington Drive.

The intent of the proposed project is to create a small-scale residential subdivision by subdividing a 2.71+/- acre parcel of land, off Washington Street, into two separate lots each containing a single-family dwelling. A portion of the total acreage will be used for a right-of-way containing the private drive. The existing single-family dwelling at 17 Washington Drive will remain on one lot, while a new single-family dwelling is proposed for the second lot. Town water, via a proposed water line from Washington Drive, will provide water to each dwelling; the existing onsite private well, which presently serves 17 Washington Drive, will be abandoned according to the requirements of the Acton Board of Health. A new subsurface sewage disposal system is intended for the new dwelling, while the existing dwelling will continue to utilize its existing subsurface sewage disposal system. The utility poles and overhead wires will be maintained; utility wires (electric, cable, communication) will continue to be delivered overhead until the last utility pole onsite, where they will then be routed underground to each dwelling.

The existing paved driveway will serve as a private drive/common driveway for each lot. In order to minimize construction and vegetation impacts, the existing paved driveway will be maintained. The end of the existing driveway will be modified with proposed pavement to provide separate driveways to each dwelling.

As part of this filing, the client is requesting that the Board grant the following waivers from (1) Subdivision Rules and Regulations and (2) Common Drive Special Permit Rules and Regulations.

(1a.) Section 8 – Design Standards

Request: waive compliance with Section 8.

Reason: all conditions as required under Section 10.1.1 will be met.

(1b.) Waive Compliance of Section 9 – Improvements

Request: waive compliance with Section 9

Reason: all conditions as required under Section 10.1.1 will be met.

Goldsmith, Prest & Ringwall, Inc.

(1c.) Fee Schedule – Appendix C

Request: waive fee of \$8.00 per foot of road.

Reason: paved drive already exists and will not be altered or reconstructed.

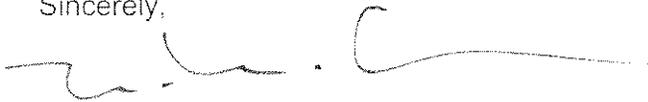
(2a.) Common Drive Special Permit

Request: waive compliance with all rules and regulations.

Reason: Altering the existing paved driveway will require extensive grading and numerous trees to be removed along the driveway. The existing driveway will service one additional house.

We look forward to meeting with the Board to review this proposed project. If you have any questions or need anything further, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Conner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Conner, PE

Copy to: Guido Gagliano
Acton Town Clerk
GPR file 00159

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: Washington Drive
- 2. Name of Applicant(s): Guido and Helene Gagliano
 Contact Address: 17 Washington Drive Phone: 978-266-2897
- 3. Name of Property Owner(s): Guido and Helene Gagliano
- 4. Name of Engineer: Goldsmith, Prest & Ringwall, Inc.
 Address: 39 Main Street, Suite 301, Ayer, MA 01432 Phone: 978-772-1590
- 5. Name of Land Surveyor: Goldsmith, Prest & Ringwall, Inc.
 Address: 39 Main Street, Suite 301, Ayer, MA 01432 Phone: 978-772-1590
- 6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number: 24657,
 Page Number: 363; and/or registered in Middlesex Registry of Land Court, Certificate of
 Title Number: _____.
- 7. Zoning District: R2, Town Atlas Map No.: E-3 Parcel No.: 88
 Approximate acreage in subdivision: 2.71+/-, Number of Lots: 2
 Total length of road(s) in feet: N/A (approximately 590-feet of existing paved driveway)
 Location and Description of Property: The property is mostly wooded, but contains a single-family dwelling with an existing paved driveway extending approximately 650 feet from Washington Drive. The drive entrance is approximately 370 feet south of Jackson Drive and approximately 250 feet north of Coolidge Drive.
- 8. Said plan has ()/ has not (X) evolved from a preliminary plan submitted to the Board on _____ 20 ____; and approved (with modifications) () or disapproved () on _____ 20 ____.

[Signature] _____ 2/28/05
 Applicant(s) Signature, Date

[Signature] _____ 2/28/05
 Owner(s) Signature, Date

 Applicant(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.

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision: Washington Drive
2. Location: 17 Washington Drive
3. Name of Applicant(s): Guido and Helene Gagliano
4. Brief Description of the Proposed Project: The project will consist of subdividing an existing 2.71 acre parcel into two (2) lots which includes a right-of-way for the common driveway. The parcel is subdivided in a manner as to maintain the existing single family dwelling (17 Washington Drive) on one lot while a new single family dwelling is proposed for the second lot. It is the intent to keep the existing paved driveway intact, to one, minimize removal of numerous trees and, two, to serve as a common driveway for both lots.
5. Name of Individual Preparing this DIR: Brian Connor, PE, Goldsmith, Prest & Ringwall, Inc.
Address: 39 Main Street, Ayer MA 01432 Business Phone: 978-772-1590
6. Professional Credentials: Professional Engineer

A. Site Description

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

Uses	Percentage
Industrial	0
Commercial	0
Residential	100%
Forest	0
Agricultural	0
Other (specify)	0

8. Total acreage on the site: 2.71 acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)	0	0
Forested	2.37 ac	1.97 ac
Agricultural (includes orchards, cropland, pasture)	0	0
Wetland	0	0
Water Surface Area	0	0
Flood Plain	0	0
Unvegetated (rock, earth, or fill)	0.027 ac	0.027 ac
Roads, buildings and other impervious surfaces	0.291 ac	0.342 ac
Other (indicate type)	0.023 ac (lawn)	0.368 ac (lawn)

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

District	Percentage
Residence 2	100%

10. Predominant soil type(s) on the site: Canton-Charlton-Urban; loamy sands and sandy loams

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

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

11. Are there bedrock outcroppings on the site? X yes ___ no
12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0 - 10%	70%
10 - 15%	20%
greater than 15%	10%

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well?

Zone(s): 4 Proximity to a public well: Approx. 9,000 feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director).

___ yes X 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 X 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: _____

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: _____

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?
 ___ yes X no
25. Is the project contiguous to any section of the Isaac Davis Trail?
 ___ yes X 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		10 trips per day
Average peak hour volumes	morning	1 vehicle trips
Average peak hour volumes	evening	1 vehicle trips

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

Name: Washington Drive Town Classification: Collector Street

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

Name of ways: Coolidge Drive and Jackson Drive

29. Location of existing sidewalks within 1000 feet of the proposed site?: Jackson Drive

30. Location of proposed sidewalks and their connection to existing sidewalks:
Sidewalks not proposed; waiver to be requested under the Residential Compound.

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

Will access to these undeveloped parcels been provided within the proposed site?
 ___ yes X no

If yes, please describe: _____

If no, please explain why: Access will be provided via Washington Drive

C. Utilities and Municipal Services

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

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. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site:
N/A
- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: The routing direction of runoff has been maintained under post-development conditions, i.e., it will continue to flow overland in a southeasterly direction. Proposed grass swales have been provided to prevent runoff from inundating abutting lots.
- c. Will a NPDS Permit be required? yes X no

35. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)
3-4 minutes

36. Schools (if residential)

- a. Projected number of new school age children: 2-3
- b. Distance to nearest school: Approximately 0.75 miles

E. Measures to Mitigate Impacts

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

37. Prevent surface water contamination.

All runoff will continue to be conveyed overland (>>500-ft) through vegetated buffer strips prior to reaching any wetlands or surface waters. The majority of the runoff, however, will ultimately be collected by the municipal storm drainage system along Washington Drive.

38. Prevent groundwater contamination.

The proposed onsite subsurface sewage disposal system will be designed to meet all local and state regulations.

39. Maximize groundwater recharge.

Treated effluent from the proposed leaching area will continuously provide groundwater recharge.

40. Prevent erosion and sedimentation.

The area of disturbance will be minimized to what is only required for post-development conditions. All disturbed areas will be maintained and quickly re-vegetated to prevent erosion and sedimentation from occurring.

41. Maintain slope stability.

All slopes will be maintained with vegetative cover to provide stability.

42. Design the project to conserve energy.

Due to being a single-family dwelling with minimal maintenance required, the impact due to energy consumption will be negligible.

43. Preserve wildlife habitat.

The area of disturbance will be minimized to what is only required for post-development conditions.

44. Preserve wetlands.

Not applicable.

45. Ensure compatibility with the surrounding land uses.

The proposed project is within a developed residential community. The placement of the proposed dwelling will not impact adjacent homes.

46. 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.

Single-family house project. However, stormwater runoff routing has been maintained and will be routed through grass-lined swales to direct runoff away from abutting properties and towards its existing flow path.

47. Preserve historically significant structures and features on the site.

There are not historically significant structures and/or features onsite.

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

The ingress and egress to the site has remained the same with an increase of only 10 vehicle trips per day to Washington Drive.

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

ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled Permit Plan, Residential Compound, Washington Drive, Acton MA dated February 2005

is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to

an accuracy of a ratio "error of closure" not to exceed 1/15000*; that it is a subdivision of 2.71+/-

acres conveyed by Egons J. Kubulins and Dagnija R. Kubulins to

Guido Gaqliano and Helene P. Gaqliano by a deed, dated

February 12, 1999 and recorded in Middlesex County Registry of Deeds, South District,

Book 24657, Page 363.

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

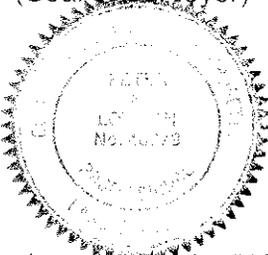
1. Other deeds and plans, as follows Plan 210 of 1967, Plan 221 of 1980, Plan 942 of 1971, and Plan 776 of 2002 and also abutters' deeds as noted on accompanying plan.

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 3/2003 and 7/2004
(date) (date)

(Seal of Surveyor)



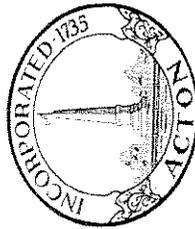
Signed Peter A. Lott 2-28-2005
Registered Land Surveyor Date

Address Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Ayer, MA 01432

Registration No. MA PLS #40978

*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



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 264-9622
 Fax (978) 264-9630

Brian McMullen
 Assistant Assessor

Parcel Location: 17 Washington Dr
Parcel I.D.: E3-88

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
3 COOLIDGE DR	E3 87	SMITH ROBERT A	MERLENE S	3 COOLIDGE DR	ACTON	MA	01720
4 COOLIDGE DR	E3 87	DEMBSEY DONALD A TRUSTEE	DEMBSEY JUDITH TRUSTEE	4 COOLIDGE DR	ACTON	MA	01720
5 COOLIDGE DR	E3 87	KOPELMAN KENNETH D	PAULA J	5 COOLIDGE DR	ACTON	MA	01720
6 COOLIDGE DR	E3 87	PATTERSON GEORGE WARREN	PATTERSON JENNIFER K	6 COOLIDGE DR	ACTON	MA	01720
7 COOLIDGE DR	E3 87	MC SHANE JOHN A	MC SHANE MILDREDE E	7 COOLIDGE DR	ACTON	MA	01720
8 COOLIDGE DR	E3 87	DANIELL BRIAN M	DANIELL MICHELLE R	8 COOLIDGE DR	ACTON	MA	01720
9 COOLIDGE DR	E3 87	LINK JANE M		9 COOLIDGE DR	ACTON	MA	01720
11 COOLIDGE DR	E3 87	CARDARELLI PAUL B	CARDARELLI PAMELA F	11 COOLIDGE DR	ACTON	MA	01720
12 COOLIDGE DR	E3 87	MELANDER THOMAS E	MELANDER MICHELLE B	12 COOLIDGE DR	ACTON	MA	01720
13 COOLIDGE DR	E3 87	PALMACCIO RAYMOND J	LEONA E	13 COOLIDGE DR	ACTON	MA	01720
14 COOLIDGE DR	E3 87	GILBERTI DONALD ROBE		14 COOLIDGE DR	ACTON	MA	01720
3 ELIOT CIR	E3 95	BOWEN WILLIAM E	KATHLEEN	3 ELIOT CIR	ACTON	MA	01720
5 ELIOT CIR	E3 95	WANG ZEYANG	LU LING	5 ELIOT CIR	ACTON	MA	01720
4 JACKSON DR	E3 62	MORRISON JOHN M	MORRISON CAROLYN A	4 JACKSON DR	ACTON	MA	01720
5 JACKSON DR	E3 62	UDOKWU CHUBA N	UDOKWU EMMANUELA I	5 JACKSON DR	ACTON	MA	01720
6 JACKSON DR	E3 62	PETERSEN JOHN F	PETERSEN CHERYL PIZZO	6 JACKSON DR	ACTON	MA	01720
7 JACKSON DR	E3 62	STEWART DAVID P	STEWART CATHERINE E	7 JACKSON DR	ACTON	MA	01720
12 JACKSON DR	E3 62	KAPLAN DAVID A	KAPLAN TINA S	12 JACKSON DR	ACTON	MA	01720
14 JACKSON DR	E3 62	CROWLEY EDWARD TRUSTEE	LINCOLN ROAD REALTY TRUST	14 JACKSON DR	ACTON	MA	01720
20 JACKSON DR	E3 62	RAFUSE PAUL E	MARY ANN	20 JACKSON DR	ACTON	MA	01720
7 MONROE DR	E3 87	DIAZ JOSEPH T	DIAZ PATRICIA J	7 MONROE DR	ACTON	MA	01720
8 MONROE DR	E3 87	DONELLE CAMILLE A TRUSTEE	PATRIOT CONSERVATION TRUST	46 WALTHAM ST	MAYNARD	MA	01754
9 MONROE DR	E3 87	HURLEY C ANDREW	HURLEY LISA A	9 MONROE DR	ACTON	MA	01720
10 MONROE DR	E3 87	LOBLUNDO JOSEPH R	LOBLUNDO LOUISE M	10 MONROE DR	ACTON	MA	01720
11 WASHINGTON DR	E3 94	KULKARNI SHEELENDRA S	KULKARNI VIDYA S	11 WASHINGTON DR	ACTON	MA	01720
13 WASHINGTON DR	E3 94	PAPACHRISTOS JAMES A	BAGINSKY JUDITH A	13 WASHINGTON DR	ACTON	MA	01720
14 WASHINGTON DR	E3 94	RICCIARDI JOSEPH M	RICCIARDI ZOILA B	14 WASHINGTON DR	ACTON	MA	01720
15 WASHINGTON DR	E3 94	SHELDON HEATHER B		15 WASHINGTON DR	ACTON	MA	01720
15A WASHINGTON DR	E3 94	O'GRADY DERMOT	O'GRADY ANN	15A WASHINGTON DR	ACTON	MA	01720
16 WASHINGTON DR	E3 94	COFFEY JAMES G	COFFEY KAREN A	16 WASHINGTON DR	ACTON	MA	01720

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
18 WASHINGTON DR	E3 94	HARVEY SPENCER G	HARVEY LORIA	18 WASHINGTON DR	ACTON	MA	01720
19 WASHINGTON DR	E3 87	GROSSMAN STEPHEN H	GROSSMAN SUSAN COHEN	19 WASHINGTON DR	ACTON	MA	01720
20 WASHINGTON DR	E3 94	PHILLIPS MALCOLM DAVID LISTON	PHILLIPS YVONNE M	20 WASHINGTON DR	ACTON	MA	01720
21 WASHINGTON DR	E3 87	KAUFMAN PETER S	JAMISON MEGAN C	21 WASHINGTON DR	ACTON	MA	01720
22 WASHINGTON DR	E3 87	ODONOGHUE SEAN W	C/O ANGELA RYAN	22 WASHINGTON DR	ACTON	MA	01720
24 WASHINGTON DR	E3 87	GOLDMAN JEFFREY A	GOLDMAN AMY R	24 WASHINGTON DR	ACTON	MA	01720
3 WILSON LN	E3 87	GARBER ETHAN R		3 WILSON LN	ACTON	MA	01720
4 WILSON LN	E3 87	QUIRK PETER D	QUIRK ELLEN B	4 WILSON LN	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

April L. Thomas

April L. Thomas
 Assessing Secretary 2/4/2005

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing on April 26, 2005, at 7:15 PM in the Acton Memorial Library, 486 Main Street, Acton, Massachusetts to discuss a proposed subdivision of land entitled Residential Compound, Washington Drive as petitioned by Guido Gagliano. This subdivision consists of 2.71 acres to be divided into 2 lots. The land is located in Acton, Massachusetts off of Washington Drive and shown on Town Atlas Map(s) E-3, Parcel(s) 88. Plans may be viewed at the Office of the Planning Board or the Office of the Town Clerk.

#24657#363

872

QUITCLAIM DEED

EGONS J. KUBULINS AND DAGNIJA R. KUBULINS, of 17 Washington Drive, Acton, MA 01720, for consideration paid, and in full consideration of Three Hundred Twenty Five Thousand and 00/100 (\$325,000.00) Dollars

GRANTS TO GUIDO GAGLIANO AND HELENE P. GAGLIANO, Husband and Wife, As Tenants by the Entirety, of 17 Washington Drive, Acton, MA

WITH QUITCLAIM COVENANTS, THE PREMISES DESCRIBED IN THE ATTACHED "EXHIBIT A".

Property Address: 17 Washington Drive, Acton, MA 01720

WITNESS MY/OUR HAND(S) AND SEAL(S) this 28th day of June, 1994.

[Signature]
Egons J. Kubulins

[Signature]
Dagnija R. Kubulins

COMMONWEALTH OF MASSACHUSETTS

Worcester North, ss.

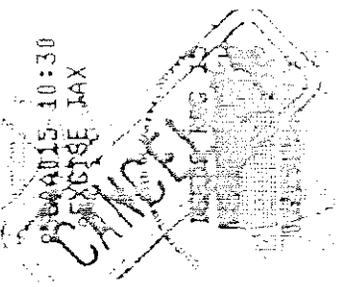
June 28, 1994

Then personally appeared the above-named Egons J. Kubulins and Dagnija R. Kubulins and acknowledged the foregoing to be his/her/their free act and deed, before me,

[Signature]
NOTARY:
COMMISSION EXPIRES: February 12, 1995

DIANE SACCO DALTON
NOTARY PUBLIC
My Commission Expires
February 12, 1995

TAX 1482.00
DASH 1482.00
28 JUN 1994 10:30
EXCISE TAX



MSD 06/29/94 11:08:11 293 25.00
**** MASS. EXCISE TAX: 1482.00 ****

24657 # 384

"EXHIBIT A"

A certain parcel of land with the buildings thereon situated in Acton, Middlesex County, Massachusetts, being shown as Lot 7 on a plan entitled, "Patriots Hill' Definitive Subdivision of Land in Acton, Mass. surveyed for Demand Resources Corp." dated September, 1979 by Charles A. Perkins Co., Inc., recorded with Middlesex South District Registry of Deeds in Book 13910, Page 81, to which plan references may be had for a more particular description of Lot 7.

Subject to easements, restrictions and agreements of record, in any there by, insofar as the same are now in force and applicable.

For our title to said premises see Deed of Stanley P. Richmond and Karen C. Richmond dated March 5, 1985 recorded with said Deeds in Book 16042, Page 388.

Being the same premises conveyed to the grantor(s) by deed of Stanley P. Richmond, et al dated August 20, 1992 and recorded with Middlesex South District Registry of Deeds in Book 22356, Page 514.

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 Permit Plan, Residential Compound, Washington Drive, Acton MA, dated February 2005, 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 October 15, 2001;

_____,
(the "Developer"), having its usual place of business in Acton, Massachusetts, 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 _____

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: _____

Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1100-1 Date: 11-30-00 Time: 8:50 Weather: 30's Raining/Wet Snow

Location (identify on site plan) _____

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back) _____

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 35+/- feet

Drinking Water Well 150+/- feet Other _____

DEEP OBSERVATION HOLE LOG					
					1100-01
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-24	Bw	fsl	10YR 5/6	--	m, mvfr, gw
24-96	C1	ls-sl	2.5Y 6/3	@ 36" 5%f-m 2.5Y 6/2 10% 2.5Y 6/6 10YR 5/8	wk sbk, mfi, 15% g, s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till Depth to Bedrock: >96 inches

Depth to Groundwater: Standing Water in the Hole: None Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 36 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1100-02 Date: 11-30-00 Time: 9:30 Weather: 30's Raining/Wet Snow

Location (identify on site plan) _____

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back) _____

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 30+/- feet

Drinking Water Well 140+/- feet Other _____

DEEP OBSERVATION HOLE LOG					
					1100-02
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-24	Bw	fsl	10YR 5/6	--	m, mvfr, gw
29-94	C1	ls-sl	2.5Y 6/3	@ 36" 5%f-m 2.5Y 6/2-7/2 10%m-l 10YR 5/8 - 2.5Y 6/6	wk sbk, mfi, 15% g, s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till

Depth to Bedrock: >94 inches

Depth to Groundwater: Standing Water in the Hole: None

Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 36 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1100-03 Date: 11/30/00 Time: 9:50 Weather: 30's Raining/Wet Snow

Location (identify on site plan) _____

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back) _____

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 30+/- feet

Drinking Water Well 115+/- feet Other _____

DEEP OBSERVATION HOLE LOG					
					1100-03
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-24	Bw	fsl	10YR 5/6	--	m, mvfr, gw
24-106	C1	sl	2.5Y 6/3	@ 38" 5%f-m 2.5Y 7/2 10%m-l 2.5Y6/6 10YR 5/8	wkp1, mfi, 15% g,s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till

Depth to Bedrock: >106 inches

Depth to Groundwater: Standing Water in the Hole: None

Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 40 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1100-04 Date: 11/30/00 Time: 10:00 AM Weather: 30's Raining/Wet Snow

Location (identify on site plan) _____

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back) _____

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 30+/- feet

Drinking Water Well 95+/- feet Other _____

DEEP OBSERVATION HOLE LOG					
					1100-04
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-24	Bw	fsl	10YR 5/6	--	m, mvfr, cw
24-112	C1	ls-sl	2.5Y 6/3	@ 40" 5% f-m 2.5Y 7/2 10% m-l 2.5Y 6/6 10YR 5/8	wk pl, mfi, 15% g,s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till

Depth to Bedrock: 112 inches

Depth to Groundwater: Standing Water in the Hole: None

Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 40 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1102-1 Date: 11-13-02 Time: 8:45 AM Weather: 45's drizzling

Location (identify on site plan) _____

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back) _____

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 26+/- feet

Drinking Water Well 111+/- feet Other _____

DEEP OBSERVATION HOLE LOG					
					1102-01
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-24	Bw	fsl	10YR 5/6	--	m, mvfr, gw
24-80	C1	ls-sl	2.5Y 6/3	@ 38" 10% 2.5Y 6/2 10YR 5/6	m, mvfr, 15% g, s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till

Depth to Bedrock: @ 80 inches

Depth to Groundwater: Standing Water in the Hole: None

Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 38 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1102-02 Date: 11-13-02 Time: 9:15 AM Weather: 45's drizzling

Location (identify on site plan)

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back)

Distances from:

Open Water Body >200 feet Drainage way >200 feet
 Possible Wet Area >200 feet Property Line 44+/- feet
 Drinking Water Well 96+/- feet Other

DEEP OBSERVATION HOLE LOG					
					1102-02
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs, roots
6-23	Bw	fsl	10YR 5/6	--	m, mvfr,gw
23-80	C1	ls-sl	2.5Y 6/3	@ 35" 5% 2.5Y 6/2 10YR 5/6	m, mfr-mfi, 10-15% g, s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till Depth to Bedrock: >80 inches

Depth to Groundwater: Standing Water in the Hole: None Weeping from Pit Face: None

Estimated Seasonal High Ground Water: 35 inches



Location Address or Lot No. 17 Washington Drive, Acton MA

On-site Review

Deep Hole Number: 1102-03 Date: 11/13/02 Time: 9:40 AM Weather: 45's drizzling

Location (identify on site plan)

Land Use Residential Slope(%) 2% Surface Stones many stones

Vegetation Wh. Pine and Oak

Landform Ground moraine

Position on landscape (sketch on the back)

Distances from:

Open Water Body >200 feet Drainage way >200 feet

Possible Wet Area >200 feet Property Line 62+/- feet

Drinking Water Well 81+/- feet Other

DEEP OBSERVATION HOLE LOG					
					1102-03
Depth from Surface (inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-6	Ap	fsl	10YR 3/3	--	m, mvfr, cs
6-26	Bw	fsl	10YR 5/6	--	m, mvfr, gw
26-44	C1	sl	2.5Y 6/3	@ 32" 5% 2.5Y 6/2 10YR 5/6	m, mfr, 10% g,s
44-81	Cd	sl	2.5Y 6/3	10% 2.5Y 6/2 10YR 5/6	m, mfi, 10-15% g,s

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Ablation Till Depth to Bedrock: @ 81 inches

Depth to Groundwater: Standing Water in the Hole: None Weeping from Pit Face: 48"

Estimated Seasonal High Ground Water: 32 inches



FORM 12 - PERCOLATION TEST

Location Address or Lot No. 17 Washington Drive

COMMONWEALTH OF MASSACHUSETTS

Acton , Massachusetts

Percolation Test*		
Date: <u>11-30-00</u>		Time: <u>10:12 AM</u>
Observation Hole #	1100-A @ 1100-1	1100-B @ 1100-2
Depth of Perc	56"	54"
Start Pre-soak	10:12	10:14
End Pre-soak	10:27	10:29
Time at 12"	10:28	10:31
Time at 9"	10:54	11:02
Time at 6"	11:56	12:02
Time (9"-6")	62 minutes	60 minutes
Rate Min./Inch	21 minutes/inch	20 minutes/inch

* Minimum of 1 percolation test must be performed in-both the primary area AND reserve area.

Site Passed Site Failed

Performed By: Barry Berzins - GPR, Inc.

Witnessed By: Doug Halley, Acton Board of Health

Comments:



FORM 12 - PERCOLATION TEST

Location Address or Lot No. 17 Washington Drive

COMMONWEALTH OF MASSACHUSETTS

Acton, Massachusetts

Percolation Test*		
Date: <u>11/13/02 - 11/14/02</u>		Time: <u>10:02 AM</u>
Observation Hole #	<u>1102-A @ 1102-1</u>	<u>1100-B @ 1102-3 (ONS)</u>
Depth of Perc	<u>50"</u>	<u>51"</u>
Start Pre-soak	<u>10:02</u>	<u>8:48</u>
End Pre-soak	<u>10:17</u>	<u>9:03</u>
Time at 12"	<u>10:17</u>	<u>9:03</u>
Time at 9"	<u>10:47</u>	<u>10:02</u>
Time at 6"	<u>11:47</u>	<u>12:20</u>
Time (9"-6")	<u>60 minutes</u>	<u>138 minutes</u>
Rate Min./Inch	<u>20 minutes/inch</u>	<u>46 minutes/inch</u>

* Minimum of 1 percolation test must be performed in-both the primary area AND reserve area.

Site Passed Site Failed

Performed By: Brian Thorne - GPR, Inc.

Witnessed By: Brent Reagor, Acton Board of Health

Comments: ONS - Overnight soak

