

Stamski And McNary, Inc.

Engineering - Planning - Surveying

80 Harris Street Acton, MA 01720

DEC 15 2006

Application for Approval of a Definitive Plan

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

for

Grassy Pond Place Residential Compound Acton, MA

Location: Assessors Map C3 Parcel 6-1
53 Fort Pond Road
Acton, MA

Applicant: **Gustavus J. & Catherine M. Esselen**
3900 Grapevine Mills Parkway #623
Grapevine, TX 76051

Owners: **Gustavus J. & Catherine M. Esselen**
3900 Grapevine Mills Parkway #623
Grapevine, TX 76051

Date: December 15, 2006

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“Definitive Subdivision Plan”

For

Grassy Pond Place

A Residential Compound

Acton, Massachusetts

For: Gustavus J. & Catherine M. Esselen

Scale: 1”=40’; December 15, 2006

By: Stamski And McNary, Inc.

“Proof Plan”

in

Acton, Massachusetts

For: Esselen

Scale: 1”=40’; December 15, 2006

By: Stamski And McNary, Inc.

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 GRASSY POND PLACE
- 2. Name of Applicant(s) GUSTAVUS J. & CATHERINE W. ESSELEN
 Contact Address 3900 Grapevine Mills Pkwy, #623 Phone 978-502-1891
Grapevine, Tx 76051
- 3. Name of Property Owner(s) SAME
- 4. Name of Engineer STANISLA AND MCWARY, INC
 Address 80 HARRIS STREET, ACTON, MA Phone 978-243-8585
- 5. Name of Land Surveyor SAME
 Address SAME Phone SAME
- 6. Deed of property recorded in Middlesex South Registry Of Deeds, Book Number _____
 Page Number _____; and/or registered in Middlesex Registry of Land Court, Certificate of
 Title Number 168402
- 7. Zoning District R-8, Town Atlas Map No. C3 Parcel No. 6-1
 Approximate acreage in subdivision 9.3± Ac. Number of Lots 4
 Total length of road(s) in feet 284.19 (220.32 IN ACTON)
 Location and Description of Property 53 FOOT POND ROAD
SINGLE FAMILY RESIDENCE
- 8. Said plan has has not () evolved from a preliminary plan submitted to the Board on
Aug 4 2006; and approved (with modifications) or disapproved () on SEPT 12 2006.

Applicant(s) Signature, Date

[Signature] 11/8/06
Applicant(s) Signature, Date

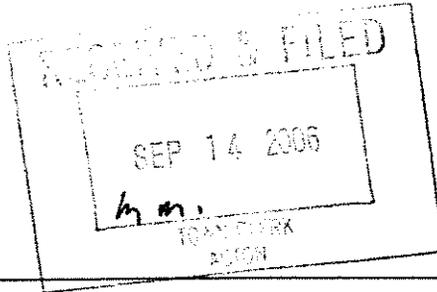
Owner(s) Signature, Date

[Signature] 11/8/06
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.



Planning Board



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

DECISION

06-07

Fort Pond Place

Preliminary Subdivision (Residential Compound)

September 12, 2006

APPROVED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Gustavus J. and Catherine M. Esselen of 1300 Keller Parkway, Apartment 617, Keller, TX 76248-1609 (hereinafter the Applicant) for their property located at 53 Fort Pond Road in Acton, Massachusetts. The property is shown on the Acton Town Atlas map C-3, as parcel 6-1 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for Fort Pond Place a Residential Compound in Acton, Massachusetts", received by the Acton Planning Department on August 4, 2006, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on September 12, 2006. Mr. Richard Harrington of Stamski and McNary, Inc. represented the Applicant. Board members Gregory E. Niemyski (Chairman), Christopher R. Schaffner (Vice Chairman), Ruth M. Martin, Edmund R. Starzec, William F. King, and Bruce Reichlen were present at the meeting. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A plan entitled "Preliminary Plan for Fort Pond Place a Residential Compound in Acton, Massachusetts", one sheet, dated August 3, 2006, by Stamski and McNary, Inc.
- 1.2 A plan entitled "Proof Plan in Acton, Massachusetts for: Esselen", dated 8/3/06, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated 7/25/06.
 - Filing fee.
 - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:

- 1.5 Interdepartmental communication received from:
- Acton Building Commissioner, dated 8/10/06;
 - Acton Engineering Administrator, dated 8/15/06;
 - Acton Fire Chief, dated 9/8/06;
 - Acton Health Director, dated 8/14/06;
 - Acton Planning Department, dated 9/8/06;
 - Acton Treasurer's Office, dated 8/15/06;
 - Acton Tree Warden & Municipal Properties Dir., dated 8/10/06;
 - Acton Water District, dated 8/14/06.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Applicant proposes the 4-lot subdivision as a Residential Compound under Section 10 of the Rules. Section 10 of the Rules provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Acton Zoning Bylaw (hereinafter the Bylaw) as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules.
- 2.3 The proposed subdivision is located within the Residence 8, Groundwater Protection - Zone 4, and Flood Plain Districts.
- 2.4 The Plan shows the division of approximately 9.3 acres into four residential lots. One lot has an existing house on it.
- 2.5 The existing and the proposed new single-family residences are allowed on the Site in accordance with the Bylaw, including all overlay district requirements.
- 2.6 The proposed lots comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.7 The Plan shows a +/- 320-foot long subdivision street, Fort Pond Place, that intersects with Fort Pond Road in Littleton. +/- 255 feet of the proposed street is located in Acton.
- 2.8 The Applicant has submitted a "proof plan" that shows a 4-lot subdivision with an existing house on lot 4. The standard street dimensions, lot areas, and frontages meet the minimum requirements of the Rules and Bylaw.
- 2.9 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections. As a general policy, the Board does not usually waive sidewalk requirements of the Rules (section 9.6), but it does allow, and in the case of Residential Compounds, it encourages sidewalks or monetary contributions towards constructing sidewalks in alternative locations more useful to the applicant and the general public.
- 2.10 Under Massachusetts Law, property taxes must be paid prior to definitive plan recording.

- 2.11 The Board has received comments from various Town departments, which are listed as Exhibit 1.5 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted on September 12, 2006 to APPROVE the preliminary subdivision.

3.1 WAIVERS

Waivers from the Rules sections 8 and 9 in accordance with section 10, Optional Residential Compound Plan, seem appropriate to allow the street layout and design generally as depicted on the Plan.

3.2 CONDITIONS and PLAN MODIFICATIONS

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.2.1 Submit a proof plan drawn at the same scale as the proposed definitive plan that shows locations of proposed septic systems and dwellings.
- 3.2.2 Show the approximate locations of the dwellings, wells, and septic systems on all surrounding properties.
- 3.2.3 Show the property line between the DeGeorge and Gianetto/Duffy properties.
- 3.2.4 Show the flood plain district on the Plan.
- 3.2.5 Delineate the area on the Site that the Mass. Natural Heritage and Endangered Species Program has identified as "Estimated Habitat for Rare Wildlife".
- 3.2.6 Show the edge of pavement for both sides of Fort Pond Road on the Plan.
- 3.2.7 Label the proposed private way length consistently on the application form and in the Development Impact Report (DIR). Measure from Fort Pond Road side line to the T-intersection in the turnaround. Call out the street length in Acton separately.
- 3.2.8 On the Plan, label the sight distances at the proposed Fort Pond Road intersection.
- 3.2.9 Explore using the driveway intersections on the private way to serve as the turnarounds for emergency SU-30 vehicles, instead of a separate turnaround.
- 3.2.10 Wherever possible maintain existing trees and other vegetation as perimeter buffers around of the Site. Specifically, reconfigure the driveways for lots 1 and 2 and the house layout on lot 2 to preserve as a meaningful natural buffer to the Young property.
- 3.2.11 Consult with the Fire Chief regarding adequacy of the turnaround area(s) and general fire protection issues, and make Plan changes as necessary.
- 3.2.12 If acceptable to the Town of Littleton, assign and label the lots on the Plan with Fort Pond Road street addresses. In addition, show a street address sign for all lots and a "private way" sign at the intersection of the proposed private way and Fort Pond Road on the Plan.
- 3.2.13 Change the name for the proposed private way to one that is dissimilar to Fort Pond Road and any other nearby street in Acton or Littleton. Obtain approval for the new street name from the Police, Fire, and Engineering Departments.
- 3.2.14 Add a Plan note stating that the private way shall only serve the lots shown on the Plan.

- 3.2.15 Submit a draft common driveway maintenance agreement and covenant for the private way and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system.
- 3.2.16 Show adequate monumentation of the lots and private way as recommended in the Engineering Department comment memo.
- 3.2.17 Since the drainage areas are proposed to be above ground, explore options for relocating them further away from the proposed dwellings. Proposed drainage areas within 100 feet of wetlands will also have to be reviewed by the Acton Conservation Commission.
- 3.2.18 Show access and drainage easements around all proposed drainage areas on the Plan.
- 3.2.19 Submit copies of soil logs and percolation tests for all proposed drainage basins.
- 3.2.20 Add a note to the Plan stating to clean, repair and/or replace the existing 8-inch drain pipe under the existing driveway as necessary.
- 3.2.21 Contact the Littleton Planning Board and make all best efforts to obtain their approval for a pavement width of not more than 16 feet, plus roundings, for the proposed street where it intersects with Fort Pond Road in Littleton and for its length in Littleton.
- 3.2.22 With respect to the proposed roadway and its drainage system and structures, explore and evaluate Low Impact Development alternatives that may be suitable on this Site.
- 3.2.23 In lieu of building a sidewalk in the proposed private way, the Applicant may make a \$3,825.00 contribution to the Town sidewalk fund. This cost equals the approximate cost of constructing a sidewalk along the Acton portion of the Site's proposed private way (255 feet) at the Board's construction cost equivalent value estimate for new sidewalks of \$15.00 per foot of sidewalk.
- 3.2.24 Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.25 All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.



Roland Bartl, AICP, Town Planner
for the Acton Planning Board

Copies to:

Applicant - certified mail #
Engineering Administrator
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Police Chief

Board of Health
Town Clerk
Fire Chief

L:\PLANNING\planning board\decisions\06-07 Fort Pond Place Prelim.doc

5.2.2

DEVELOPMENT IMPACT REPORT

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision: **Grassy Pond Place**
2. Location: **53 Fort Pond Road**
3. Name of Applicant(s): **Gustavus J. and Catherine M. Essellen**
4. Brief Description of the Proposed Project: **A proposed Residential Compound consisting of one existing and three proposed detached single family dwellings to be served by a 284.19' (220.32 in Acton) private way, "Grassy Pond Place", designed to the standards for a common driveway. The existing dwelling at #53 Fort Pond Road will remain.**
5. Name of Individual Preparing this DIR: **Richard J. Harrington, P.E. #41298**
 Address: **Stamski and McNary, Inc., 80 Harris Street, Acton, MA**
 Business Phone: **978-263-8585 x111**
6. Professional Credentials: **Commonwealth of MA Registered Professional Engineer**

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: **9.36+/- acres (1.44+/- acres in Littleton 7.92+/- acres in Acton)**

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)	0	0
Forested	7.11 +/-	5.33 +/-
Agricultural (includes orchards, cropland, pasture)	0	0
Wetland	1.62 +/-	1.62 +/-
Water Surface Area	0	0
Flood Plain	0	0
Unvegetated (rock, earth, or fill)	0	0
Roads, buildings and other impervious surfaces	0.21 +/-	0.55 +/-
Other (indicate type) Lawn Area	0.42 +/-	1.86 +/-

16. Are there any established foot-paths running through the site or railroad right of ways?
 yes no

If yes, specify: An AT&T cable easement exists on-site.

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: Land owned by the Littleton Conservation Trust abuts the Northerly lot line.

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: An ORAD has been issued by Acton and Littleton. (DEP File No. 85-908 and DEP File No. 204-586) Site abuts Grassy Pond.

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 (to the best of the my knowledge)

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 _____

34. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site: **Under current conditions, runoff from the Northeasterly corner of the site flows into a wetland system located near Nagog Hill Road and the northerly side of the site and eventually into Nagog Pond. Runoff from the remainder of the site flows into a wetland system located near Fort Pond Road, the westerly side of the site, and abutting Grassy Pond and eventually into Grassy Pond, which abuts the southerly end of the site.**
- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: **Catch basins will direct runoff from the private way into the drainage system to control peak rates of runoff. Roof runoff will be recharged on each lot. Excess runoff will be then directed back into its natural drainage patterns prior to leaving the site.**
- c. Will a NPDS Permit be required? X yes ___ no

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

5 minutes per Acton Fire Department.

36. Schools (if residential)

a. Projected number of new school age children: **1.67 x 3 new units = 5.01**

b. Distance to nearest school: **4.6 miles (Douglas School)**

E. Measures to Mitigate Impacts

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

37. Prevent surface water contamination.
38. Prevent groundwater contamination.
39. Maximize groundwater recharge.
40. Prevent erosion and sedimentation.
41. Maintain slope stability.
42. Design the project to conserve energy.
43. Preserve wildlife habitat.
44. Preserve wetlands.
45. Ensure compatibility with the surrounding land uses.
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..
47. Preserve historically significant structure sand features on the site.
48. To mitigate the impact of the traffic generated by the development.

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. The common driveway width has been narrowed to 12', which is subject to planning board approval, and retaining walls are being proposed to eliminate the need to fill and replicate wetlands.

45. Ensure compatibility with the surrounding land uses: The surrounding land uses are composed of residential single-family homes along Fort Pond Road and Nagog Hill Road. The existing and proposed use of the property is also residential. The approval of this Residential Compound 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 subsurface drainage system and roof drain drywells.

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 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)**

Appendix C

SUBDIVISION FEE SCHEDULE

PRELIMINARY PLAN	\$1000.00 or \$500.00 + \$0.50/foot of road
DEFINITIVE PLAN	
Following a Preliminary Plan	\$2000.00 + \$5.00/foot of road : $2000 + (5 \times 354.19) = \1777.05
Without Preliminary Plan	\$2500.00 + \$8.00/foot of road
Modification or Amendment	\$2000.00 + \$5.00/foot of road
Rescission	\$500.00
ANR PLAN	
No New Lot Lines	\$25.00
New Lot Lines	\$100.00 + \$50.00/lot

GANEESH LLC
69 GREAT ROAD
ACTON MA 01720

105

Date 11/2/06

5-7017/2110
302

Pay to the order of Town of Acton \$ 3776.15
Three thousand seven hundred seventy 95 Dollars ⁹⁵/₁₀₀

 **Citizens Bank**
Massachusetts

For _____

[Handwritten Signature]

⑆ 2 1 10 70 1 7 5 ⑆ 1 3 0 8 2 4 1 9 5 7 ⑆ 0 1 0 5

5.2.4

**DEFINITIVE SUBDIVISION PLAN
(SEE ATTACHED)**

5.2.5

**FORM DC
DESIGNERS CERTIFICATE**

ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled Plan of Land in Acton and Littleton, Massachusetts (Middlesex County)
No. 54 Fort Pond Road, being a division of Lot 10, shown on L.C. Plan 204098, dated December 15, 2006 (creating 5 Lots) scale:
1"= 50' date December 15, 2006 by Stamski and McNary, Inc.

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 9.3696±
Acres conveyed by A.C. Gravlin, Inc. to
Gustavlis J. Esselen and Catherine M. Esselen by a deed, dated
July 14, 1983 and recorded in Middlesex County Registry of Deeds, South District,
Book _____, Page _____ Land Court Certificate 168402

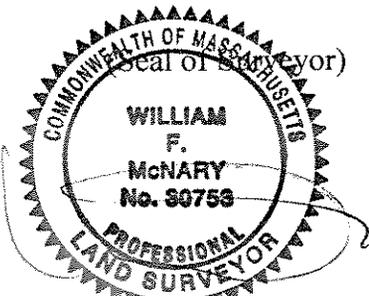
Other sources of information used in the preparation of the plan are:

1. Other deeds and plans, as follows Land Court Plan 20409B

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
November 8, 2004 and March 9, 2005
date date



Signed [Signature] 15 DEC 06
Registered Land Surveyor Date

Address 80 Harris Street, Acton, MA 01720

Registration No. 30753

*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) 264-9622
 Fax (978) 264-9630



Brian McMullen
 Assistant Assessor

Locus:
 Parcel: 53 Fort Pond Rd
 C3-6-1

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
335 NAGOG HILL RD	C3-3	TOWN OF CONCORD		WATER DEPARTMENT	CONCORD	MA	01742
330 NAGOG HILL RD	C3-6	EVANS HOWELL T JR	EVANS ANN T	330 NAGOG HILL RD	ACTON	MA	01720
338 NAGOG HILL RD	C3-6-2	YOUNG CARL J	MARY B	338 NAGOG HILL RD	ACTON	MA	01720
334 NAGOG HILL RD	C3-6-3	CHRISTIAN DEBORAH R		26 MASAQUET AVENUE	NANTUCKET	MA	02554-26
331 NAGOG HILL RD	C3-7-1	SZABO WILLIAM J	KAPITAN CONSTANCE J	331 NAGOG HILL RD	ACTON	MA	01720
31 FORT POND RD	C3-20-4	HALTER SUSAN K	HALTER MARK A	31 FORT POND ROAD	ACTON	MA	01720
35 FORT POND RD	C3-20-5	HENDERSON KENNETH P	HENDERSON JUDITH M	35 FORT POND ROAD	ACTON	MA	01720
39 FORT POND RD	C3-20-6	KOSICKI BERNARD B	PATRICIA H	39 FORT POND RD	ACTON	MA	01720
43 FORT POND RD	C3-20-7	FANTON JOHN L ET UX TR	43 FORT POND RD REALTY TR	43 FORT POND RD	ACTON	MA	01720
47 FORT POND RD	C3-20-8	DEGEORGE THOMAS F	MICHELE	47 FORT POND ROAD	ACTON	MA	01720
51 FORT POND RD	C3-20-9	GIANNETTO MICHAEL A	DUFFY MEGHAN B	51 FORT POND RD	ACTON	MA	01720
330 NAGOG HILL RD BESIDE	C3-21-1	EVANS HOWELL T JR	EVANS ANN T	330 NAGOG HILL RD	ACTON	MA	01720
300 NAGOG HILL RD	D3-38	BRESLOUF MORRIS TRUSTEE	BRESLOUF/ACTON REALTY TRUST	300 NAGOG HILL RD	ACTON	MA	01720
296 NAGOG HILL RD	D3-40	WILLOUGHBY MICHAEL S	LELAH M	296 NAGOG HILL RD	ACTON	MA	01720
		TOWN OF LITTLETON		37 SHATTUCK - P.O. BOX 1305	Littleton	MA	01460

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
 Carlisle, MA-01741
 Maynard, MA 01754
 Lowell, MA 01775
 Concord, MA 01742
 Westford, MA 01886
 Littleton, MA 01460
 Sudbury, MA 01776

29-Jun-06

Kimberly Hoyt
 Assessing Clerk
 Acton Assessors Office

Loc: NAGOG HILL RD Parcel ID #: R02 13 0
LUC: 903

CONCORD TOWN OF
WATER DEPARTMENT
133 KEYES ROAD

CONCORD MA 02633

Loc: NAGOG HILL RD Parcel ID #: R02 14 0
LUC: 905

LITTLETON CONSERVATION TRUST
BOWERS, MORSE & SHELDON, TRS
PO BOX 594

LITTLETON MA 01460

Loc: NAGOG HILL RD Parcel ID #: R02 15 0
LUC: 905

LITTLETON CONSERVATION TRUST
BOWERS, MORSE & SHELDON, TRS
P O BOX 594

LITTLETON MA 01460

Loc: FORT POND RD Parcel ID #: R02 17 0
LUC: 132

GIANNETTO MICHAEL A
DUFFY MEGHAN B
51 FORT POND ROAD

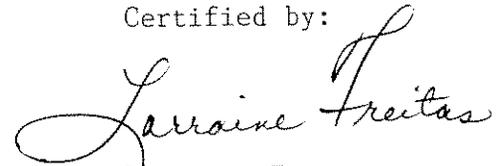
ACTON MA 01720

TOWN OF ACTON TOWN LINE

October 20, 2006

Certified list of abutters within
100 feet of property located at
Nagog Hill Rd., being shown on
Assessors' Map R02 Parcel 16, and
owned by Gustavus J. Esselen and
Catherine M. Esselen, of 3900 Grapevi
Mills Parkway Unit, Grapevine, TX
76051-1995.

Certified by:



Lorraine Freitas,
Assessment Analyst

5.2.7

**STATEMENT FROM DEVELOPER
DECLARATION OF COMMON DRIVEWAY AND
UTILITY EASEMENT**

DECLARATION OF COMMON DRIVEWAY
AND UTILITY EASEMENT

The undersigned Gustavus J. Esselen and Catherine M. Esselen, being the owners of Lots 1, 2, 3, and 4 (the "Lots") shown on a plan of land entitled "Definitive Subdivision Plan of Land in Littleton and Acton, Massachusetts – Grassy Pond Place" dated 2006 by Stamski and McNary, Inc. to be recorded herewith (the "Plan") hereby declare the following permanent easements and restrictions:

1. All of the homes on said Lots are to be served by the common driveway and utility easement as shown on the Plan (the "Common Driveway").
2. The fee interest in the Common Driveway shall be held by the owners of the Lots in accordance with the provisions of G.L. c. 183 § 58.
3. All Lot owners shall have the obligation to maintain the Common Driveway as hereinafter provided, and to keep it safe and accessible for its entire length.
4. The owners of the Lots shall bear the joint responsibility of maintenance, repairs, reconstruction, and snow plowing and sanding of the Common Driveway and each of the Lots shall bear an equal share of the expense of the maintenance and repair, including any necessary reconstruction thereof, in order to maintain it in a good and passable condition.
4. If any owner shall fail or refuse at any time to bear such responsibility and make payment, and such failure or refusal shall continue for thirty days after written notice by certified mail, return receipt requested, has been delivered to said owner, any other owner shall have the right forthwith to bring suit at law or in equity against such owner, by suit commenced in the Superior Court, or District Court, or any other Court of the Commonwealth with appropriate jurisdiction, and collect and enforce the same as in any other actions, and such right to sue shall exist on every successive default in such payments. Any owner who shall file suit to enforce this Agreement and who prevails in such action shall be entitled to reasonable attorney's fee incurred in such enforcement.
5. No individual Lot owner may inhibit or restrict the rights of the remaining owners to use the Common Driveway and no one shall overburden the Common Driveway by planting of trees or shrubs or by the erection of fences or walls.
6. All Lot owners shall respect the rights of others and shall not operate their vehicles or permit guests to operate their vehicles in an unreasonable manner.

7. The Lot owners shall restrict their use of the Common Driveway to that of ingress and egress and shall not impede the passage of foot or vehicular traffic on said Common Driveway by parking upon it. The use of the Common Driveway shall be restricted to foot and private passenger vehicles or vehicles driven by Lot owners, their family and guests, and business invitee and such vehicles as are necessary to maintain and repair said Common Driveway as provided above.
8. The owners of the Lots shall not petition the Town of Acton to plow or maintain the Common Driveway or to accept it as a public way.
9. Any Lot owner may install above or below ground utilities over or under the Common Driveway to serve their Lot, provided that such Lot owner shall cause such installation to be performed so as to minimize inconvenience to the other Lot owners, and shall cause the Common Driveway to be returned to its previous condition, all at such Lot owner's sole expense.
10. This easement shall run with the land and its terms and conditions shall be enforceable by any Lot owner.
11. The Lot owners may, by unanimous vote, form an association for the purpose of maintaining and improving the Common Driveway. The association shall have the right to levy and collect dues and assessments from each of the Lot owners and shall have the right to place a lien on the property of any Lot owner who fails to pay their share of the expenses as set forth in paragraph 3, 4 and 5.
12. Each Lot owner shall have the right to place a sign at the entrance of the Common Driveway with their name and street number on it and/or a for sale sign.

For our title see Middlesex South District Registry of Deeds, Land Court Office, Certificate of Title No. 168402 at Book 972, Page 52.

Executed as a sealed instrument this _____ day of November, 2006.

Gustavus J. Esselen

Catherine M. Esselen

5.2.8

**FORM LN
DRAFT OF LEGAL ADVERTISEMENT**

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing on _____, 20____, at _____ in the Acton Memorial Library, 486 Main Street, Acton, Massachusetts to discuss a proposed subdivision of land entitled GRASSY POND PLACE as petitioned by GUSTAVUS J. & CATHERINE M. ESSELEN. This subdivision consists of 9.36± acres to be divided into 4 lots. The land is located in Acton, Massachusetts off of FORT POND ROAD and shown on Town Atlas Map(s) C3, Parcel(s) 6-1. Plans may be viewed at the Office of the Planning Board or the Office of the Town Clerk.

5.2.9

WAIVER REQUEST LETTER

STAMSKI AND MCNARY, INC.

80 Harris Street
Acton, Massachusetts 01720
(978) 263-8585
FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.S.
JOSEPH MARCH, P.E., P.L.S.

December 15, 2006

Acton Planning Board
472 Main Street
Acton, MA 01742

Re: Grassy Pond Place Definitive Subdivision, A Residential Compound
Waiver Request Letter

Members of the Board:

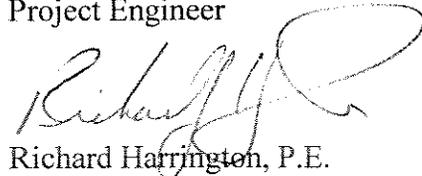
On behalf of our client, Gustavus J. & Catherine M. Esselen, we hereby request waivers from Section 8, Design Standards, and Section 9, Improvements, of the Acton Subdivision Regulations. The private driveway has been designed to Common Driveway Standards which is the general rule established under Section 10.1.2 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,
For: Stamski and McNary, Inc.



Robert Blanchette, E.I.T.
Project Engineer



Richard Harrington, P.E.

5.2.10

**LETTER AUTHORIZING TOWN TO COMPLETE
DRIVEWAY**

**Gustavus J. Esselen
Catherine M. Esselen
53 Fort Pond Road
Acton, MA 01720**

November 16, 2006

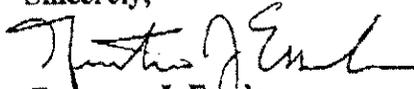
Planning Board
Town of Acton
Acton, MA 01720

Re: 53 Fort Pond Road

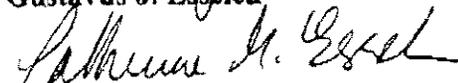
Dear Board:

We are the owners of the property located at 53 Fort Pond Road. In connection with the Application for Approval of Definitive Plan for said property, please be advised that we hereby authorize the Town of Acton or its representatives to enter the premises owned by us at 53 Fort Pond Road for the purpose of completing any work if the developer fails to complete the streets and services, as required by Section 5.2.10.

Sincerely,



Gustavus J. Esselen



Catherine M. Esselen

5.2.12

COPIES OF DEEDS

Transfer Certificate of Title

BK.972 PG.52

No. 168402

from Transfer Certificate No. 165091 in Registration Book 955, Page 141
Originally Registered April 23, 1982 for the South Registry District of
Middlesex County

This is to Certify that

Gustavus J. Esselen and Catherine M. Esselen

of Acton in the County of Middlesex and Commonwealth of Massachusetts
married to each other, are the owners in fee simple, as tenants by the entirety
of that certain parcel of land

situate partly in Acton
and partly in Littleton

in the County of Middlesex and said Commonwealth, described as follows:

Easterly by Nagog Hill Road, sixty and 18/100 feet;
Southeasterly by lot 9 as shown on plan hereinafter mentioned,
four hundred and fifteen feet;
Southeasterly again by said lot 9 and by lot 7 on said plan,
about eleven hundred and twenty feet;
Southwesterly by Grassy Pond;
Westerly by land now or formerly of Carrie E. Kimball,
about nine hundred and sixty-eight feet;
Northwesterly by Fort Pond Road, forty and 12/100 feet; and
Northerly, six hundred eighty-five and 35/100 feet,
Northeasterly, seventy-two and 89/100 feet, and
Northerly, one hundred fifty-four and 59/100 feet, all by land
now or formerly of Fanny C. Knapp.

Said parcel is shown as lot 10 on said plan, (Plan No. 20409B).

All of said boundaries are determined by the Court to be located as shown on
a subdivision plan, as approved by the Court, filed in the Land Registration
Office, a copy of which is filed in the Registry of Deeds for the South
Registry District of Middlesex County in Registration Book 908, Page 1, with
Certificate 155551.

The above described land is subject to the flow of a natural water course
running through the same and shown on said plan as a Brook.

The above described land is subject to a Grant of Easement from Norman
McIntosh et al to American Telephone and Telegraph Company, Document No.
397839.

The above described land is subject to a Grant of Easement from Starr Homes,
Inc. with Boston Edison Company and New England Tel. & Tel. Co. perpetual
rights and easements for transmission of electricity, Document No. 578860.

And it is further certified that said land is under the operation of the provisions of Chapter 185 of the General Laws and any amendments thereto, and that the title of said

Gustavus J. Esselen and Catherine M. Esselen

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, and any amendments thereto, which may be subsisting, and subject also as aforesaid to any and all rights of the public in the use of said pond as a great pond.

Witness WILLIAM I. RANDALL, Esquire, Justice of the Land Court, Department of the Trial Court, at Cambridge in said County of Middlesex

the fifteenth day of July the year nineteen hundred and eighty-three at 1 o'clock and 15 minutes in the after-noon.

Attest, with the Seal of said Court,

John F. Kelly, Jr.
Assistant Recorder

Address of owners: 55 Fort Pond Road, Acton, MA 01720

Land Court Case No. 20409

ID# 6989a DK# 0172a

5.2.13

LIST OF MORTGAGE HOLDERS

**53 FORT POND ROAD
ACTON, MASSACHUSETTS**

LIST OF MORTGAGES AS OF NOVEMBER 14, 2006

1. Mortgage to Virtualbank, a division of Lydian Private Bank, dated April 17, 2003 recorded in Middlesex South District Registry of Deeds, land Court Office as Document No. 1267497 noted on Certificate of Title No. 168402 at Book 972, Page 52.
2. Mortgage to US Trust, n/k/a Citizens bank, dated June 15, 1998 recorded in Middlesex South District Registry of Deeds, land Court Office as Document No. 1069467 noted on Certificate of Title No. 168402 at Book 972, Page 52.
3. Mortgage to Ganeesh, LLC, dated October 14, 2004 recorded in Middlesex South District Registry of Deeds, land Court Office as Document No. 1353020 noted on Certificate of Title No. 168402 at Book 972, Page 52.
4. Mortgage to Ganeesh, LLC, dated October 14, 2004 recorded in Middlesex South District Registry of Deeds, land Court Office as Document No. 1353021 noted on Certificate of Title No. 168402 at Book 972, Page 52.

