

## Property Appraised

17.45+/- ACRES HOUSE & VACANT LAND  
Wright Hill Association LLC  
18 Wright Terrace  
Acton, Massachusetts

# Appraisal Report

---

<b>Prepared For</b>	Mr. Tom Tidman, Director Conservation Department Town of Acton 472 Main Street Acton, MA 01720
<b>Property</b>	HOUSE & VACANT LAND 18 Wright Terrace Acton, Massachusetts
<b>Land Area</b>	17.45 +/- Acres
<b>Property Owners</b>	Wright Hill Association 3 Gregory Lane Acton, MA 01720
<b>By</b>	Kenneth J. Croft III, Esq., Vice President Foster Appraisal & Consulting Co., Inc. 100 Erdman Way Leominster, Massachusetts 01453
<b>As Of</b>	December 18, 2013

December 26, 2013

Mr. Tom Tidman, Director  
Conservation Department  
Town of Acton  
472 Main Street  
Acton, MA 01720

Dear Mr. Tidman:

In accordance with your request for an estimate of the market value of the real estate consisting of 17.45 +/- acres improved with one single family home and vacant land located at 18 Wright Terrace, Acton, Massachusetts, owned by Wright Hill Association LLC, we have examined the property and submit herewith our complete appraisal. At the request of the client, the appraisal has considered the property as two separate properties: 13.78 +/- acres of vacant land and an improved lot with 3.67 +/- acres.

The following is our self-contained report which describes our method of approach and sets forth a description of the property, together with an analysis of data and the reasoning underlying the conclusions derived in our investigation.

We hereby certify that we have no present or future contemplated interest herein, and that our employment in making this appraisal is in no way contingent on the amount of our valuation.

This appraisal report has been prepared for the exclusive benefit of the intended users, the Town of Acton and the Acton Open Space Committee. It is also intended to be used by the Commonwealth of Massachusetts for the funding of the acquisition of the subject property by the Town of Acton. It conforms to State "EOEA Specifications for Analytical Narrative Appraisal Reports". It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written consent, does so at his own risk.

No soil tests were available to indicate the suitability of the soil for the necessary on-site septic systems. The development conclusions of this report reflect the best available data from soil maps and a surface inspection of the property. Our conclusions could change with detailed information from actual soil tests, however based on the information available as of the date of appraisal, the conclusions found herein appear reasonable.

This appraisal report has been prepared, and the market value estimated, without the direct assistance of a Registered Land Surveyor, Professional Engineer, or Land Planner. The conceptual subdivision lot yield analysis upon which the appraised value is based was developed by an engineering company hired by the owner. According to town officials, the proposed plan appears reasonably probable. The conceptual subdivision scenario is one layout which, in the opinion of the undersigned, reflects the optimum highest and best use producing the highest present value reasonable in the marketplace. The undersigned is not a trained land surveyor, professional engineer, or land planner.

After applying the methods and techniques recommended by the Appraisal Institute and after analyzing the data presented herein, it is our opinion that the market value fee simple of subject property herein described as of December 18, 2013, is:

**CENTRAL STREET – 13.78+/- ACRES:  
ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS      \$1,280,000**

**18 WRIGHT TERRACE – 3.67+/- ACRES:  
SIX HUNDRED FIFTY THOUSAND DOLLARS      \$650,000**

This opinion is subject to the assumptions, contingencies and limitations as set forth in the following report.

Very truly yours,

FOSTER APPRAISAL & CONSULTING CO., INC.



Kenneth J. Croft III, Esq., Vice President  
MA Certified General Appraiser #3579

---

**TABLE OF CONTENTS**


---

EXHIBIT 2.....	1
SUBJECT PHOTOGRAPHS .....	1
SUMMARY OF SALIENT FACTS.....	7
GENERAL LIMITING CONDITIONS.....	9
PART I — PREFACE .....	11
DEFINITION OF VALUE.....	11
SCOPE AND INTENDED USE OF APPRAISAL .....	12
COMPETENCY .....	13
ASSUMPTIONS.....	14
GENERAL ASSUMPTIONS .....	14
EXTRAORDINARY ASSUMPTIONS.....	15
CERTIFICATION OF VALUE.....	16
PART II — DESCRIPTION.....	18
ACTON MUNICIPAL DATA .....	19
MARKET AREA CHARACTERISTICS .....	21
ACTON/BOXBOROUGH RESIDENTIAL LAND SALES .....	22
CONCLUSION .....	23
SUMMARY DESCRIPTION.....	27
CONCLUSION .....	29
ZONING.....	34
CONCLUSION.....	36
ASSESSMENT AND TAXES .....	37
PART III — ANALYSIS AND CONCLUSIONS.....	38
HIGHEST AND BEST USE .....	38
CONCLUSION .....	39
INTRODUCTION TO VALUATION ANALYSIS.....	41
SALES COMPARISON APPROACH TO VALUE .....	42
COMPARABLE LOT SALES .....	44
LOT VALUATION .....	54
CONCLUSION .....	55
DISCOUNTED CASH FLOW ANALYSIS .....	57
CONCLUSION .....	59
HOUSE VALUATION.....	61
COMPARABLE HOUSE SALES .....	63
ADJUSTMENTS.....	68
CONCLUSION .....	69
RECONCILIATION AND FINAL VALUE ESTIMATE .....	71
ADDENDA .....	72
DEED.....	72
RECORDED PLANS .....	84
PROPERTY FIELD CARDS .....	89

PROPERTY LISTING .....	91
SOIL MAP.....	95
TOWN OF ACTION ZONING BYLAWS EXCERPTS .....	98
OWNER'S PROPERTY INSPECTION CERTIFICATION.....	135
QUALIFICATIONS OF KENNETH J. CROFT III, ESQ. ....	137
OUR COMPANY.....	138
OUR SERVICES.....	139
SCOPE OF SERVICES.....	140
PARTIAL LIST OF CLIENTS SERVED .....	141
PARTIAL LIST OF CLIENTS SERVED: GOVERNMENT .....	142
MASSACHUSETTS APPRAISERS' CERTIFICATIONS.....	143

### Table of Figures

Figure 1. Regional Map .....	18
Figure 2. Street Map.....	24
Figure 3. Aerial Map .....	25
Figure 4. Topographical Map.....	26
Figure 5. Assessor's Map .....	30
Figure 6. Flood Plain Map.....	31
Figure 7. Zoning Map.....	32
Figure 8. Groundwater Protection District Map.....	33
Figure 9. Hypothetical Subdivision Plan .....	40
Figure 10. Comparable Lot Sales Map.....	43
Figure 11. Sales Comparison Approach to Value –Lot Valuation .....	56
Figure 12. Discounted Cash Flow Analysis .....	60
Figure 13. Comparable House Sales Map.....	62
Figure 14. Antique House Analysis.....	70

**EXHIBIT 2**

OWNER (S): Wright Hill Association LLC

ADDRESS/LOCATION OF PROPERTY: 18 Wright Terrace  
Acton, Massachusetts

**CERTIFICATE OF VALUE**

I, KENNETH J. CROFT III HEREBY CERTIFY THE FOLLOWING: THAT ON DECEMBER 18, 2013, I PERSONALLY MADE A FIELD INSPECTION OF THE PROPERTY HEREIN APPRAISED AND HAVE AFFORDED THE OWNER THE OPPORTUNITY TO ACCOMPANY ME ON THIS INSPECTION; THAT I PERSONALLY MADE A FIELD INSPECTION OF THE COMPARABLE SALES RELIED UPON IN MAKING SAID APPRAISAL;

That to the best of my knowledge and belief, the statements contained in the appraisal here set forth are true, and the information upon which the opinions expressed herein are based is correct, subject to the limiting conditions therein set forth;

That I understand that such appraisal may be used in connection with acquisition of the subject property by the Town of Acton;

That such appraisal has been made in conformity with the appropriate state laws, regulations, policies, specifications and procedures;

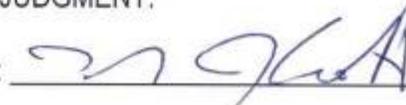
That neither my employment nor my compensation for making this appraisal and report are in any way contingent upon the values reported herein;

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised;

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the Town of Acton, the Acton Open Space Committee and the Commonwealth of Massachusetts and I will not do so until so authorized by the above mentioned parties, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified in a court of law as to such findings; and

THAT MY OPINION OF THE VALUE OF THE SUBJECT PROPERTY, WITH 13.78 +/- ACRES, AS OF THE 18th DAY OF DECEMBER, 2013 WAS \$1,280,000, THE VALUE OF THE SUBJECT PROPERTY, WITH 3.67 +/- ACRES, AS OF THE 18th DAY OF DECEMBER, 2013 WAS \$650,000 AND THAT THE CONCLUSIONS SET FORTH IN THIS APPRAISAL ARE BASED UPON THE EXERCISE OF MY INDEPENDENT PROFESSIONAL JUDGMENT.

DATE: 12.26.13

SIGNATURE: 

SUBJECT PHOTOGRAPHS



Wright Terrace – Subject at Right & Ahead  
December 18, 2013; Photographed by Kenneth Croft



House & Garage  
December 18, 2013; Photographed by Kenneth Croft



View to the West/Southwest  
December 18, 2013; Photographed by Kenneth Croft



Great Room  
December 18, 2013; Photographed by Kenneth Croft



Kitchen  
December 18, 2013; Photographed by Kenneth Croft



First Floor Bathroom  
December 18, 2013; Photographed by Kenneth Croft



Second Floor Bathroom  
December 18, 2013; Photographed by Kenneth Croft



Typical Bedroom  
December 18, 2013; Photographed by Kenneth Croft



West Field  
December 18, 2013; Photographed by Kenneth Croft



Woodland on 13.78+/- Acres  
December 18, 2013; Photographed by Kenneth Croft



Central Street Frontage Looking North  
December 18, 2013; Photographed by Kenneth Croft



Central Street Frontage Looking South  
December 18, 2013; Photographed by Kenneth Croft



Cart Path From House to Central Street  
December 18, 2013; Photographed by Kenneth Croft



East View From 13.78+/- Acres  
December 18, 2013; Photographed by Kenneth Croft

**SUMMARY OF SALIENT FACTS**

City/Town: Acton, Massachusetts

Owner: Wright Hill Association LLC

Address: 18 Wright Terrace

Type of Property: House & Vacant Land                      Land Area: 17.45 +/- Acres

Rights Appraised: Fee Simple in separate 13+/- acre and 4.45 acre parcels

Purchased: July 2, 2013

Recorded: Middlesex County Registry of Deeds Land Court Document No. 1645822

Five Year Sales History: The property was sold in the above referenced deed to the current owner by Joseph H. Rice for a recorded consideration of \$1,650,000. The property previously sold on July 1, 2002 for \$1,270,000

FY 2013 Assessed Value: \$1,023,900                      Tax Rate: \$19.10                      Taxes: \$19,556.49

Zoning: R-8/4

Highest & Best Use: Six lot subdivision off Central Street on 13.78+/- acres & one 3.67 acre improved lot on Wright Terrace

Recent Improvements: None

Structural Repairs Needed: None

Easements or Restrictions: The property is subject to several encumbrances. No dwellings are to be constructed in the area south of the existing house or in the so-called west pasture. The open west pasture allows for the excellent views to the west/southwest. Wright Terrace is not to be extended and no through access is to be allowed from Massachusetts Avenue to Central Street. No more than 6 dwellings, exclusive of the existing dwelling, shall be developed on the property. There is also a restriction that the existing dwelling may only be used for single family residential purposes until the use restriction expires on July 1, 2017. The 2017 restriction expiration only applies to the restriction on use.

Neighborhood: Residential

Surrounded by: Single family residential houses and vacant land

Date of Appraisal: December 18, 2013

Estimate of Market Value: 13.78+/- Acres - \$1,280,000  
3.67+/- Acres - \$650,000

**GENERAL LIMITING CONDITIONS**

1. The Appraiser will not be required to give testimony or appear in court because of having made this appraisal, with reference to the property in question, unless arrangements have been previously made therefore.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the Appraiser, and in any event only with proper written qualification and only in its entirety.
3. The distribution of the total valuation in this report between land and improvements applied only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
4. The Appraiser hereby reserves the right to alter, amend, revise or rescind any of the value opinions based upon any subsequent environmental impact studies, research or investigation.
5. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales or any other media without written consent and approval of the Appraiser. Nor shall the Appraiser, firm or professional organization of which the Appraiser is a member be identified without written consent of the Appraiser.
6. Acceptance of and/or use of this appraisal report constitutes acceptance of the foregoing general assumptions and general limiting conditions.
7. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde, foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field of environmental impacts upon real estate if so desired.
8. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

9. Unless otherwise stated in this report, we have not considered possible non-compliance with the requirements of the "ADA" (Americans with Disabilities Act). We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the ADA requirements, could reveal that the property is not in compliance with one or more of the requirements of the Act, and if so, this fact could have a negative effect upon value.

---

## PART I — PREFACE

---

### DEFINITION OF VALUE

The purpose of this appraisal is to estimate the market value fee simple of subject property as of December 18, 2013.

Fair Market Value is defined as:

"Fair market value shall be defined assuming use of the property in the light of the highest and best use to which the land could reasonably be put, and for which the property would be sold in cash, or on terms reasonably equivalent to cash, by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desires but is not obligated to buy."<sup>1</sup>

Market Value is defined as:

"The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>2</sup>

Fee Simple is defined as:

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."<sup>3</sup>

---

<sup>1</sup> EOEI Specifications for Analytical Narrative Appraisal Reports (September 1, 1995), 1.

<sup>2</sup> *The Dictionary of Real Estate Appraisal*, 5<sup>th</sup> ed. (Chicago: Appraisal Institute, 2010), 123.

<sup>3</sup> *The Dictionary of Real Estate Appraisal*, 5<sup>th</sup> ed. (Chicago: Appraisal Institute, 2010), 78.

## SCOPE AND INTENDED USE OF APPRAISAL

The scope of this appraisal reflects its intended use, which is to assist the client in estimating the current market value for possible purchase.

Based on the client's instructions, the value sought is Market Value of the fee simple interest of the subject property in two separate parts. At the request of the client, the property with 13.78+/- acres is valued with a Highest and Best Use for 7 lots on a new cul-de-sac with 3.67+/- acres with the existing house at 18 Wright Terrace valued separately. This is an appraisal of the real estate only, and does not consider any personal property, fixtures, or intangible items.

Subject property was physically inspected. The availability or lack of such things as municipal services, access to transportation, etc., were researched and the physical nature of the subject were considered.

Zoning and legal restrictions were researched. The property is subject to several encumbrances. No dwellings are to be constructed in the area south of the existing house or in the so-called west pasture. The open west pasture allows for the excellent views to the west/southwest. Wright Terrace is not to be extended and no through access is to be allowed from Massachusetts Avenue to Central Street. No more than 6 dwellings, exclusive of the existing dwelling, shall be developed on the property. There is also a restriction that the existing dwelling may only be used for single family residential purposes until the use restriction expires on July 1, 2017. The 2017 restriction expiration only applies to the restriction on use.

The location in the neighborhood and the region, as well as the economic state of the region, were considered.

Conclusions about the Highest and Best Use of the property were reached based on the data and our analyses. The restriction on the number of lots allowed under the deed restriction has been considered in our Highest and Best Use Analysis. As will be shown later in this report, based on market data, it has been concluded that a likely buyer would pay a small premium for a potential seventh lot. It is the opinion of the appraiser that a buyer would not pay full market value for the 7th lot without a recorded lifting of this restriction to allow for the extra lot.

All three approaches to value were considered. The market value of subject property was estimated using the Sales Comparison Approach to Value and the Income Capitalization Approach to Value. The Cost Approach to Value does not apply to rural/suburban land or older improvements and was not used in this appraisal.

Our final opinion of value was reached after reconciling the results of the steps described above.

**COMPETENCY**

In order to establish competency in appraising this property, a thorough search was made of the market area including city and town records, the Registry of Deeds and other sources of information on real estate transfers, current listings with area Brokers, and other appraisers. We also relied on our many years of experience in appraising properties such as the subject. Finally, we conform to USPAP (Uniform Standards of Professional Appraisal Practice) as adopted by the Appraisal Foundation.

## ASSUMPTIONS

### GENERAL ASSUMPTIONS

1. The legal description used in this report is assumed to be correct.
2. No survey of the property has been made by the Appraiser and no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.
3. No responsibility is assumed for matters of a legal nature affecting title to the property nor is an opinion of title rendered. The title is assumed to be good and merchantable.
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the Appraiser.
5. All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in the appraisal report.
9. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.
11. Included in this report are sales and rentals from many sources. A concerted effort has been made to personally verify the market data contained herein with a reliable source. Occasionally, some new information is found on these sales, or errors may be found and corrected. If any errors or omissions are discovered, it will be brought to the client's attention. The Appraiser must reserve the right to change his conclusion, if required, due to a subsequent discovery.
12. The value is estimated under the assumption that there will be no international or domestic, political, economic, or military actions that will seriously affect real estate values throughout the country.

**EXTRAORDINARY ASSUMPTIONS**

No soil tests were available to indicate the suitability of the soil for the necessary on-site septic systems. The development conclusions of this report reflect the best available data from soil maps and a surface inspection of the property. Our conclusions could change with detailed information from actual soil tests, however based on the information available as of the date of appraisal, the conclusions found herein appear reasonable.

This appraisal report has been prepared, and the market value estimated, without the direct assistance of a Registered Land Surveyor, Professional Engineer, or Land Planner. The conceptual subdivision lot yield analysis upon which the appraised value is based was developed by an engineering company hired by the owner. According to town officials, the proposed plan appears reasonably probable. The conceptual subdivision scenario is one layout which, in the opinion of the undersigned, reflects the optimum highest and best use producing the highest present value reasonable in the marketplace. The undersigned is not a trained land surveyor, professional engineer, or land planner.

## CERTIFICATION OF VALUE

With respect to the real estate consisting of 17.45 +/- Acres of vacant land owned by the Wright Hill Association LLC located at 18 Wright Terrace, Acton, Massachusetts, further described herein, we hereby certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- Kenneth J. Croft III, made a personal inspection of the property that is the subject of this report, and the property owner was given the opportunity to accompany the appraiser on the property inspection.
- We certify that, to the best of our knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- We hereby certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- The appraisal assignment is not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
- We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

In our opinion, the estimated market value fee simple of subject property as of December 18, 2013, is:

**CENTRAL STREET – 13.78+/- ACRES:**  
**ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS      \$1,280,000**

**18 WRIGHT TERRACE – 3.67+/- ACRES:**  
**SIX HUNDRED FIFTY THOUSAND DOLLARS      \$650,000**

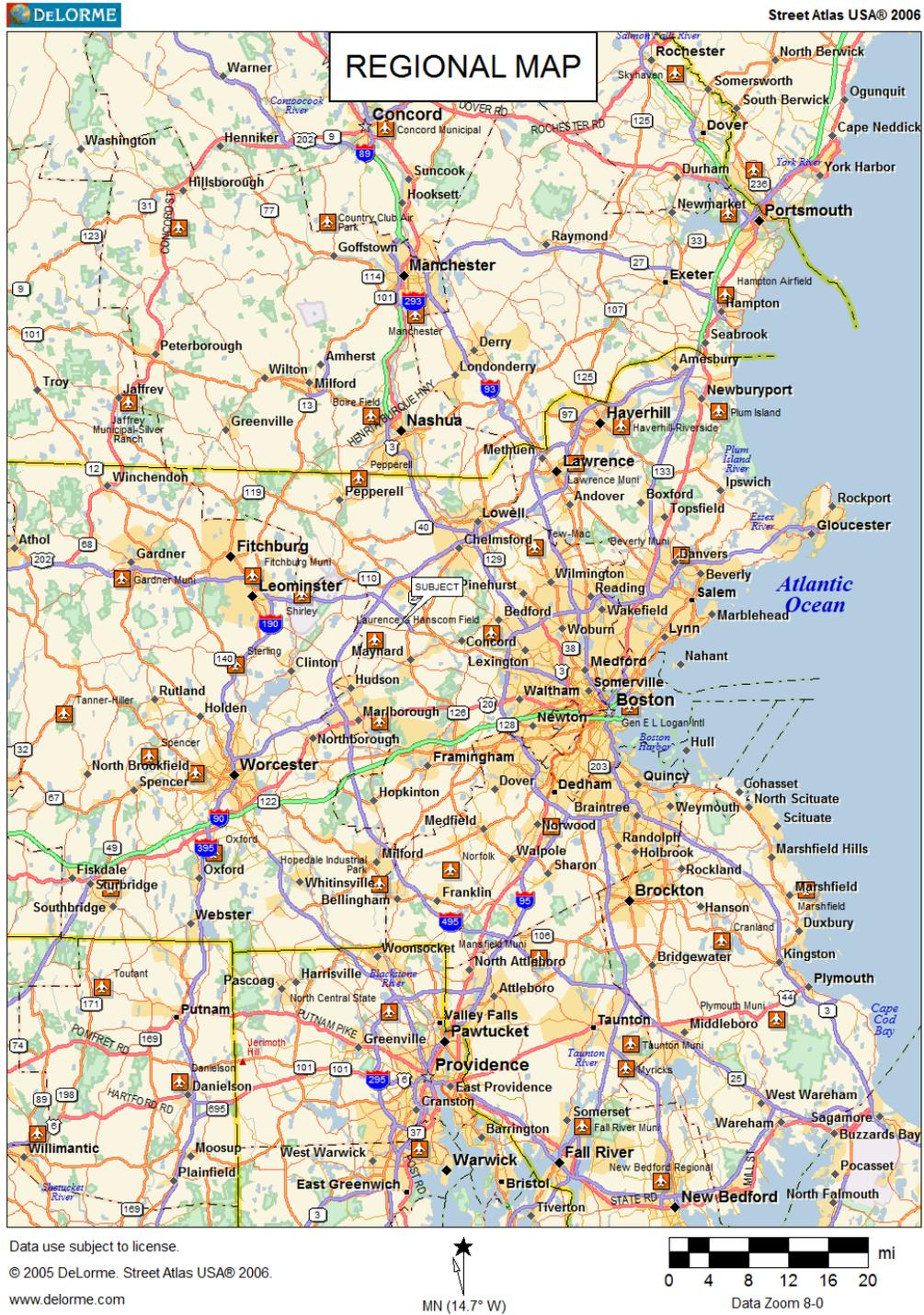
FOSTER APPRAISAL & CONSULTING CO., INC.



Kenneth J. Croft III, Esq., Vice President  
MA Certified General Appraiser #3579

## PART II — DESCRIPTION

Figure 1. Regional Map



## ACTON MUNICIPAL DATA

The Town of Acton is located northwest of Boston in Middlesex County. Acton is bordered by Westford and Littleton to the north; Carlisle and Concord to the east; Sudbury to the south; Maynard and Stow to the southwest; and Boxborough to the west. The city is 25 miles northwest of Boston; 29 miles northeast of Worcester; and 203 miles northeast of New York City.

Acton is a moderately sized community with a population of 20,331 (2000 Census) that was a rural agricultural community until the mid-20th century as it transformed into a suburban Boston residential community. Today Acton has a diversified economic base with industries concentrated in technology/R&D, services, and retail trade. There are local schools, hospital, banks, business and professional services, and shopping. Acton is also readily accessible to a wide variety of services in Worcester and Boston.

Acton uses the Open Town Meeting form of town government. Acton also has a water district, which is run separately from town government, as a public utility. The water district holds a separate open town meeting in March. Acton's elected officials include the following: the Board of Selectmen, the town moderator, the Acton public school committee, the Acton representatives to the Acton-Boxborough regional school committee and the water commissioners. In addition, the town moderator appoints a finance committee which issues an opinion on each of the warrant articles presented to Town Meeting.

The town is well served by several state and interstate highways including State Routes Route 2, 2A, 27, 111, and 119, with good proximity to I-495. Route 2 is a major commuting highway into Boston. Commuter rail service to North Station in Boston is available from Acton center, with an average commuting time of 50 minutes. Acton is a member of the Lowell Regional Transit Authority, although no fixed route service is available within the town; Hanscom Field, a Reliever airport facility, is located in nearby Bedford.

Other than miscellaneous uses and water, land use in Acton is primarily residential with some highly concentrated areas of commercial/retail land uses. Based on the 2000 U.S. Census, the town had a population of 20,331 which increased 7.8% to 21,924 in the 2010 Census. With a total land area of 19.98 square miles (20.29 square miles including land covered by water); the resulting population density is 1,097 persons per square mile of land.

Acton is considered an upper income, bedroom community with a median household income of \$109,491 according to the 2010 Census. Most of the town's work force is employed in wholesale and retail trade, the service industries, manufacturing, and finance, health care and social assistance, insurance and real estate (FIRE). According to the U. S. Bureau of Labor Statistics, as of October 2013, 11,966 people were employed out of a labor force of 12,582 in the town translating to an unemployment rate of 4.3%. The statewide October 2013 unemployment rate was 6.8%.

The economic future of Acton is tied to Boston and eastern Massachusetts, particularly the numerous office/R&D/industrial developments along Interstate 495 and Route 2. Residential development continues to be the main draw to the area, as there has been little recent speculative industrial or office development in Acton.

Recent unemployment within Acton, the state of Massachusetts and the country is as follows:

	<b>Acton</b>	<b>Massachusetts</b>	<b>USA</b>
2000	1.6%	2.7%	4.0%
2001	2.9%	3.7%	4.7%
2002	4.9%	5.3%	5.8%
2003	4.9%	5.8%	6.0%
2004	3.8%	5.2%	5.5%
2005	3.4%	4.9%	5.1%
2006	3.4%	4.8%	4.6%
2007	3.0%	4.5%	4.6%
2008	3.5%	5.3%	5.8%
2009	5.9%	8.2%	9.3%
2010	5.6%	8.3%	9.6%
2011	4.7%	7.3%	8.9%
2012	4.3%	6.7%	8.1%
2013 (October)	4.9%	6.8%	7.0%

## MARKET AREA CHARACTERISTICS

Acton is primarily a rural/residential community which has historically been desirable due to its excellent schools and its convenient location along Interstate 495. The strong housing market over the first part of the decade has contributed to the median house price increasing from \$423,318 in 2000 to \$633,848 in 2005, for a 50% total increase, or an average increase of 10% annually. The market has flattened beginning in 2006. Marketing times had improved in 2008, increased recently after a drop in the 2010-2011 time period and have dropped again in 2013. Prices have decreased, with prices mostly stabilizing at 2008 levels through 2013. Prices in 2012 dropped 10% from that stabilized level, but are back up in 2013 to date. Marketing times had rebounded in 2008 from a weak 2007 market and were similar to those of the strong real estate market in the early part of the decade, but deteriorated in 2012 to record levels before rebounding this year. Overall, the average sale price has dropped 18% from the 2005 peak at an average rate of around 2.5% per year.

The Bay State Multiple Listing Service does not list all land and house sales or listings, but it is indicative of the overall market. The MLS reports relatively stable prices with the following rate of single family house sales in Acton:

Period	House Sales	Average Sales Price	Days on Market
2000	280 houses	\$423,318	49
2001	217 houses	\$491,379	57
2002	221 houses	\$486,226	59
2003	208 houses	\$532,421	73
2004	217 houses	\$594,632	73
2005	205 houses	\$633,848	82
2006	183 houses	\$586,739	95
2007	167 houses	\$592,474	120
2008	150 houses	\$570,548	90
2009	189 houses	\$549,133	106
2010	188 houses	\$571,470	76
2011	156 houses	\$569,763	96
2012	215 houses	\$515,423	120
2013 (thru Nov.)	217 houses	\$548,816	74

The height of recent single family construction activity was in 2000, with 96 new homes being built, followed closely by 2006, 2007 & 2013 to date with 70-71 new homes. The data in 2011-2012 showed an improving market with construction levels near the recent peak and the improvement has continued to date. The number of building permits for new construction over the past few years is as follows:

Year	SF permits
2013 (Oct.)	71
2012	57
2011	62
2010	48
2009	32
2008	49
2007	70
2006	71
2005	58
2004	30
2003	30
2002	42
2001	47
2000	96

#### ACTON/BOXBOROUGH RESIDENTIAL LAND SALES

Bay State Multiple Listing Service reports the following recent residential land sales in Acton as well as the neighboring town of Boxborough.

Address	Sale Price	Date	Acres
Henley Road	\$255,000	12-09-2013	0.96
A-2 School Street	\$199,900	11-08-2013	0.59
4 Partridge Pond Road	\$345,625	08-31-2013	2.60
195 Newtown Road	\$292,500	08-28-2013	7.36
33 Nashoba Road	\$300,000	06-26-2013	0.75
963 Depot Road, Boxborough	\$210,000	06-25-2013	3.12
Lot 5 Depot Road	\$225,000	04-12-2013	1.44
2 Jackson Drive	\$353,000	01-18-2013	0.84
6 Lilac Court	\$214,000	12-31-2012	0.66
50 Jackson Drive	\$185,000	03-21-2012	3.27
146 Central Street	\$187,500	09-06-2011	0.26
Lot 10 Stacy's Way	\$325,000	07-02-2010	2.31
80 Harris Street	\$1,710,000	05-06-2010	7.42
80 Hammond Street	\$261,000	12-31-2009	2.25
46 Lawsbrook Road	\$220,000	08-23-2009	0.98
44 Wood Lane	\$276,000	05-14-2009	0.59
716 Hill St., Boxborough	\$200,000	07-31-2008	1.62
120 Prospect St.	\$440,000	07-22-2008	1.40
45 Taylor Road,	\$313,000	07-01-2008	0.74
Lot 1 Wheeler Rd.	\$272,500	05-08-2008	0.82
Partridge Pond	\$340,000	04-11-2007	2.58
Hickory Hill Tr.	\$275,000	08-01-2006	0.54
201 Sargent Rd., Boxborough	\$330,000	05-05-2006	11.70
17 Marian Rd.	\$305,000	03-08-2006	0.46

Address	Sale Price	Date	Acres
Hughes Ln., Boxborough	\$350,000	02-24-2005	1.56
Hill Rd., Boxborough	\$300,000	03-07-2005	1.39

Bay State Multiple Listing Service reports the following recent residential land listings in Boxborough as well as the neighboring town of Acton.

Address	Asking Price	Acres	Days On Market
94 Chester Road, Boxborough	\$300,000	17.59	74
977 Depot Road, Boxborough	\$269,000	1.38	108
353 Main Street, Acton	\$175,000	5.06	256
Lot 3 Depot Road, Boxborough	\$199,000	1.34	656

#### CONCLUSION

Acton is a small town which is primarily residential in nature. Its location on Route 2 near Interstate 495 and its excellent school system makes it a desirable place to live. The residential market has been quite stable this decade, with prices appreciating more slowly than the region as a whole earlier this decade and showing only a modest drop in prices during the recent downturn until recently. Marketing times are very low. Construction rates have rebounded recently, are double those in 2009, and are equal to the highest levels of the last decade.



Figure 3. Aerial Map



Figure 4. Topographical Map



## SUMMARY DESCRIPTION

The subject property consists of approximately 17.45 acres of land improved with a single family dwelling located at 18 Wright Terrace in Acton, Massachusetts. It was inspected on December 18, 2013 with the representative of the owner, Franny Osman and the current tenant Joseph Rice.

### *Neighborhood*

The subject property is located at the end of Wright Terrace, which is a short side street just west of downtown West Acton. The property also has frontage on Central Street, which is a mixed use area including single family, multi-family and commercial uses. The Fitchburg Branch of the MBTA commuter rail runs to the rear of the properties on the east side of Central Street in this area. The property is roughly 1½ miles south of Route 2 at its Littleton Road interchange in Boxborough. Interstate 495 is roughly 4 miles to the west. West Acton is considered a desirable area in Acton as it is the only commercial village in town. Most of the commercial uses in Acton are of the highway strip variety along Rt. 119/2A or 27.

### *History*

The subject property was purchased by the current owner on July 2, 2013 from Joseph H. Rice as recorded in Land Court Document No. 1645822. The recorded consideration was \$1,650,000. The property had been listed on MLS for a listing price of \$1,800,000. It sold after 50 days on the market. Joseph Rice currently occupies the property as a tenant of the current owner. The value conclusion in this report reflects the appraisal assignment, which was to value the two separate components of the subject separately. If analyzed together, the value conclusion is higher than this sale price, but within 6% of the sale which took place 5 months before in an improving market. The recent sale price generally supports the value conclusion reached in this report.

The prior sale was recorded on July 1, 2002 as Land Court Document No. 1217001 with a recorded consideration of \$1,270,000. The seller in the 2002 transaction was Varnum R. Mead as Trustee of the Wright Hill Realty Trust.

The property is not currently offered for sale or under agreement for sale.

### *Site*

The subject property has a land area of 17.45 + acres according to the Town of Acton Assessor's Maps. The subject is part of a larger property shown as Parcel A on Land Court Plan No. 10306A. Four lots have been subdivided from the subject property as shown on subsequent Land Court plans 10306C, 10306D, 10306G & 10306J. The current configuration of the property is best shown on Map F2 Lot A1. The subject has 186.16 feet of frontage on Wright Terrace and roughly 453.33 feet of frontage on Central Street. The shape of the lot is very irregular, with the area near the existing improvements consisting of three lobes. The largest section of the property near Central Street is more regularly shaped, but with the frontage at an angle to the main body of the lot in this area.

The subject site consists of the crest of Wright Hill and the eastern slope down to the frontage on Central Street. The existing improvements are located at the top of the hill and are surrounded by several fields, with one additional field being located to the northeast. The fields allow for excellent

views to the west and southwest including sunset views and distant views of Mt. Wachusett. The property is 100% upland, with soils being all Paxton fine sandy loam. The sloped area is wooded and there is a cart path traversing the slope for service access to Central Street.

The subject property is served with public utilities including electricity, telephone service and town water. There is no sewer service in this area of Acton. The existing house has a septic system to the rear of the house in an open area.

The property is subject to several encumbrances. No dwellings are to be constructed in the area south of the existing house or in the so-called west pasture. The open west pasture allows for the excellent views to the west/southwest. Wright Terrace is not to be extended and no through access is to be allowed from Massachusetts Avenue to Central Street. No more than 6 dwellings, exclusive of the existing dwelling, shall be developed on the property. There is also a restriction that the existing dwelling may only be used for single family residential purposes until the use restriction expires on July 1, 2017. The 2017 restriction expiration only applies to the restriction on use.

#### ***Flood Plain, Wetlands & Drainage***

According to Mass GIS Flood Mapping, the subject appears to be almost completely outside any area prone to flooding. It appears that a very small sliver of the site at the northern end of the Central Street frontage is located in a 500 year flood zone. This area is within the front yard setback area of any potential new lot on the site and does not affect the developability of the property. There are no wetlands located on the subject site and the entire site appears to be well drained.

#### ***Improvements***

The subject property is principally improved with an older single family house and a detached two-car garage. The house was built in 1911 according to assessor's records and contains 10 rooms, 4 bedrooms and 2 full baths in 2,880 square feet on two floors. There is no full attic, but there are several small storage spaces in part of the attic adjacent to living area on the second floor. The first floor includes a dining area, kitchen, bathroom and one large room that was formerly two rooms before a wall was removed. The upper floor features three bedrooms and a full bath, with closet space in the bedrooms being very limited as is typical of older houses.

The most notable feature of the interior of the house is a large 'great room' that is two stories in height with a stone fireplace on the north end and beautiful wood trim throughout. There is a small balcony along three sides of the great room, with a larger loft area on the south side. There is a screened sleeping porch off the west side of the balcony. Interior finish includes linoleum flooring in the kitchen and an enclosed porch area, with hardwood floors throughout most of the rest of the house. The rooms other than the great room have plaster walls and ceilings. The house has gas fired boiler feeding stand-up radiators. The electrical service has been partially updated, but the second floor of the house is reported to have extensive knob and tube wiring remaining from its original construction. The house is un-insulated. The exterior of the house features a wrap-around porch on the west and north sides, and extensive stonework.

Overall, the interior and exterior of the house is in mixed condition. The exterior of the house is in good condition and appears to be well maintained. The great room is spectacular and is in excellent

condition. Most of the rest of the house is in average condition, with the painted plaster walls upstairs having an older looking finish and the kitchens and bathrooms with a grade of finish below those typical in the market for renovated antique houses.

The two-car detached garage is in good condition for its age and features a walk-up attic that has potential to be converted to a home office or guest space. Other site improvements include a large pergola at the rear of the house, a nearby stone fireplace, stone pillars at the driveway, a storage shed near the field closest to the house and another shed near the west field.

### ***Hazardous Waste***

The subject reportedly is not listed on the Commonwealth of Massachusetts Department of Environmental Protection Waste Site Lookup website. The Appraiser is not an engineer, chemist, or other form of specialist in the area of hazardous waste detection. To the best of our knowledge, there are no hazardous wastes or environmental conditions present on the subject property which would affect value, unless otherwise noted herein. We assume no responsibility for any such conditions, nor for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field of environmental impacts upon real estate if so desired.

### ***Favorable and Unfavorable Factors***

Favorable factors for subject property include the desirable immediate neighborhood, its proximity to Route 2 & I-495 as well as the Acton - Boxborough Regional School district. The attractive period improvements and the great room make the house desirable for those buyers who favor antique houses. Unfavorable factors include the lack of municipal sewer service, the updates needed to the electrical system, lack of insulation, and the older kitchen and baths. The restrictions on the property also limit its value to some extent.

### **CONCLUSION**

The subject property has 17.45 acres of land in Acton improved with an antique bungalow and a detached two car garage. The lot has frontage on both Wright Terrace and Central Street. The subject house is located at the crest of Wright Hill and has excellent view to the west and southwest including sunset views and distant views of Mt. Wachusett. The site slopes down to the east to the Central Street frontage. The subject property is subject to several deed restrictions which limit its development including a restriction preventing through traffic from Massachusetts Avenue to Central Street and a restriction which limits the number of new lots at the house to six.

Figure 5. Assessor's Map

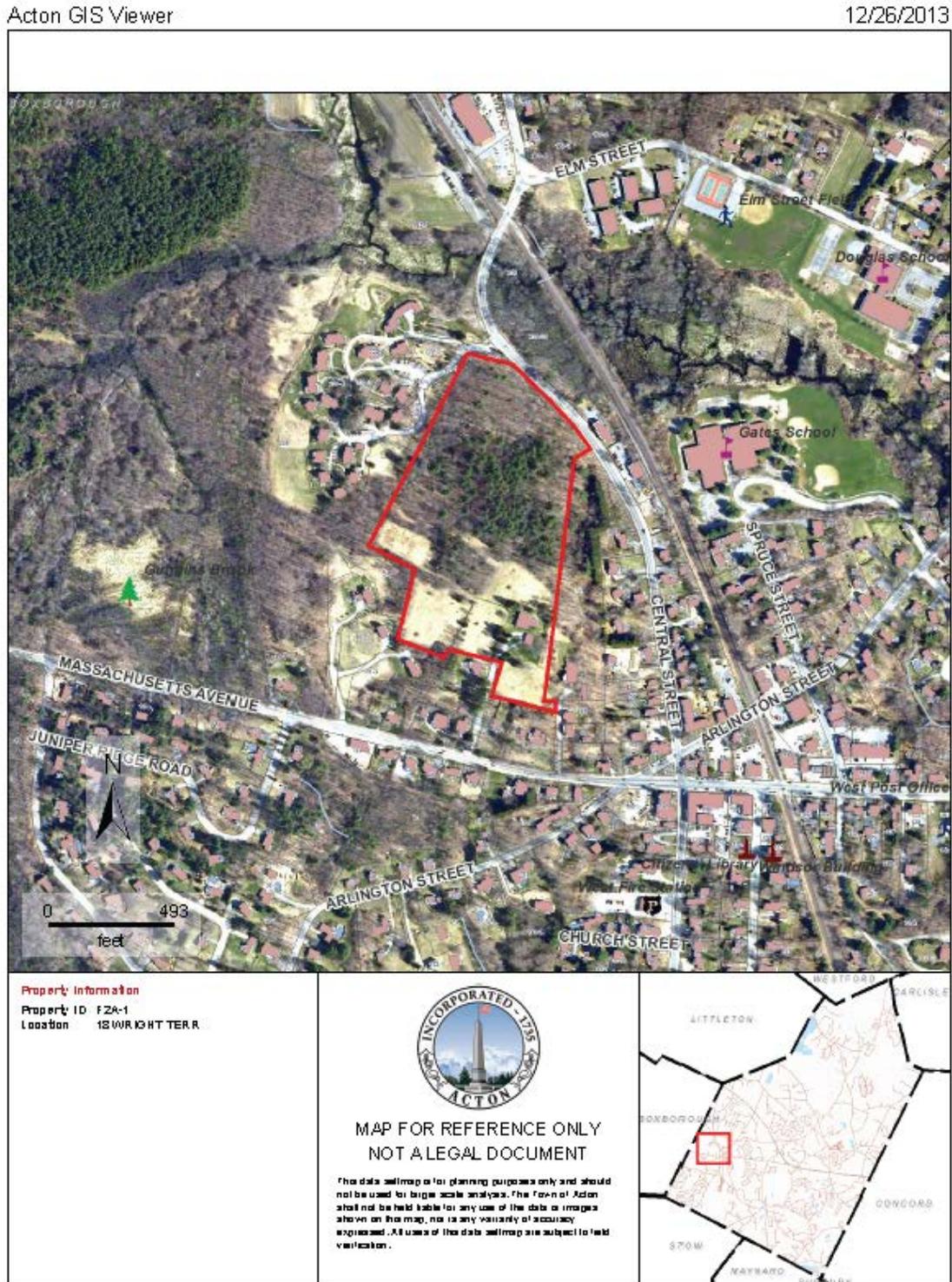


Figure 6. Flood Plain Map



Figure 7. Zoning Map

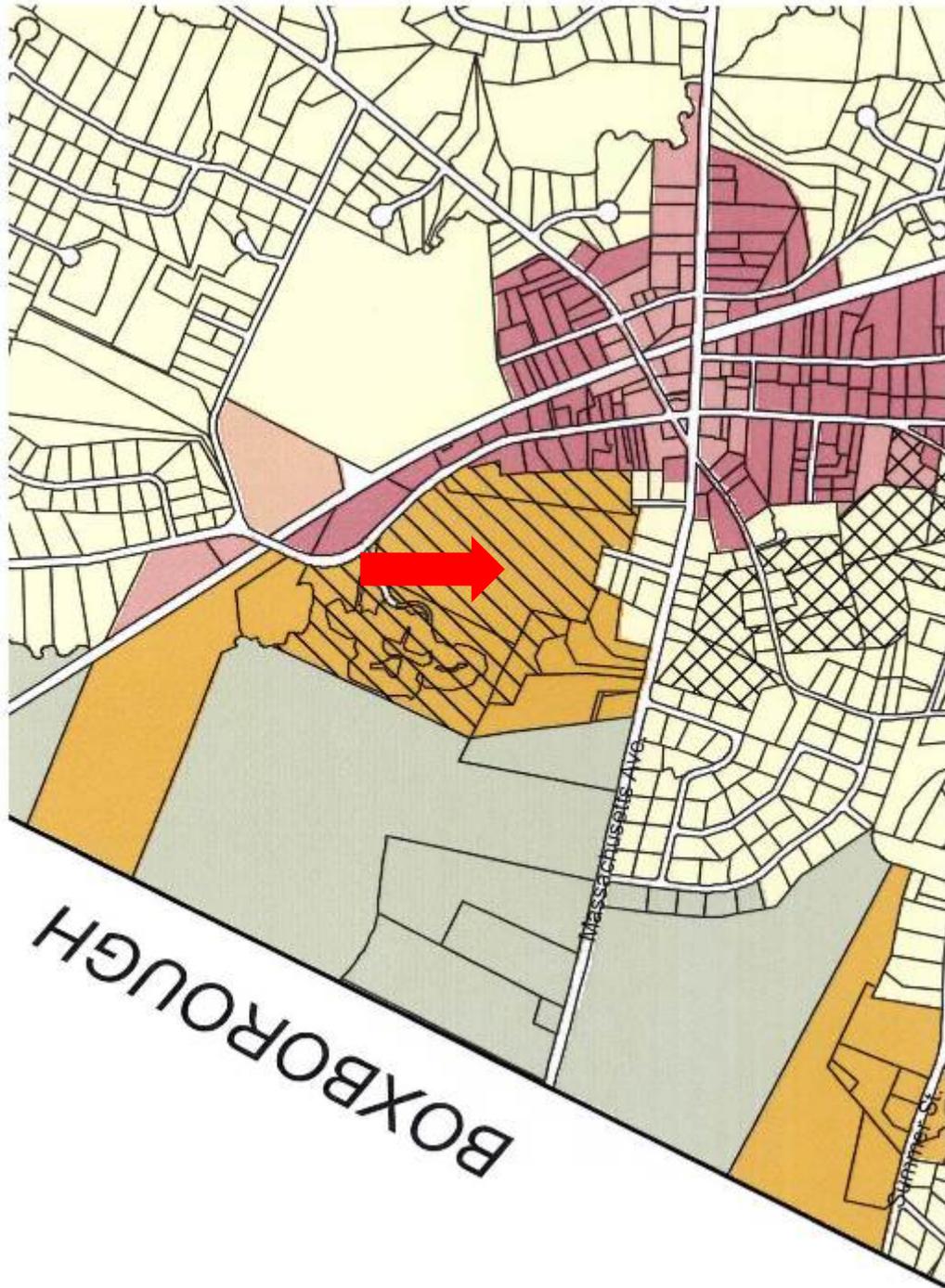
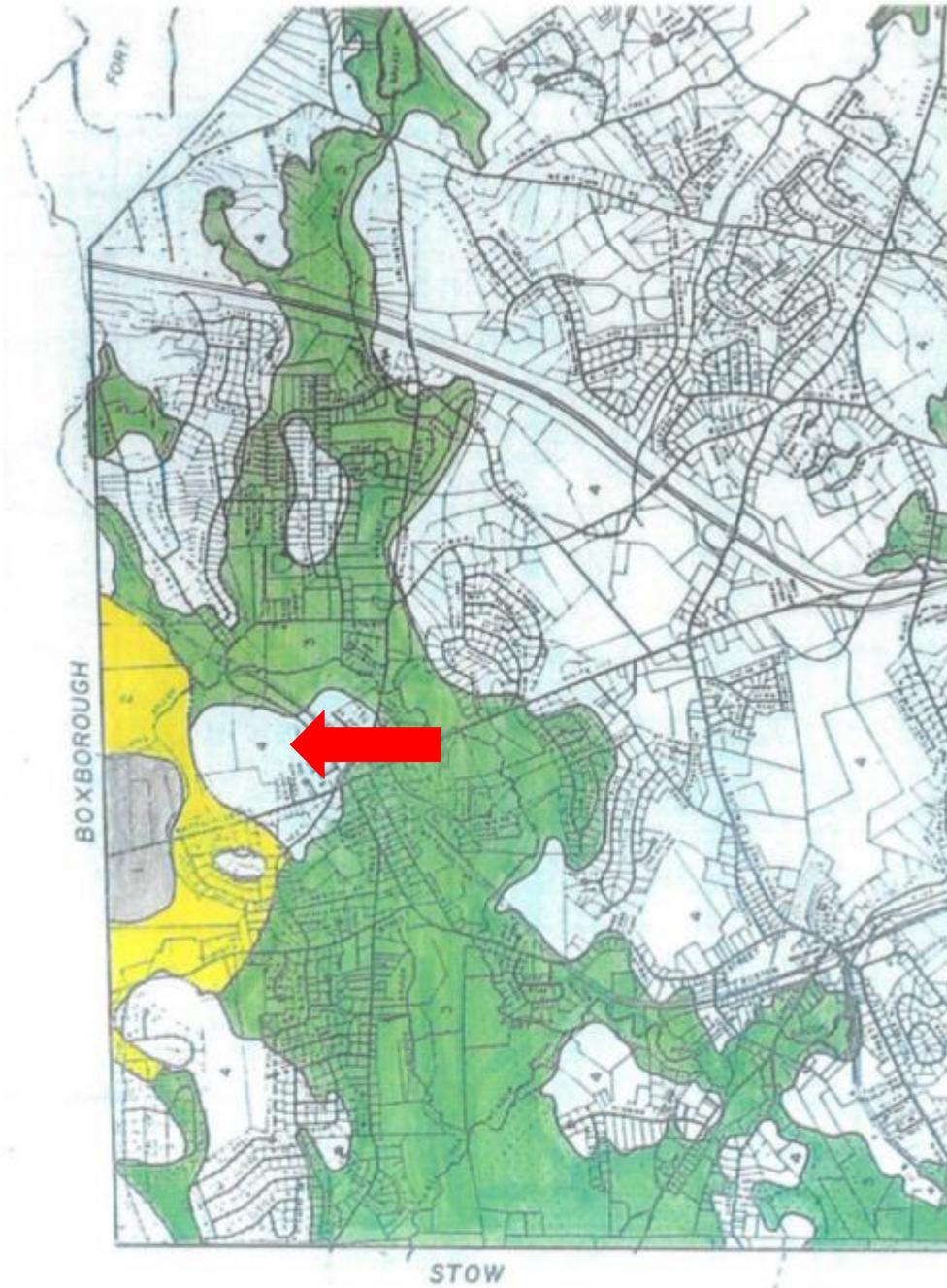


Figure 8. Groundwater Protection District Map



## ZONING

The subject property is located in Acton. According to the Zoning By-Law and map of the Town of Acton, the subject property is located within the Residence 8/4 Zoning district. The allowable uses in this zoning district include the following:

- Agricultural use
- Conservation use
- Single Family dwelling
- Single family dwelling with one apartment on a lot larger than 15,000 sf
- Municipal use
- Educational use
- Religious use
- Child care facility

Uses allowed by Special Permit include the following. The permit granting authority follows the specific use allowed by Special Permit:

- Recreation (Planning Board)
- Dwelling conversions (Board of Appeals)
- Nursing home (Board of Selectmen)
- Other public use (Board of Selectmen)
- Full service retirement community (Board of Selectmen)
- Assisted living residence (Board of Selectmen)
- Wireless communications facility (Planning Board)
- Bed & breakfast (Board of Selectmen)
- Golf course (Planning Board)
- Cross-country skiing (Planning Board)

Dimensional regulations are as follows:

Minimum lot area	80,000 SF
Minimum frontage	200'
Minimum setback - front	45'
Minimum setback - rear	20'
Minimum setback - side	20'
Minimum Width	50'
Maximum Height	36'
Maximum FAR	Not required
Minimum open space	Not required

### ***Frontage Exception Lots***

The minimum lot frontage may be reduced by 50 feet per lot provided the minimum lot area required for each lot is doubled.

***Hammerhead Lots***

A hammerhead lot with a minimum frontage and lot width of 50 feet shall be allowed if the lot area is at least 200,000 square feet in an R-10/8 district. The lot shall contain a dwelling location square with a minimum side of 200 feet in an R-10/8 district. No dwelling is allowed within 50 feet of any lot line and no more than two hammerhead lots shall have contiguous frontage

***Common Driveway***

Common driveways provide vehicular access by rights of ways or easements for more than one lot. Common driveways are not streets and do not provide frontage for lots. Common driveways shall not serve more than 12 lots and common driveways serving more than 6 lots require a special permit by the Planning Board and driveways serving between 3 and 6 lots require a special permit unless specific design criteria is met including being laid out on a way at least 20 feet wide with 12 wide paved surface and 3 foot wide clear shoulders on either side.

***Open Space Development***

Parcels over 6 acres in size are eligible to be developed as Open Space Developments. Under the provisions of this section, dimensional requirements are reduced in order to preserve large sections of open space; however, the maximum number of lots is not greater than that possible under the terms of the underlying zoning. In the case of R-8/4 districts, the provisions of the R-8 zone are used, so 80,000 square foot lots provide the development base versus 100,000 square foot lots.

***Planned Conservation Residential Communities (PRCC)***

The subject property is also eligible to be developed as a PRCC as it contains at least 8 acres. Under this provision, the maximum number of dwelling units is 80% of the total land area divided by 80,000 square feet rounded up. This would equate to as many as 10 units by calculation. Engineering is required to determine the exact number of units physically possible under this provision of zoning. The scope of work for this assignment is such that it is agreed that such an analysis would not take place.

***Affordable Housing Overlay District***

According to the Acton zoning map, the subject property is located in Sub-District A of the Affordable Housing overlay district. In Sub-District A, the Planning Board may authorize a Minor Affordable Housing Development. Under the provisions of this section, density bonuses are allowed on a sliding scale depending on the number and type of affordable units. Developing a Highest and Best Use scenario under this provision of zoning is beyond the scope of work agreed on in this appraisal, so description of this provision is strictly to note all potential discretionary uses of land.

***Subdivision Regulations***

A single access street is limited to 500 feet as of right or up to 1,500 feet in an Open Space Development where there is an open space buffer 300 feet back from that portion of the public street upon which the proposed street has frontage.

***Rivers Protection Act***

The Rivers Protection Act, effective August 7, 1996, created a buffer zone 200 feet back from any Massachusetts river. No work or development may be permitted in this river front area unless the owner proves with a Notice of Intent that the work will have no significant environmental impact and

there is no practical equivalent environmental alternative to the proposed development. The local Conservation Commission can approve the development with an Order of Conditions. Department of Environmental Protection regulations require a 100 foot wide corridor be left essentially "undisturbed". The Grassy Pond Brook divides the subject site into two lobes of upland and the 200 foot buffer zone would apply on each side of this stream.

#### **CONCLUSION**

The subject is zoned to allow for residential development of single family lots at least 80,000 square feet in size. Lot frontage can be reduced to 50 feet for lots at least 200,000 square feet in size. A determination of the development potential of the subject possible under the provisions of the Residence 8/4 zoning district has been made by Stamski & McNary, Inc. Their plan showing 7 lots on a cul-de-sac has been used as the basis of this appraisal.

**ASSESSMENT AND TAXES**

The subject property is assessed by the Town of Acton, Massachusetts, as follows:

Land Assessment:	\$729,900
Building Assessment:	<u>\$294,000</u>
Total Assessment	\$1,023,900

The tax rate for fiscal year 2013 is \$19.10 per \$1,000 of assessed value and the total taxes are \$19,556.49. Based on our opinion of value found later in this report, the land is under-assessed.

The balance of the five-year assessment history of the subject is as follows:

FY 2012 - \$1,257,100  
FY 2011 - \$1,265,100  
FY 2010 - \$1,273,000  
FY 2009 - \$1,266,800

---

## PART III — ANALYSIS AND CONCLUSIONS

---

### HIGHEST AND BEST USE

Highest and Best Use is defined as:

"The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."<sup>4</sup>

The Highest and Best Use is that use which will produce the greatest net return to the land and the improved property.

#### *Physically Possible Uses*

The subject property has 17.45 acres of land in Acton improved with an antique bungalow and a detached two car garage. The lot has frontage on both Wright Terrace and Central Street. The subject house is located at the crest of Wright Hill and has excellent view to the west and southwest including sunset views and distant views of Mt. Wachusett. The site slopes down to the east to the Central Street frontage. The subject property is subject to several deed restrictions which limit its development including a restriction preventing through traffic from Massachusetts Avenue to Central Street and a restriction which limits the number of new lots at the house to six. Continued use of the existing house and new development of the site is physically possible.

#### *Legally Permissible Uses*

The subject is zoned to allow for residential development of single family lots at least 80,000 square feet in size. Lot frontage can be reduced to 50 feet for lots at least 200,000 square feet in size. A determination of the development potential of the subject possible under the provisions of the Residence 8/4 zoning district has been made by Stamski & McNary, Inc. Their plan showing 7 lots on a cul-de-sac has been used as the basis of this appraisal, with consideration also given to the deed restriction limiting the number of new lots to six.

#### *Economically Feasible Uses & Maximally Productive*

Acton is a small town which is primarily residential in nature. It's location on Route 2 near Interstate 495 and its excellent school system makes it a desirable place to live. The residential market has been quite stable this decade, with prices appreciating more slowly than the region as a whole earlier this decade and showing only a modest drop in prices during the recent downturn until recently. Marketing times are very low. Construction rates have rebounded recently, are double those in 2009 and are equal to the highest levels of the last decade.

The subject property with has street frontage on both Wright Terrace and Central Street. The Wright Terrace frontage can support a lot with the existing improvements on 3.67 acres. The Central Street frontage can physically support a seven lot conventional subdivision on 13.67+/- acres, although one of

---

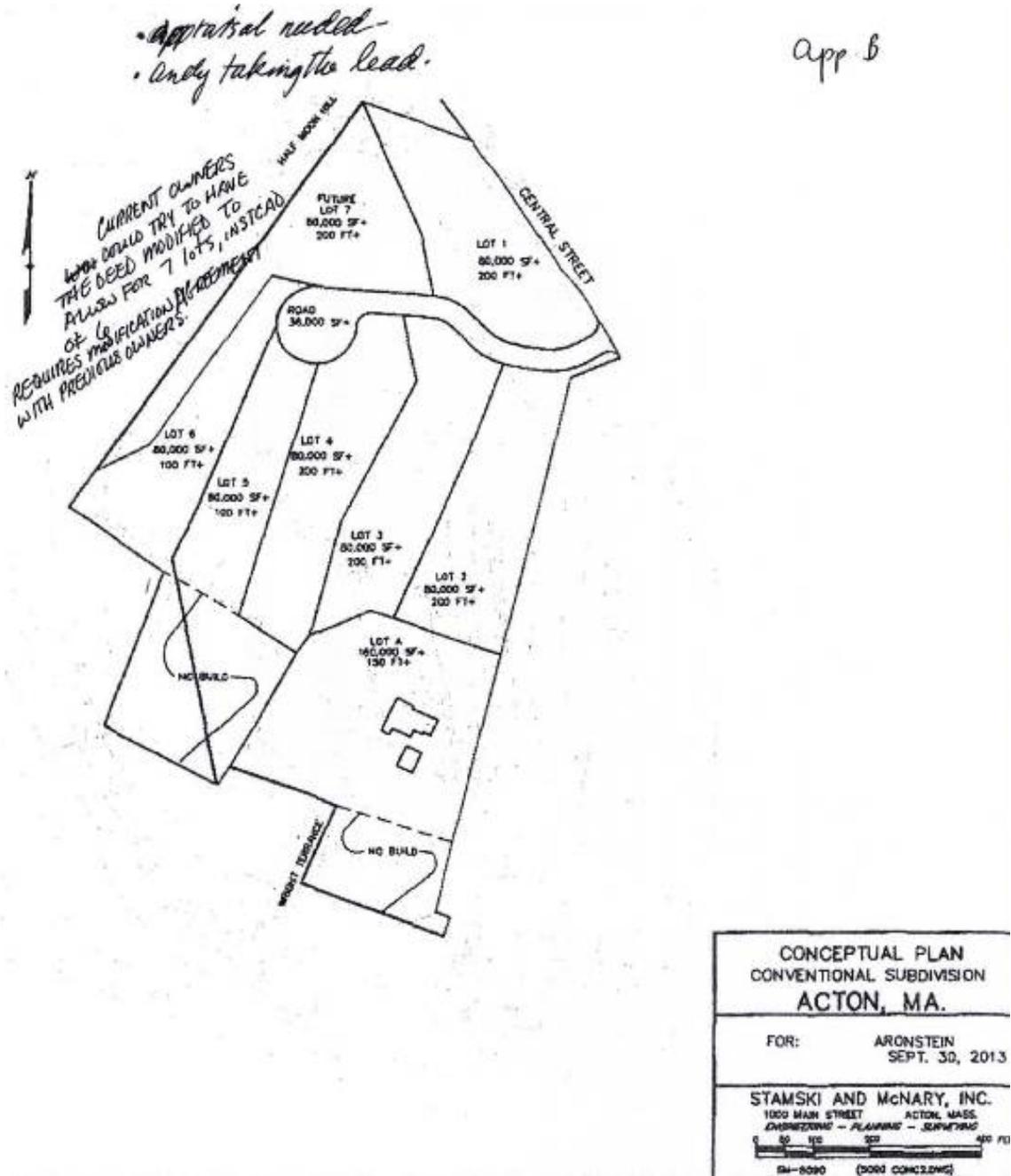
<sup>4</sup> *The Dictionary of Real Estate Appraisal*, 5<sup>th</sup> ed. (Chicago: Appraisal Institute, 2010), 93.

the lots would require the lifting of the deed restriction limiting the site to six new lots. The layout of both the existing improved lot and the 6/7 lot subdivision has been laid out by Stamski & McNary, Inc. and has deemed to be legally permissible by the Town of Acton.

#### CONCLUSION

It is our opinion that the Highest and Best Use of the subject property with 13.67+/- acres would be the layout of seven new lots off Central Street, with six lots immediately buildable and one future lot bundles with one of the six immediately buildable lots so that a seventh lot could be developed in the future with the possible with the lifting of the deed restriction limiting the number of new lots. The existing house would remain on a separate 3.67 acre lot accessible from Wright Terrace.

Figure 9. Hypothetical Subdivision Plan



## INTRODUCTION TO VALUATION ANALYSIS

In estimating the market value of subject property, all three approaches to value were considered as they applied to the subject. These approaches are the Cost Approach, the Income Capitalization Approach and the Sales Comparison Approach to Value. While the indicated values of the three approaches are obtained independently of one another, the steps undertaken within each approach are interrelated.

The Cost Approach to Value normally applies to special purpose property or new construction that constitutes the Highest and Best Use of the land. Since the 13.78+/- acre subject property is vacant land, this approach was not applied. The subject property with 3.67 acres is an older dwelling where cost is not typically relied on in the marketplace by buyers and sellers except for in new construction. Therefore, this approach was not used for the existing improvements on 3.67 acres.

In the appraisal of income producing property, the Income Capitalization Approach to Value is based on the capitalization of net income. The potential gross income is obtained from an estimate of the market appropriate for the property. Then expenses attributable to this development are deducted. The net income is discounted at a rate to reflect the present value of the investment. The subject property with 13.78+/- acres is vacant land suitable for subdivision into six new lots, so this approach is applicable. Since the improved lot is not capable of further subdivision, the Income Capitalization Approach was not used for the improvements on 3.67 acres.

The Sales Comparison Approach to Value, also known as the Market Data Approach, relies on the prices paid for similar properties in actual market transactions. The subject property is analyzed and compared to each sale, and each sale is analyzed to one another. When there are a sufficient number of comparable sales, this approach is considered to produce a reliable indication of value. There were no sales available comparable to the subject as a whole, so this approach was not used to estimate the value for the entire subject. There were several sales of residential lots in Acton suitable for use in the application of the Income Capitalization Approach, so the Sales Approach was used for this purpose. This approach was also used to value the house on the 3.67 acre lot.

## SALES COMPARISON APPROACH TO VALUE

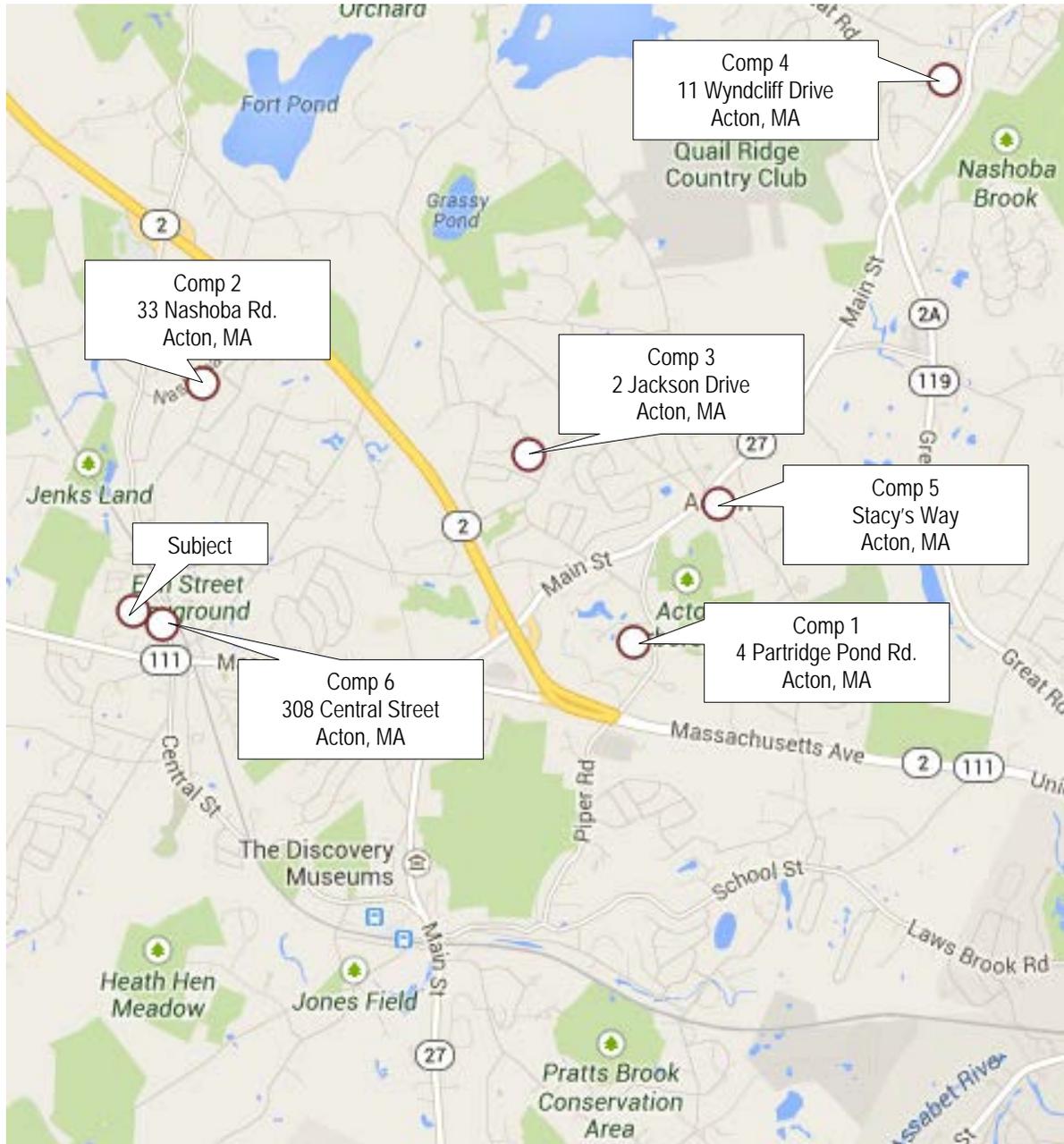
The Sales Comparison Approach to Value is a comparative process whereby various sales have been directly compared to the property under study. This approach is based on the principle of substitution which states that a knowledgeable buyer will not pay more for a property than what other like properties are transacting at on the market or that are available for sale on the present real estate market.

This approach starts with an analysis of the subject and research in the market for recent comparable sales and listings. The sales are analyzed for the degree of comparability to the subject and to detect dissimilarities. The sales are then compared to one another as a basis for making individual component adjustments. After making these adjustments, an indicated value range for the subject is developed. From this range a value is selected and applied directly to the subject property.

The subject property, on Central Street with 13.78+/- acres will be considered first. It has a Highest and Best Use as six lots with roughly 1.84 acres each and a potential 7th lot also with 3.67 acres. As indicated in the Market Area Characteristics section, there have been several recent sales of residential building lots in Acton on which to base a comparison for lots at the subject. The 3.67 acre lot with the existing improvements will be considered subsequent to the 13.78+/- acre Central Street analysis. Comparable Sales of antique houses near West Acton will be used for comparison to the house in a section following the Income Capitalization Approach to Value for the 13.78+/- acre subject property.

Information on the comparable sales used was gathered from the registries of deeds, local assessor's offices, the Bay State Multiple Listing Service, Banker & Tradesman Online, and area real estate brokers. The comparable sales are fully described as follows:

Figure 10. Comparable Lot Sales Map



## COMPARABLE LOT SALES

## Comparable Lot Sale No. 1



## 4 Partridge Pond Road, Acton, MA

Zoning:	R8/4	
Sale Date:	8-30-2013	Title: 62554/589
Grantor:	Joseph Dispena	
Grantee:	Needham Woods Corporation	
Sale Price:	\$345,625	
Confirmed:	Deed, MLS	Special Circumstances: None known
Assessment:	\$326,000	Area: 2.60+/- acres
Frontage:	150 feet	Ave. Depth: 600+/- feet
Topography:	Level lot with wetlands near street	
Usage:	Single-family residential building lot	
Utilities:	Electricity, Telephone	
Easements or Restrictions:	None noted on deed	
Plan:	Lot A Plan No. 1119 of 1980	

**Description:**

Located in a high-end subdivision near Route 2. The property sold after 50 days on the market after being listed for \$389,900.

Comparable Lot Sale No. 1



---

**Comparable Lot Sale No. 2**


---


**33 Nashoba Road, Acton, MA**

Zoning:	R-2	Title:	62093/53
Sale Date:	6-25-2013		
Grantor:	Serena E. H. Dee		
Grantee:	R. D. Kanniard Homes, Inc.		
Sale Price:	\$300,000		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$378,600	Area:	0.75 acres
Frontage:	146 ft – Nashoba Rd	Ave. Depth:	225+/- feet
	225 ft – Mohawk Dr		
Topography:	Level corner lot		
Usage:	Single-family residential building lot		
Utilities:	Electricity, Telephone, Water		
Easements or Restrictions:	None noted on deed		
Plan:	Lot 5 Book 7053 Page 109		

**Description:**

Previously improved corner lot located in an older subdivision on the north side of Acton. The property included a house which was razed after the sale and sold after 15days on the market after being listed for \$329,000.

Comparable Lot Sale No. 2



---

**Comparable Lot Sale No. 3**


---


**2 Jackson Drive, Acton, MA**

Zoning:	R-2	Title:	61006/461
Sale Date:	1-18-2013		
Grantor:	John M. Morrison & Carolyn A. Morrison		
Grantee:	Brian Daniell & Michelle Daniell		
Sale Price:	\$353,000		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$296,500	Area:	0.84 acres
Frontage:	160 feet	Ave. Depth:	150+/- feet
Topography:	Rolling lot		
Usage:	Single-family residential building lot		
Utilities:	Electricity, Telephone, Water		
Easements or Restrictions:	None noted on deed		
Plan:	Lot 6B-A4 Plan No. 115 of 2012		

**Description:**

Located in a high-end subdivision on the north side of Acton. The property includes a septic design and permit for a 4 bedroom house and sold after 62 days on the market after being listed for \$389,000.



---

**Comparable Lot Sale No. 4**


---

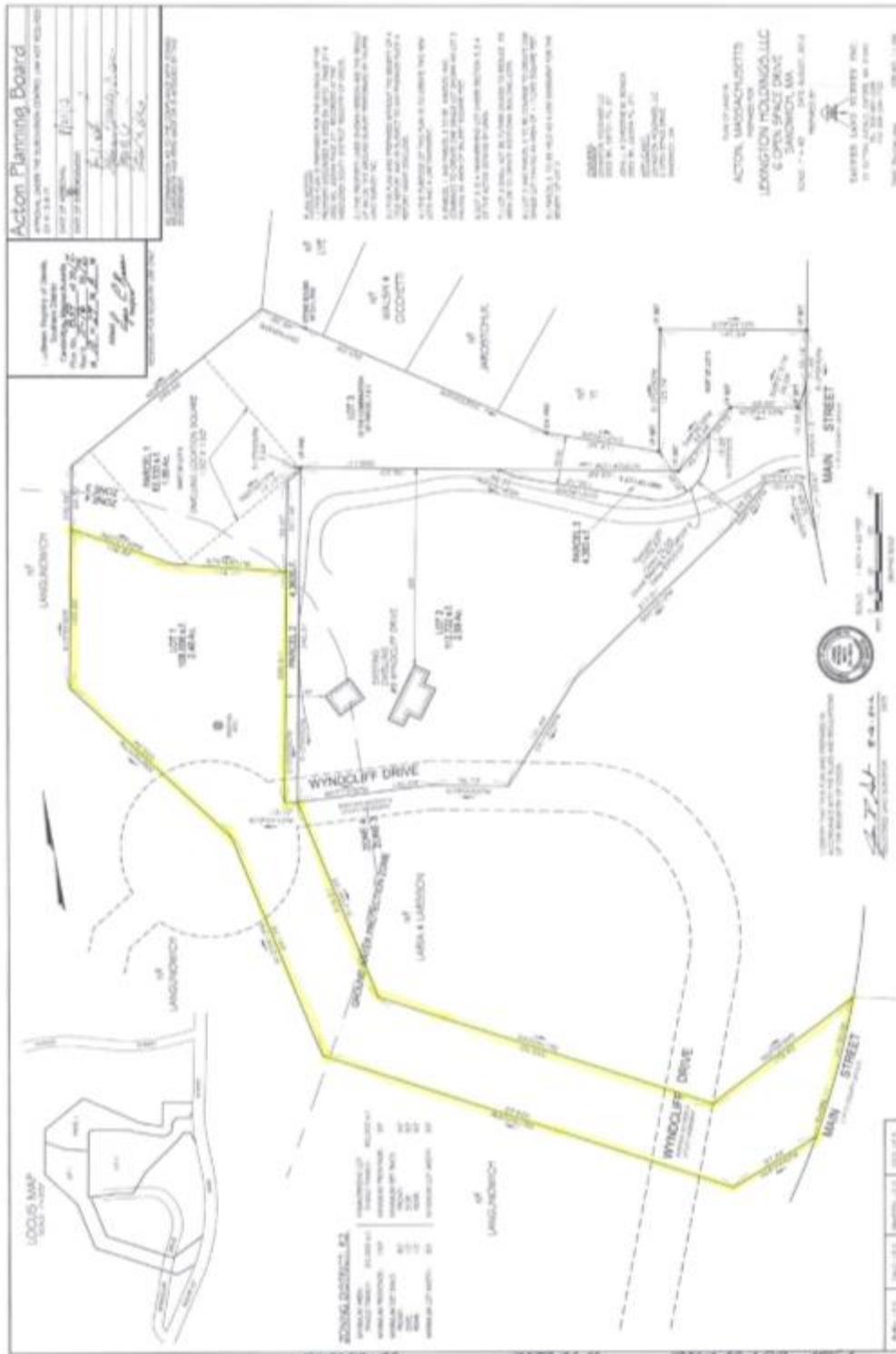

**11 Wyndcliff Drive, Acton, MA**

Zoning:	R-2	Title:	60686/330
Sale Date:	12-10-2012		
Grantor:	Lexington Holdings LLC		
Grantee:	Devashish Chintamani & Nirupama Chintamani		
Sale Price:	\$350,000		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$310,300	Area:	2.48 acres
Frontage:	150 feet on Main St.	Ave. Depth:	200+/- feet
Topography:	Developable		
Usage:	Two single-family residential building lots		
Utilities:	Electricity, Telephone, Well		
Easements or Restrictions:	Subject/benefit Protective Covenants and Easements; subject to grant to Boston Edison & New England Telephone; subject to Order of Taking by Acton Water supply district		
Plan:	Lot 1 Plan No. 839 of 2012		

**Description:**

The sale property is a hammerhead lot with frontage on Main Street, but with access over a common driveway known as Wyndcliff Drive. The overall lot size is 2.5+/- acres, but the actual building site is less than 1 acre.

Comparable Lot Sale No. 4



---

**Comparable Lot Sale No. 5**


---



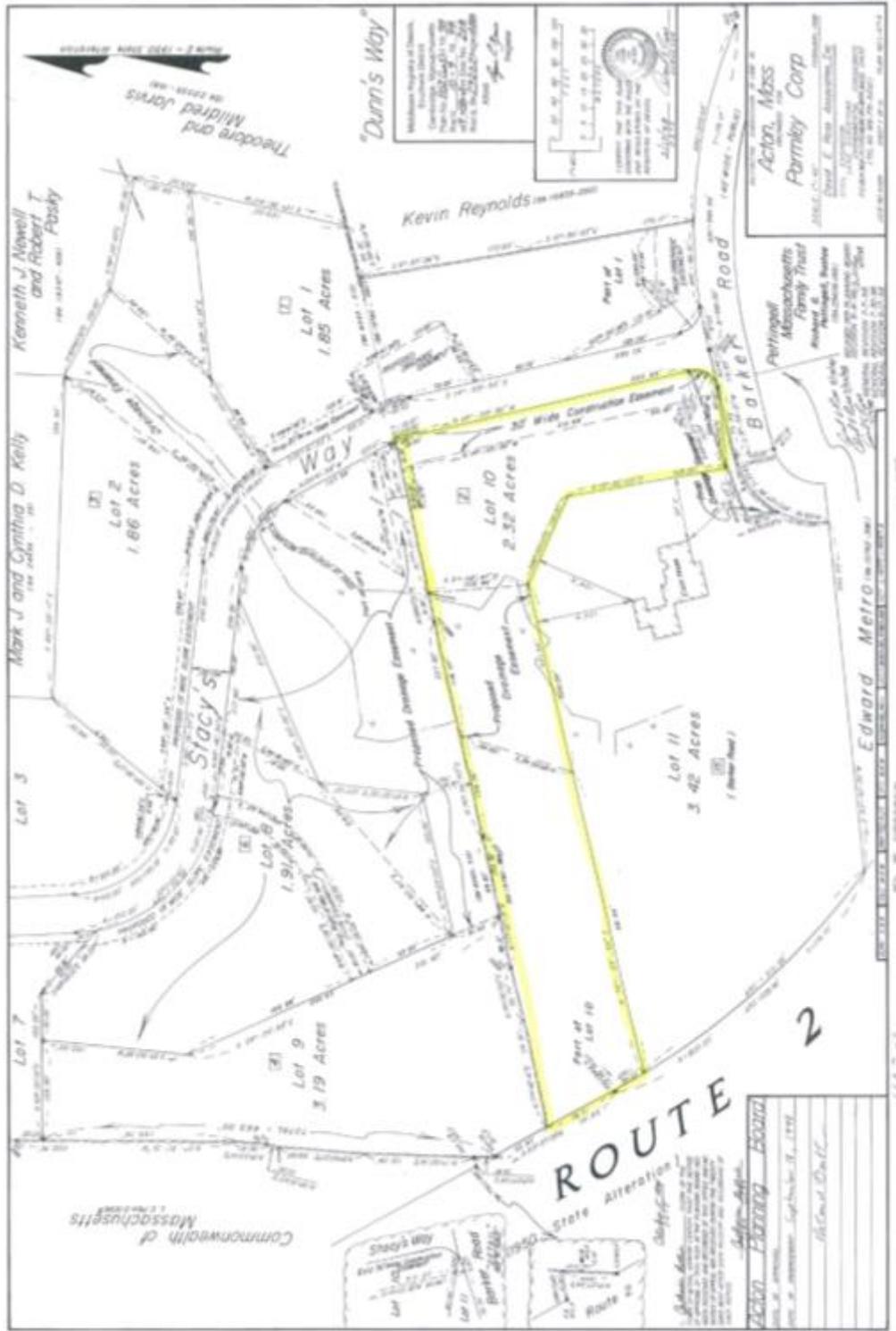
**Stacy's Way, Acton, MA**

Zoning:	Residential 8/4	Title:	54950/331
Sale Date:	7-6-2010		
Grantor:	Ree Wells Czajkowski		
Grantee:	Newest Building Corp.		
Sale Price:	\$325,000		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$312,900	Area:	2.32 acres
Frontage:	310.57 ft - Stacy's Way	Ave. Depth:	200 feet
	85.50 ft - Barker Rd		
	39.27 ft - jct		
	113.71 ft - Route 2		
Topography:	Rolling lot with drainage easement		
Usage:	Single-family residential building lot		
Utilities:	Electricity, Telephone, Water		
Easements or Restrictions:	None noted on deed; drainage & construction easement noted on plan		
Plan:	Lot 10, Plan No. 1102 of 1998		

**Description:**

The sale property is an irregularly shaped lot with a limited building site on the corner of Barker Road & Stacy's Way; the site has frontage on Route 2, but the building site is somewhat removed from this frontage; 4 bedroom septic permit in hand sold after 18 days on the market with an original listing price of \$325,000.

Comparable Lot Sale No. 5



## LOT VALUATION

### *Adjustments*

The subject property consists of six subdivision lots off a short cul-de-sac off Central Street. Due to the desirability of a cul-de-sac location, all of the lots will be accessed off the cul-de-sac even though one lot could potentially have access directly from Central Street. The sales will be adjusted to the typical subdivision lot. Before adjustments, the comparable sales ranged in price from \$300,000 to \$353,000. They have been adjusted as follows:

### *Property Rights Conveyed, Conditions of Sale, Favorable Financing*

All of the sales were arms-length, conveyed on a fee simple basis, and without unusual financing.

### *Market Conditions*

The market real estate market had been declining through the first quarter of 2009 after a relatively strong market in 2005. Since that time, the market has been relatively stable so no adjustment for market conditions is required. While average house prices have varied somewhat, the market has generally been level over the last few years. The fact that housing starts are rising and the most recent lot sales are trending upward indicates that a downward adjustment for market conditions is not warranted.

### *Land Area*

The subject lots being valued having 1.84 acres Comparable Sale Nos. 1, 4 & 5 had similar land areas and required no adjustment. The other Comparable Sales had smaller land areas less than one acres and less overall privacy and required a slight upward adjustment for this factor.

### *Location*

Subject property has an excellent location in a desirable area of Acton near West Acton center This is similar to all of the Comparable Sales, so no adjustments were necessary for this factor.

### *Utilities*

The subject property has access to town water but requires on-site septic. Comparable Sale Nos. 3 & 5 had water plus fully designed septic systems, so downward adjustments were required for these Sales. Comparable Sale No. 4 had an existing well which was equivalent to the subject. Comparable Sale No. 1 had no water, so an upward adjustment was required for this Sale. Comparable Sale No. 2 was similar to the subject and no further adjustments were required.

### *Demolition*

The subject lots currently being valued and most of the Comparable Sales did not have houses requiring demolition, so no adjustments were required for any of these Sales. Comparable Sale No 2 did have a house requiring demolition, so a small upward adjustment was made to this sale.

### *Topography/Setting*

The subject consists of subdivision lots that are accessible via a new cul-de-sac roadway. Comparable Sale Nos. 1, 3 & 5 are very similar to the subject. Comparable Sale No. 2 is on a corner of a busier

street and is adjusted up. Comparable Sale No. 5 is a corner lot in a regular subdivision and is adjusted up slightly.

#### **CONCLUSION**

After all adjustments, these sales range in value from \$331,250 to \$385,000. The value of the subject lots is seen as being in the middle of the value range. Given the Comparable Sales data, the value of the 1.84 acre subdivision lots at the subject property is considered to be \$350,000.

The adjustments used to determine the value of the subject property are summarized on the following page:

Figure 11. Sales Comparison Approach to Value –Lot Valuation

<b>CENTRAL STREET, ACTON RESIDENTIAL LOT ANALYSIS</b>					
	<b>Comparable Sale 1</b>	<b>Comparable Sale 2</b>	<b>Comparable Sale 3</b>	<b>Comparable Sale 4</b>	<b>Comparable Sale 5</b>
	4 Partridge Pond Road Acton	33 Nashoba Road Acton	2 Jackson Drive Acton	11 Wyndcliff Drive Acton	Stacy's Way Acton
<b>Purchase Price</b>	\$345,625	\$300,000	\$353,000	\$350,000	\$325,000
<b>Date of Sale</b>	8/30/2013	6/25/2013	1/18/2013	12/10/2012	7/6/2010
<b>Adjustments</b>					
<b>Conditions of Sale</b>	Similar	Similar	Similar	Similar	Similar
<b>Market Conditions</b>					
Months of Depreciation	0	0	0	0	0
<b>Adjusted Price</b>	\$345,625	\$300,000	\$353,000	\$350,000	\$325,000
<b>Land Area</b>	2.60	0.75	0.84	2.48	2.32
1.84	0%	10%	10%	0%	0%
<b>Location</b>	Similar	Similar	Similar	Similar	Similar
	0%	0%	0%	0%	0%
<b>Utilities</b>	None	Water	Water & Septic plan	Well	Water & Septic plan
Water	1%	0%	-3%	0%	-3%
<b>Demolition</b>	No	Yes	No	No	No
None	0%	3%	0%	0%	0%
<b>Topography &amp; Setting</b>	Premier Subdivision 0%	Corner, Older Subdivision 15%	Premier Subdivision 0%	Common Driveway 0%	Corner 5%
<b>Net Adjustment</b>	1%	28%	7%	0%	2%
<b>Indicated Value</b>	\$350,625	\$385,000	\$378,300	\$350,000	\$331,250
	Average:	\$359,035			
	Median:	\$350,625			

## DISCOUNTED CASH FLOW ANALYSIS

The Income Capitalization Approach to Value is based on the fact that purchasers of income producing properties buy with the anticipation of receiving future benefits in the form of an income stream.

The net annual income anticipated is converted into a single present value estimate through a capitalization process. The potential gross income is estimated from the sale of the potential lots in subject property. From the potential gross income an amount for all appropriate expenses is deducted that are consistent with the type of development property.

Once all expenses have been deducted, the net income results. An appropriate discount rate is then developed which considers current mortgage terms and owners expected return on equity. The net income is then discounted to arrive at a value indication for the subject property.

### *Discounted Cash Flow Analysis*

A Discounted Cash Flow Analysis is a variation of the Income Approach to Value. It is most appropriate in the valuation of land subdivisions and other development projects. It is defined as:

"The procedure in which a discount rate is applied to a set of projected income streams and a reversion. The analyst specifies the quantity, variability, timing, and duration of the income streams and the quantity and timing of the reversion, and discounts each to its present value at a specified yield rate."<sup>5</sup>

This analysis isolates the time value of money in the future. The future cash benefits are discounted back to the present to indicate the present value of the property.

Under the Discounted Cash Flow (DCF) Analysis, the indicated market value is based on the total present worth of income stream for each year.

At the request of the client, the subject property is analyzed in two scenarios. First, a 13.78+/- acre parcel physically capable of being subdivided into seven lots, but legally limited to 6 lots is analyzed in the Discounted Cash Flow analysis which follows here. Secondly, a separate 3.67 acre parcel with the existing improvements is analyzed in a separate Sales Comparison Approach which follows this section. The House on 3.67 acres is not included in any Discounted Cash Flow scenario. The 13.78+/- acre is analyzed as follows:

### *Income*

The Highest and Best Use of the subject with 13.78+/- acres is for subdivision into six lots. The seventh lot is not legally permissible due to the restriction limiting the subdivision of the land into a maximum of seven lots. It is possible that this restriction could be lifted in the future, so this extra lot would be included in the sale of an adjoining lot. The DCF assumes that the subdivision will be approved in 3-6 months and that two lots will be sold the first year and four lots will be sold the second year. As previously stated in the Sales Comparison Approach that appeared first, the typical subdivision lot

---

<sup>5</sup> *The Dictionary of Real Estate Appraisal*, 5<sup>th</sup> ed. (Chicago: Appraisal Institute, 2010), 59.

would sell for \$350,000. The one lot with the potential seventh lot is estimated to sell for a 25% premium. This premium is based on a similar scenario in Boylston where a lot with a potential extra lot sold for a 27% premium. That circumstance was somewhat different in that a discontinued road would need to be improved, but the legality of the extension was not dependent on getting a third party release, but would involve the development of a road adjacent to watershed protection land of the Wachusett Reservoir, so the development of this extra lot would be controversial. Overall it is considered a good indicator of the value of the extra lot, so an average lot value of \$365,000 is based on 5 lots at \$350,000 each and one lot with the potential extra is valued at \$440,000.

### ***Expenses***

Normal brokerage costs for land are 5% of the final sales price plus a percentage allowance for recording fees.

The legal fees for conveyancing are estimated at \$800 per lot sale.

Permitting and engineering costs for the subdivision of the property have been estimated to be \$48,000 based on an allowance of \$8,000 per buildable lot.

The development requires the construction of a roughly 500 foot roadway. This is estimated to cost \$400 per lineal foot for a total cost of approximately \$200,000.

The actual real estate taxes for the subject property are expected to be \$20,140 the first year based on the existing tax burden plus a 3% inflation factor. In the second year, the taxes are based on the value of the lots based on one half the unsold inventory. The estimate includes an allowance for an increase in the tax rate.

Finally, a profit for the entrepreneurial developer to motivate the developer is estimated at 15% of the gross sales. This reflects the risk of the subdivision from physical, legal, and market uncertainties, and is based on discussions with developers in Massachusetts and published survey data. The strong reputation of Acton and the cost of infrastructure factor into this rate.

### ***Discount Rate***

In the Discounted Cash Flow Analysis, the net income in each year is discounted back to the present value by an appropriate discount rate. The discount rate reflects the rate of return achievable for alternate investments, the degree of risk and the time value of money tied up in the property for several years. The illiquidity of investing in real estate is also factored in to the derivation of the discount rate.

The derivation of the discount rate for this valuation is shown below. For a base rate we have used the December 2013 yield rate figure for U.S. Government two year bonds as published on Bloomberg.com. This base rate reflects what an investor can achieve for a return with the least risk and highest liquidity. To this base rate is added 4.0% each for the added risk and illiquidity inherent in the subject property as compared to a bond. This is slightly higher than the typical subdivision due to the unique legal risks involved. This result has been rounded to a total discount rate of 8.50%.

***Derivation of Discount Rate***

Base	0.40%
Risk	4.00%
Illiquidity	4.00%
Total Discount Rate	8.40% rounded to 8.50%

**CONCLUSION**

The selected discount rate of 8.50% is then applied to the annual net income. This produces the indicated value for the entire subject property with 6 immediately saleable lots by the Income Capitalization Approach to Value of \$1,275,067, rounded to \$1,280,000.

This analysis has been summarized on the following page.

Figure 12. Discounted Cash Flow Analysis

**DISCOUNTED CASH FLOW ANALYSIS  
6 LOT SUBDIVISION  
CENTRAL STREET, ACTON**

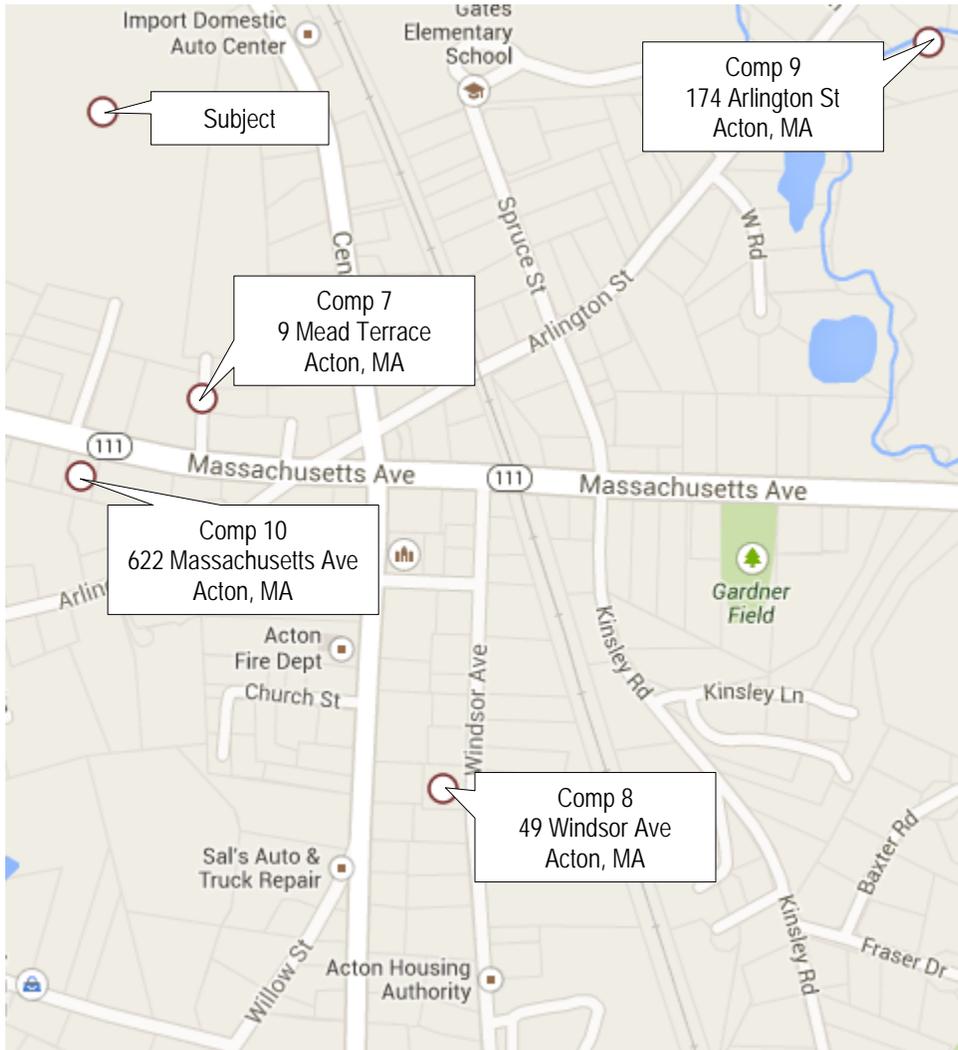
6 LOT SUBDIVISION	Year:	1	2
INCOME	Lot Sales	2	4
Average lot price		\$365,000	\$365,000
GROSS LOT SALES		\$730,000	\$1,460,000
DEVELOPMENT EXPENSES			
Brokerage	5.046%	\$36,836	\$73,672
Legal per lot	\$800	\$1,600	\$3,200
Engineering and Permitting		\$48,000	
Road		\$200,000	
Real Estate Taxes		\$20,140	\$3,695
Overhead and Profit	15%	\$109,500	\$219,000
TOTAL EXPENSES		\$416,076	\$299,566
NET INCOME		\$313,924	\$1,160,434
DISCOUNT RATE	8.50%	1.0850	1.1772
PRESENT WORTH		\$289,331	\$985,736
INDICATED MARKET VALUE		\$1,275,067	
ROUNDED TO		\$1,280,000	
VALUE PER LOT		\$213,333	

**HOUSE VALUATION**

The subject property separately consists of the existing improvements on a 3.67 acre lot. Several sales of antique homes in Acton were found on which to base the valuation of the improved parcel. All of the Comparable Sales took place in the last 6 months or so and many were in close proximity to the subject property in West Acton.

Information on the comparable sales used was gathered from the registries of deeds, local assessor's offices, the Bay State Multiple Listing Service, Banker & Tradesman Online, and area real estate brokers. The comparable sales are fully described as follows:

Figure 13. Comparable House Sales Map



## COMPARABLE HOUSE SALES

## Comparable House Sale No. 6



308 Central Street, Acton, MA

Zoning:	Village Residential	
Sale Date:	12-2-2013	Title: 63006/325
Grantor:	Sharon Brown	
Grantee:	Robert M. Kaufman & Piyarat Intachim-Kaufman	
Sale Price:	\$559,000	
Confirmed:	Deed, MLS	Special Circumstances: None known
Assessment:	\$459,700	Area: 0.53 acres
Frontage:	Central St – 121.43 ft	Ave. Depth: 150+/- feet
Topography:	Gently sloping lot at front; steeper at rear	
Usage:	Antique house	
Utilities:	Electricity, Telephone, Water	
Easements or Restrictions:	None noted on deed	
Plan:	Lot 2A Plan No. 1071 of 1998	

**Description:**

9 room, 4 bedroom, 1. bath antique with 2,000 square feet; built 1870; modern kitchen with new cabinets and granite countertops; two car detached garage with guest apartment above; located on Form A lot on busy road in West Acton; sold after 37 days on the market listed at \$559,000.

---

**Comparable House Sale No. 7**


---



**9 Mead Terrace, Acton, MA**

Zoning:	R-2	Title:	Land Court Doc.
Sale Date:	10-16-2013		No. 1656540
Grantor:	Ryan Bowen & Kathryn F. Quillinan		
Grantee:	Marcia Fraher		
Sale Price:	\$585,000		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$452,200	Area:	0.31 acres
Frontage:	Mead Terrace – 84+/- feet	Ave. Depth:	160+/- feet
Topography:	Sloping lot		
Usage:	Antique		
Utilities:	Electricity, Telephone, Water		
Easements or Restrictions:	None noted on deed		
Plan:	Lot 4 Plan Book 54 Plan 88		

**Description:**

Located near West Acton Village on a short dead-end side street; 10 room, 4 bedroom, 2.5 bath antique colonial with 2,228 square feet; built 1849; updated kitchen; no garage; sold after 32 days on the market originally listed at \$609,000.

---

**Comparable House Sale No. 8**


---


**49 Windsor Avenue, Acton, MA**

Zoning:	Village Residential	
Sale Date:	8-12-2013	Title: 62430/539
Grantor:	Jerry H. Berke & Rosalie S. DeQuattro	
Grantee:	Benjamin K. Glazer & Melissa LoPorto	
Sale Price:	\$662,000	
Confirmed:	Deed, MLS	Special Circumstances: None known
Assessment:	\$620,400	Area: 0.38 acres
Frontage:	Windsor Ave. - 132.00 feet	Ave. Depth: 125+/- feet
Topography:	Level lot at street grade	
Usage:	Antique	
Utilities:	Electricity, Telephone, Water	
Easements or Restrictions:	None noted on deed	
Plan:	None	

**Description:**

Located near West Acton Village on a short side street; 11 room, 4 bedroom, 2.5 bath antique colonial with 3,572 square feet; built 1900 per listing sheet; updated kitchen, vintage bathroom; no garage; sold after 29 days on the market originally listed at \$669,000.

---

**Comparable House Sale No. 9**


---


**174 Arlington Street, Acton, MA**

Sale Date:	6-26-2013	Title:	62109/250
Grantor:	Ronald W. Torreti & Marcella J. Torreti		
Grantee:	Thomas Napoli & Lydia Higgins		
Sale Price:	\$653,750		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$572,600	Area:	1.01 acres
Frontage:	Arlington St. - 215.14+/- ft		
Topography:	Level lot at street grade; wetlands at rear		
Usage:	Antique		
Utilities:	Electric, Telephone, Water		
Easements or Restrictions:	Subject to easements		
Plan:	Lot 1A Plan No. 757 of 1999		

**Description:**

Ten room, 4 bedroom, 2 bath & 2 half bath antique colonial with 3,404 square feet of living area; built 1900 per listing sheet; remodeled kitchen; two car detached garage; originally listed for \$659,950; sold after 6 days on the market

---

 Comparable House Sale No. 10
 

---

**622 Massachusetts Avenue, Acton, MA**

Sale Date:	6-25-2013	Title:	62092/417
Grantor:	Michael N. Shailer & Brandi L. Shailer		
Grantee:	Benjamin D. Lieberman & Nancy J. Waters		
Sale Price:	\$480,500		
Confirmed:	Deed, MLS	Special Circumstances:	None known
Assessment:	\$359,300	Area:	0.31 acres
Frontage:	Massachusetts Ave – 90+/- ft		
Topography:	Lot at street grade with slope down at rear		
Usage:	Antique Bungalow		
Utilities:	Electric, Telephone, Water		
Easements or Restrictions:	None noted on deed		
Plan:	Lot 3 Book 400 Plan 37		

**Description:**

Ten room, 3 bedroom, 2.5 bath bungalow with 2,330 square feet of living area; built 1925; good condition; one car detached garage; originally listed for \$474,900; sold after 23 days on the market .

The subject property consists of an antique bungalow with 2,880 square feet of living area and a detached two car garage. For the purposes of this valuation, it is appraised on a 3.67 acre lot as shown on the proposed subdivision plan. Before adjustments, the house sales ranged in price from \$480,500 to \$662,000. They have been adjusted as follows:

#### **ADJUSTMENTS**

##### ***Property Rights Conveyed, Favorable Financing, and Conditions of Sale***

All sales are the arms-length transfers of the fee simple interest without favorable financing, so no adjustments are necessary to the Comparable Sales.

##### ***Market Conditions***

All the Comparable Sales have occurred within the past 6 months and during this time period no measurable change in market conditions has occurred, so no adjustment is needed for market conditions.

##### ***Land Area***

The subject property has 3.67 acres of land. All of the Comparable Sales are on smaller lots, so upward adjustments for each sale is indicated. The largest Comparable Sale required the smallest upward adjustment. Adjustments are made on a percentage basis.

##### ***Location/Setting***

Subject property has an excellent location on a dead end road near West Acton. The house also has western/southwestern views including sunset views and distant views of Mt. Wachusett. All of the Comparable Sales are inferior. Comparable Sale No. 7 is the most similar to the subject, being on a nearby side street, but this Comparable Sale does not have a view, so it requires an upward adjustment for view. All of the other Comparable Sales require larger upward adjustments as they are located on busier roads as well as having no view. .

##### ***Gross Living Area***

All of the Comparable Sales were adjust by \$50 per square foot for the difference in size between the Comparable and the subject property. This adjustment was made after a qualitative review of the market data as well as consultation with Marshall and Swift costs.

##### ***Condition***

The subject property is in good condition for a 1911 vintage house. The great room is spectacular, but the balance of the house has not been recently renovated. The kitchen and both bathrooms are older and the house has some knob and tube wiring and lacks insulation. All of the houses are superior in condition. Most of the Comparable Sales have new kitchens and baths. Comparable Sale No. 10 is the most similar in condition to the subject and is only adjusted downward slightly.

##### ***Outbuildings***

The subject property has a detached two car garage, which is similar to Comparable Sale No. 9. Comparable Sale No. 7, 8 & 10 were inferior and were adjusted upward by \$10,000. Comparable Sale No. 1 was superior, with a two car detached garage with guest apartment above. This Sale required a downward adjustment in this category.

**CONCLUSION**

The adjusted prices of the sales ranged from \$627,600 to \$670,500. All of the Comparable Sales were in or near West Acton and were given equal weight. Based on the data, it is our opinion that the market value of subject antique house on a 3.67+/- acre lot to be subdivided from the larger parcel is \$650,000 as of the date of appraisal.

Figure 14. Antique House Analysis

<b>18 WRIGHT TERRACE, ACTON ANTIQUe HOUSE ANALYSIS</b>					
	<b>Comparable Sale 6</b>	<b>Comparable Sale 7</b>	<b>Comparable Sale 8</b>	<b>Comparable Sale 9</b>	<b>Comparable Sale 10</b>
	308 Central Street Acton	9 Mead Terrace Acton	40 Windsor Avenue Acton	174 Arlington Street Acton	822 Massachusetts Avenue Acton
DATE OF SALE	12/2/2013	10/16/2013	8/12/2013	6/26/2013	6/25/2013
PURCHASE PRICE	\$559,000	\$585,000	\$662,000	\$653,750	\$480,500
CONDITIONS OF SALE	Similar	Similar	Similar	Similar	Similar
FINANCING	Similar	Similar	Similar	Similar	Similar
MARKET CONDITIONS Months of Decline	0	0	0	0	0
ADJUSTED PRICE	\$559,000	\$585,000	\$662,000	\$653,750	\$480,500
LAND AREA	0.53 Smaller \$55,900	0.31 Smaller \$58,500	0.38 Smaller \$66,200	1.01 Smaller \$32,688	0.31 Smaller \$48,050
LOCATION/SETTING Dead End; View	3.67 Busy Road; Form A \$111,800	Dead End \$58,500	Side Street; Form A \$99,300	Busy Road; Form A \$130,750	Busy Road; Form A \$96,100
GROSS LIVING AREA (SF)	2,000 2,880 \$44,000	2,228 \$32,600	3,572 -\$34,600	3,404 -\$26,200	2,330 \$27,500
CONDITION Mixed	Superior -\$111,800	Superior -\$117,000	Superior -\$132,400	Superior -\$130,750	Sl. Superior -\$24,025
OUTBUILDINGS Garage	Garage, Guest House -\$10,000	None \$10,000	None \$10,000	Garage \$0	One Under \$10,000
NET ADJUSTMENT	\$89,900	\$42,600	\$8,500	\$6,488	\$157,625
INDICATED VALUE	\$648,900	\$627,600	\$670,500	\$660,238	\$638,125
		Average: Median: Indicated Value:	\$649,073 \$648,900 \$650,000		

**RECONCILIATION AND FINAL VALUE ESTIMATE**

The indicated market value of subject property by the three approaches to value is as follows.

By the Cost Approach to Value	N/A
By the Income Capitalization Approach to Value	
13.78+/- Acres	\$1,280,000
By the Sales Comparison Approach to Value	
Typical Lot	\$350,000
House on 3.67 acres	\$650,000

The Cost Approach to Value normally applies to new or special purpose properties. The subject property consists of land with older improvements. Since this approach will not give a good indication of value for a property such as the subject, due to its inherent weaknesses, it has not been used in this appraisal to value the subject.

The Income Capitalization Approach to Value capitalizes net income to arrive at an expression of market value. The subject property is appraised in part based on potential for immediate subdivision into six lots with potential for a 7th lot in the future if the deed restriction was relaxed. Thus the Income Capitalization Approach was used, as an analysis of the site has been performed that produces a reliable lot yield for the subject. Good indications of market value for the subject were obtained using this approach.

The Sales Comparison Approach to Value is a comparative process that compares recently transacted sales to arrive at a value for the subject property. This approach is applicable to the site for the value of the house and retail lots capable of being carved out of the subject site. For the purpose of this report, numerous sales of comparable properties have been studied. The sales considered most closely comparable to the subject are listed in this report and were compared directly to the subject. A good indication of value has been obtained by this approach for the value of the subject lots.

After considering all factors and giving particular attention to the condition and utility of the subject, the estimated market value fee simple of subject property as of December 18, 2013, is:

**CENTRAL STREET – 13.78+/- ACRES:  
ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS      \$1,280,000**

**18 WRIGHT TERRACE – 3.67+/- ACRES:  
SIX HUNDRED FIFTY THOUSAND DOLLARS      \$650,000**

Based on market conditions preceding this date of appraisal, it is my opinion that the exposure time to the market required prior to the date of appraisal would have been nine to twelve months for the vacant land and 30 to 60 days for the improved lot in order to achieve a sale at the price concluded herein.

ADDENDA

DEED

  
 2013 01645822  
 BK: 1437 Pg: 71 Cert#: 254327  
 Doc: DEED 07/02/2013 11:13 AM

DEED

Joseph H. Rice, an unmarried person, of Acton, Middlesex County, Massachusetts

for consideration paid, and in full consideration of One Million Six Hundred Fifty Thousand (\$1,650,000) Dollars

grants to Wright Hill Association, LLC, a Massachusetts limited liability company with its principal place of business located at 3 Gregory Lane, Acton, Massachusetts

with quitclaim covenants

the land with the buildings and other improvements thereon in Acton, Middlesex County, Massachusetts, known as and numbered 18 Wright Terrace, being more particularly described as follows:

Northerly by a Way, two hundred one and 42/100 feet;

Northeasterly by Central Street, six hundred four and 84/100 feet;

Southeasterly, thirty-six and 44/100 feet;

Northeasterly, one hundred eighty-six and 78/100 feet;

Southeasterly, sixty-four and 68/100 feet, by land now or formerly of Millard J. Handley, et al.;

Easterly by lands of sundry adjoining owners as shown on plan hereinafter mentioned, eight hundred nine and 63/100 feet;

Southerly by land now or formerly of Louisa A. Dudley, one hundred sixty-three and 36/100 feet;

*Address: 18 Wright Terrace, Acton, MA 01720*

224890

MASSACHUSETTS EXCISE TAX  
 Southern Middlesex District ROD # 001  
 Date: 07/02/2013 11:13 AM  
 Cert# 1885903062 Doc# 01645822  
 Fee: \$7,524.00 Cons: \$1,650,000.00

Westerly by the Easterly line of Davis Terrace, sixty feet;  
Southerly by the Northerly line of said Terrace, thirty-three feet;  
Easterly by the Westerly line of said Terrace, two hundred forty-five and 87/100 feet;  
Southerly by Massachusetts Avenue, three hundred thirty and 76/100 feet;  
Westerly by the Easterly line of Wright Terrace, three hundred eighty and 48/100 feet;  
Southerly by the end of Wright Terrace and by land now or formerly of Charles B. Stone, two hundred seven and 54/100 feet;  
Easterly by said Stone land, forty-two and 40/100 feet;  
Southerly, two hundred sixteen and 83/100 feet;  
Westerly, two hundred ninety-seven and 94/100 feet;  
Southerly, two hundred eleven and 78/100 feet, by land now or formerly of Martha R. Teele; and  
Northwesterly by land now or formerly of Franklin M. Upham, Jr., et al., eight hundred eighty-four and 13/100 feet.

Said parcel is shown as Lot A on said plan (Plan No. 10306<sup>A</sup>).

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 127, Page 445, with Certificate 20545.

There is excepted and excluded from the above described land Lot A<sup>1</sup> shown on plan filed in Registration Book 368, Page 397 and Lot 1 shown on plan filed in Registration Book 627, Page 61, and Lot 11 shown on plan filed in Registration Book 912, Page 45.

There is appurtenant to the above described land a right of way over the Way as shown on plan filed in Registration Book 127, Page 445 to Central Street, to be used in common with others entitled thereto.

The premises have the benefit of reservations set forth in Document No. 576693.

The premises are conveyed with the following restrictions:

1. No dwelling shall be constructed on the area lying south of the existing dwelling and between Wright Terrace and Mead Terrace, marked Area A on the sketch attached hereto as Exhibit ~~6A~~, or on the area known as the West Pasture, marked Area B on said Exhibit ~~A~~.  
B
2. Wright Terrace shall not be extended, except as necessary solely to provide frontage for any lot on which the existing dwelling will be located.
3. There shall be no public through access from Massachusetts Avenue to Central Street via the premises.
4. No more than six (6) dwellings, exclusive of the existing dwelling, may be constructed on the premises.
5. The existing dwelling may be used only for single family residential purposes. This restriction No. 5 will expire on July 1, 2017.

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

For Grantor's title, see Deed dated July 1, 2002, filed in the Registry of Deeds for the South Registry District of Middlesex County as Document No. 1217001. See also Certificate of Title No. 224890, recorded in Book 1254, Page 140.

Witness my hand and seal this 2<sup>nd</sup> day of July, 2013.

  
Joseph H. Rice

COMMONWEALTH OF MASSACHUSETTS

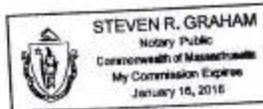
MIDDLESEX, SS.

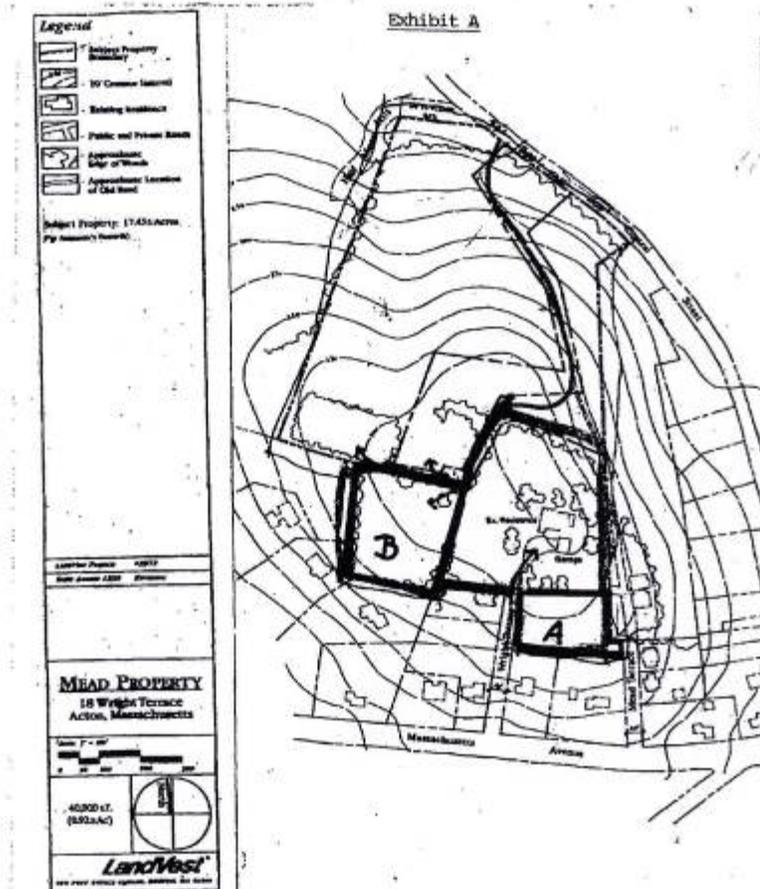
On this 2<sup>nd</sup> day of July, 2013, before me, the undersigned Notary Public, personally appeared Joseph H. Rice, proved to me through satisfactory evidence of identification, which was:  personally known to me to have the identity claimed; or  examination of Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public

My Commission Expires:

[apply seal]





**DOCUMENT 01645822**

Southern Middlesex LAND COURT

REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: Jul 02, 2013 at 11:13A

Document Fee: 125.00

Receipt Total: \$7,714.00

NEW: CERT 254327 BK 01437 PG 71

OLD: CERT 224890 BK 1294 PG 140

~~NAME TEL~~  
~~STREET ADDRESS~~  
~~CITY OR TOWN~~

1 2 1 7 0 0 1

**QUITCLAIM DEED**

18 Wright Terrace, Acton, Middlesex (South), MA

VARNUM R. MEAD, TRUSTEE of WRIGHT HILL REALTY TRUST, w/d/t dated February 25, 1991, registered with Middlesex South Registry District of the Land Court as Document No. 844892, noted on Certificate of Title No. 190434, of Oak Bluffs, Massachusetts,

for consideration of One Million Two Hundred Seventy Thousand (\$1,270,000.00) Dollars paid, grants to JOSEPH H. RICE, of 3 Gregory Lane, Acton, Middlesex County, Massachusetts,

with Quitclaim Covenants,

the land in Acton, Middlesex County, Massachusetts, with the buildings and other improvements thereon, known as and numbered 18 Wright Terrace, more particularly described as set forth in Exhibit A attached hereto.

Being the same premises described in **Certificate of Title No. 190434**, filed with Middlesex South Registry District of the Land Court in Book 1082, Page 84.

These premises are conveyed with the following restrictions, for the benefit of the grantor:

1. No dwelling shall be constructed on the area lying south of the existing dwelling and between Wright Terrace and Mead Terrace, marked Area A on the sketch attached hereto as Exhibit B, or on the area known as the West Pasture, marked Area B on said Exhibit B.
2. Wright Terrace shall not be extended, except as necessary solely to provide frontage for any lot on which the existing dwelling will be located.
3. There shall be no public through access from Massachusetts Avenue to Central Street via the property described in Exhibit A.
4. No more than six (6) dwellings, exclusive of the existing dwelling, may be constructed on the property described in Exhibit A.
5. The existing dwelling may be used only for single family residential purposes. This restriction #5 will expire on July 1, 2017.

*18 Wright Terrace Acton Ma*

BOSTI-79810-3

1217001

Witness my hand and seal, this 1st day of July, 2002.

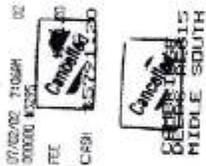
*Varnum R. Mead, Trustee*  
Varnum R. Mead, Trustee  
Wright Hill Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. July 1, 2002

Then personally appeared the above-named Varnum R. Mead, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed, before me

*[Signature]*  
Notary Public  
My commission expires: CHRISTOPHER S. PITT  
Notary Public  
My Commission Expires  
January 8, 2007



1 2 1 7 3 0 1

**EXHIBIT A**

That certain parcel of land situate in Acton in the County of Middlesex, Commonwealth of Massachusetts, described as follows:

Northerly by a Way, two hundred one and 42/100 feet;  
 Northeasterly by Central Street, six hundred four and 84/100 feet;  
 Southeasterly, thirty-six and 44/100 feet;  
 Northeasterly, one hundred eighty-six and 78/100 feet, and  
 Southeasterly, sixty-four and 68/100 feet, by land now or formerly of Millard J. Handley et al;  
 Easterly by lands of sundry adjoining owners as shown on plan hereinafter mentioned, eight hundred nine and 63/100 feet;  
 Southerly by land now or formerly of Louisa A. Dudley, one hundred sixty-three and 36/100 feet;  
 Westerly by the Easterly line of Davis Terrace, sixty feet;  
 Southerly by the Northerly line of said Terrace, thirty-three feet;  
 Easterly by the Westerly line of said Terrace, two hundred forty-five and 87/100 feet;  
 Southerly by Massachusetts Avenue, three hundred thirty and 76/100 feet;  
 Westerly by the Easterly line of Wright Terrace, three hundred eighty and 48/100 feet;  
 Southerly by the end of Wright Terrace and by land now or formerly of Charles B. Stone, two hundred seven and 54/100 feet;  
 Easterly by said Stone land, forty-two and 40/100 feet;  
 Southerly, two hundred sixteen and 83/100 feet;  
 Westerly, two hundred ninety-seven and 94/100 feet, and  
 Southerly, two hundred eleven and 78/100 feet, by land now or formerly of Martha R. Teele; and  
 Northwesterly by land now or formerly of Franklin M. Upham Jr. et al, eight hundred eighty-four and 13/100 feet.

Said parcel is shown as lot A on said plan, (Plan No. 10306<sup>A</sup>).

1 2 1 7 0 1

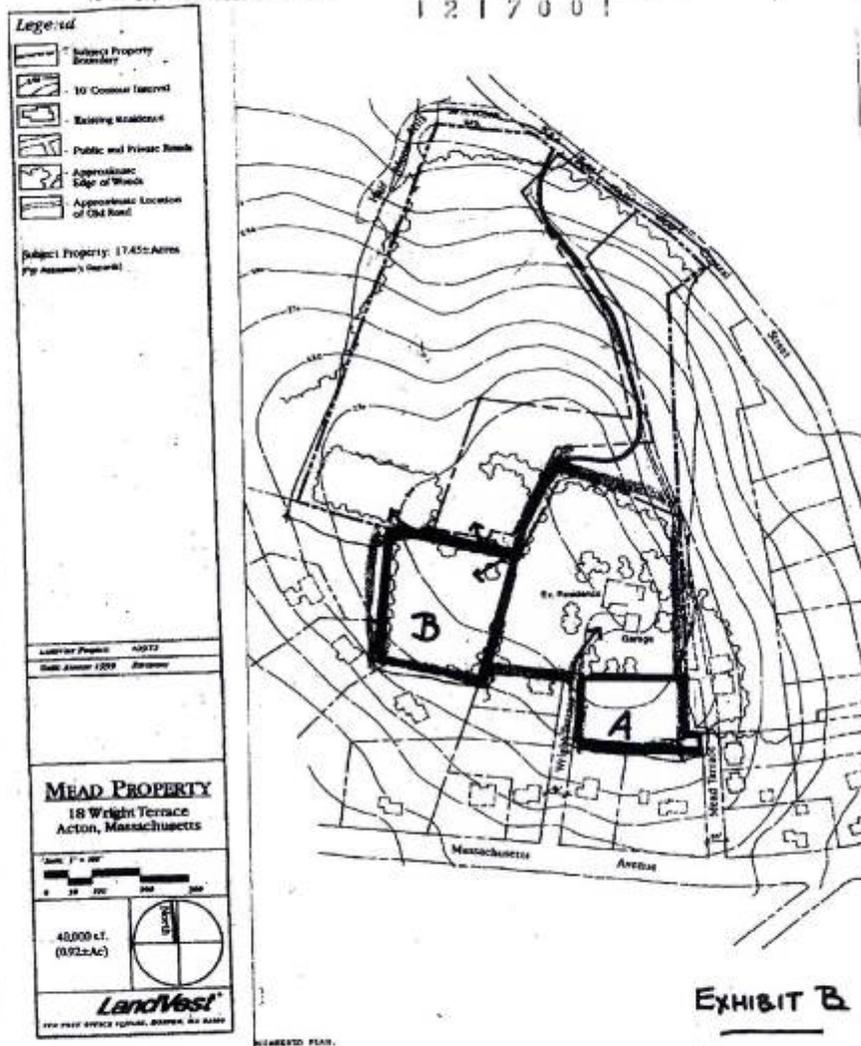
All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 127, Page 445, with Certificate 20545.

There is excepted and excluded from the above described land, lot A<sup>1</sup> shown on plan filed in Registration Book 368, Page 397 and lot 1 shown on plan filed in Registration Book 627, Page 61, and lot 11 shown on plan filed in Registration Book 912, Page 45.

There is appurtenant to the above described land a right of way over the Way as shown on plan filed in Registration Book 127, Page 445, to Central Street, to be used in common with others entitled thereto.

The above described land has the benefit of reservations set forth in Document No. 576693.

For grantor's title, see Certificate of Title No 190434, Middlesex South Registry District of the Land Court Book 1082, Page 84.



1217001

DOCUMENT 1217001

30. MIDDLESEX LAND COURT  
REGISTRY DISTRICT  
RECEIVED FOR REGISTRATION

ON 07/01/02 AT 02:39:04 110.00 EM

NOTED ON:

CERT 019043# BK 1082 PG 84

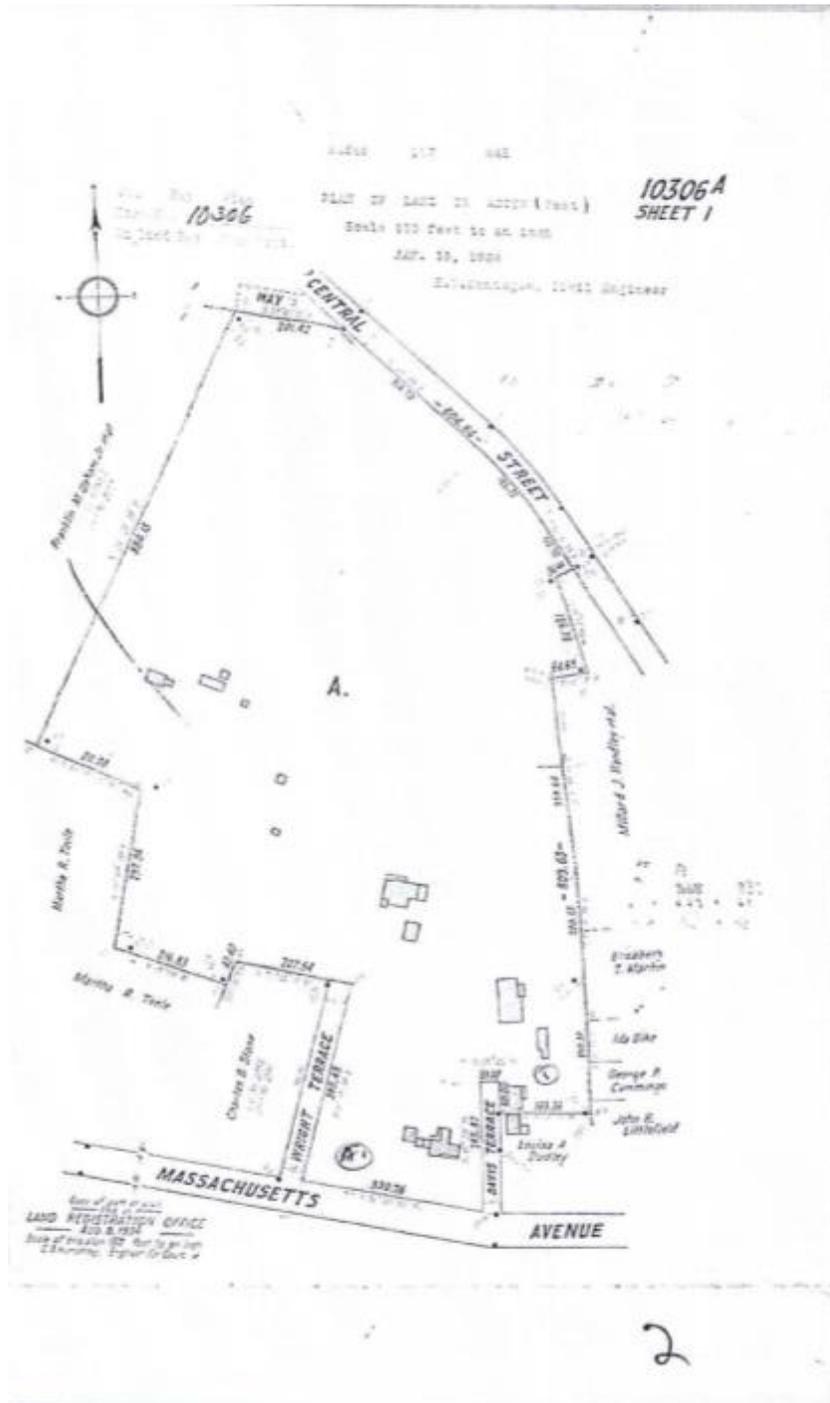
NEW CERTIFICATE(S) CREATED:

CERT 022489# BK 1254 PG 14E

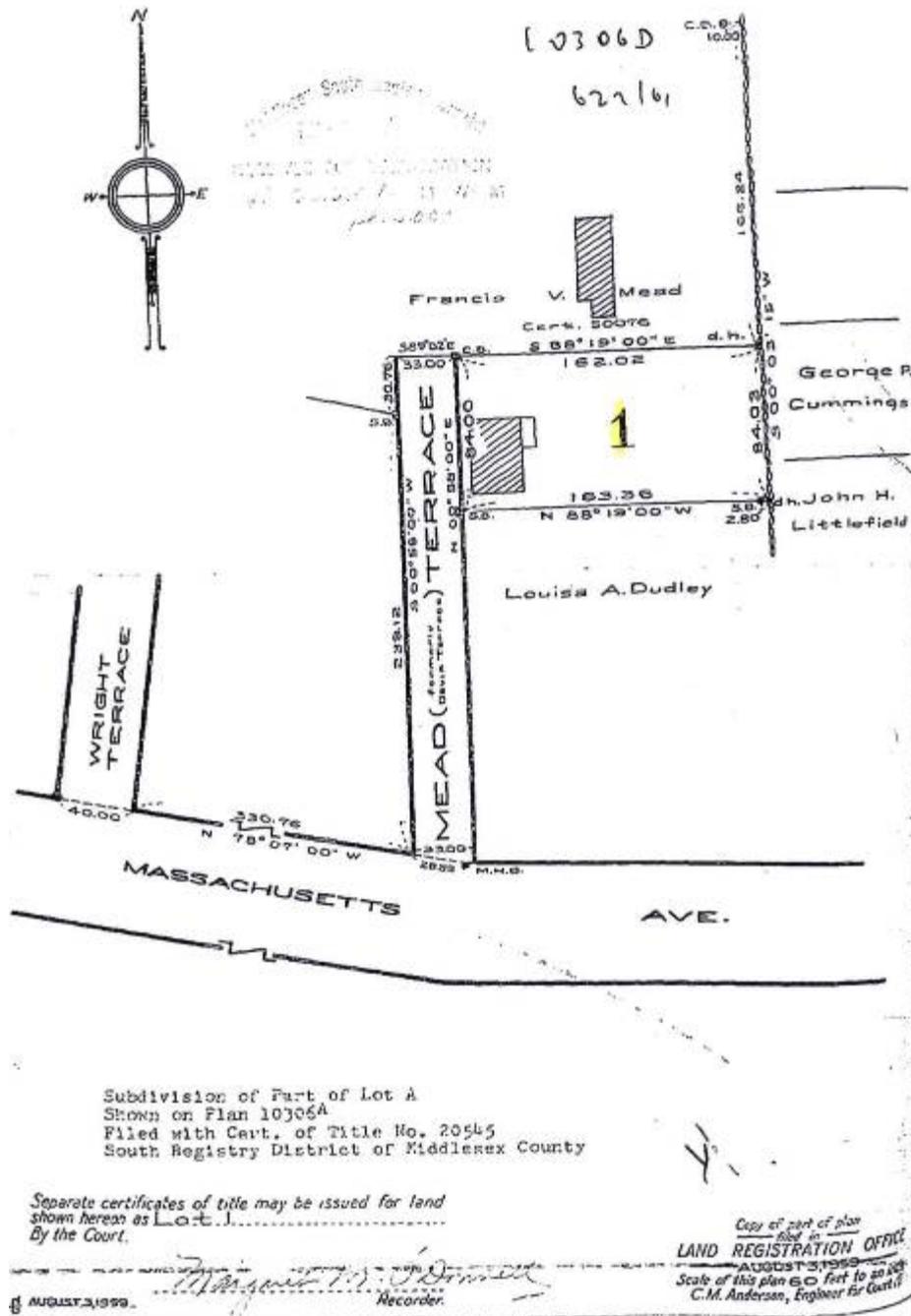
\*\*\*\*\*  
\* MASS. EXCISE TAX: 5791.20 \*  
\*\*\*\*\*

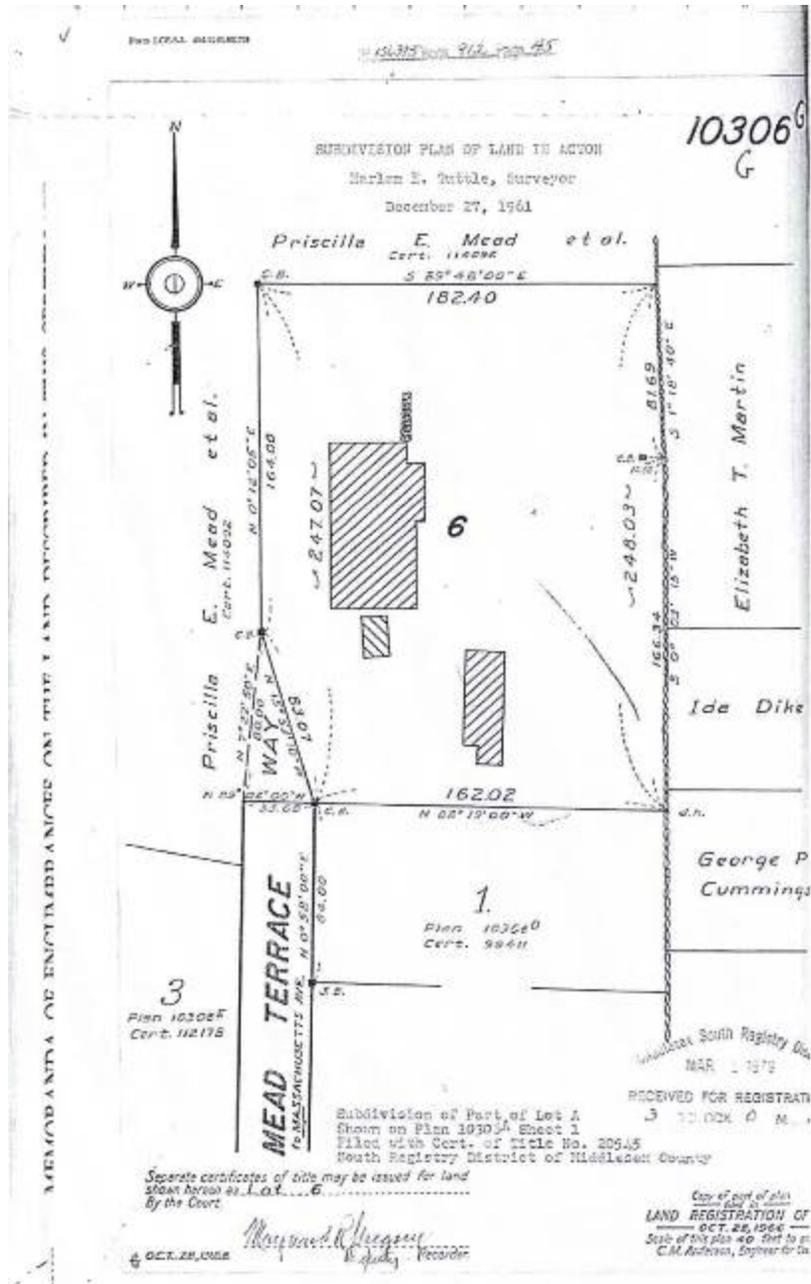
*Copy to  
Owner*

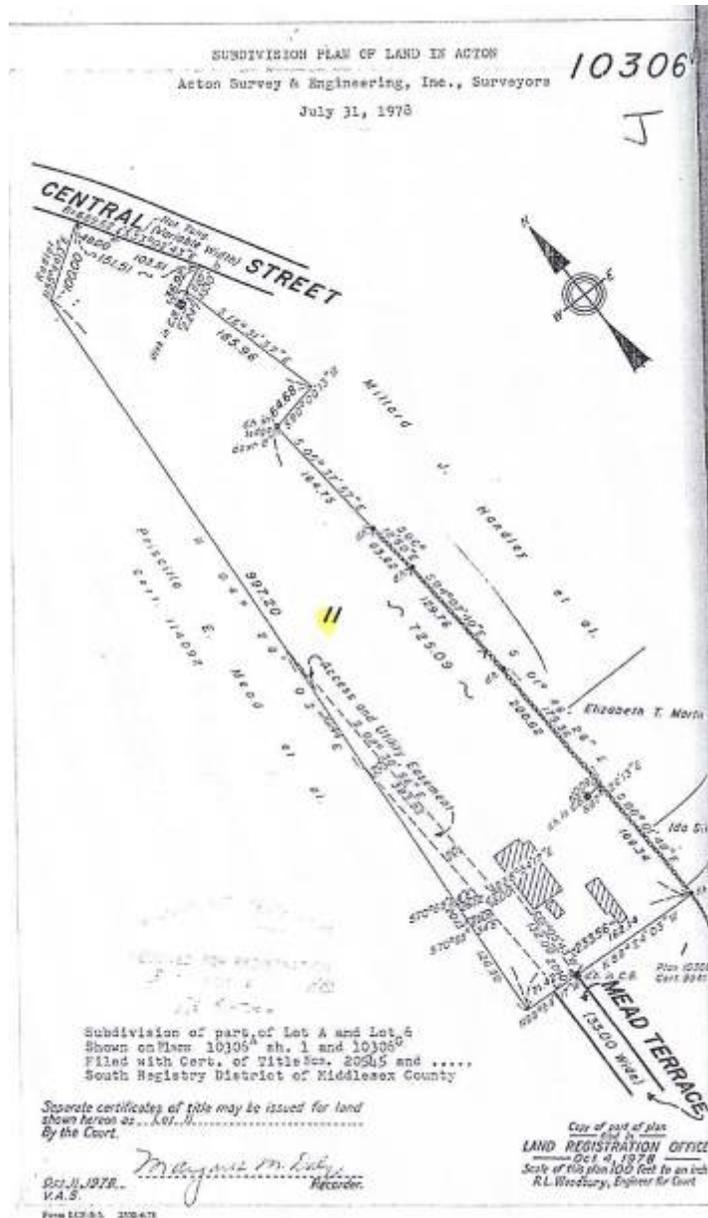
RECORDED PLANS











PROPERTY FIELD CARDS

Account # 3734 Vision ID: 3734

Print Date: 11/15/2013 13:39

Sec #: 1 of 1 Card 1 of 1

201 ACTON, MA

**VISION**

**CURRENT ASSESSMENT**

Code	Assessed Value	Year	Code	Assessed Value	Year
1010	287,900	2013	1010	287,900	2013
1010	729,900	2013	1010	729,900	2013
1010	6,100	2013	1010	6,100	2013
<b>Total</b>			<b>Total</b>		
					1,023,900

**PREVIOUS ASSESSMENTS (HISTORY)**

Code	Assessed Value	Year	Code	Assessed Value	Year
1010	287,900	2012	1010	230,100	2011
1010	729,900	2012	1010	1,020,900	2011
1010	6,100	2012	1010	6,100	2011
<b>Total</b>			<b>Total</b>		
					1,265,100

**APPRaised VALUE SUMMARY**

Appraised Bldg. Value (Card) 285,900  
 Appraised XF (B) Value (Bldg) 2,000  
 Appraised OB (L) Value (Bldg) 6,100  
 Appraised Land Value (Bldg) 729,900  
 Total Appraised Parcel Value 1,023,900  
 Valuation Method: C  
 Adjustment: 0  
 Net Total Appraised Parcel Value 1,023,900

**EXEMPTIONS**

Year	Type	Description	Amount	Member	Column	Row

**OTHER ASSESSMENTS**

Year	Type	Description	Amount	Member	Column	Row

**RECORD OF OWNERSHIP**

BE-VOL/PAGE	SALE DATE	WB	W	SALE PRICE	P.C.
1437/71	07/02/2013	Q	1	1,650,000	00
1254/140	07/01/2002	Q	1	1,270,000	00
1882/0884	06/14/1991	U	1	1	1F
1864/0162	12/19/1989	U	1	1	1A
0924/0182	08/24/1979	U	1	0	0

**ASSESSING NEIGHBORHOOD**

186.16 WRIGHT  
 4/18/13 MLS 1,800,000

**NOTES**

IG NATURAL  
 GOOD WOODWORK  
 FIA HEATING SYSTEM  
 PARTIAL  
 ENT WELL MAINTAINED  
 #53.3 CENTRAL 30.76 MEAD

**BUILDING PERMIT RECORD**

Permit ID	Issue Date	Type	Description	Amount	Permit Date	% Comp.	Date Comp.	Comments
30419	12/02/2010	NI	No Inspection	22,239		0		STRIP + REEROOF
18945	01/16/2004	NI	No Inspection	0		0		WOOD STOVE

**LAND LINE VALUATION SECTION**

Use Code	Use Description	Zone	D	Frontage	Depth	Units	Price	Area	Factor	%									
1	1010 Single Fam MDL-01	R84		3.54	1.15	5	10,800.00	1.0000	1.000	0.00	1.0000	1.000	0.00	1.0000	1.000	0.00	1.0000	1.000	0.00
1	1010 Single Fam MDL-01	R84		15.61	AC	1.00	0	1.0000	3.000	0.00	1.0000	3.000	0.00	1.0000	3.000	0.00	1.0000	3.000	0.00

**ADJUSTMENTS**

Date	Type	IS	ID	CD	Purpose/Remark	Adj. Unit Price	Land Value
3/27/2012	SS	14			Field Review	3.27	261,600
8/5/2009	WH	14			Measure+Listed		468,300
8/17/2006	DCI	00			Sales review		
5/19/2003	DP	51			Measure+Visit		
8/22/2000	SS	01			Measure+Visit		

**NET TOTAL APPRAISED PARCEL VALUE**

1,023,900

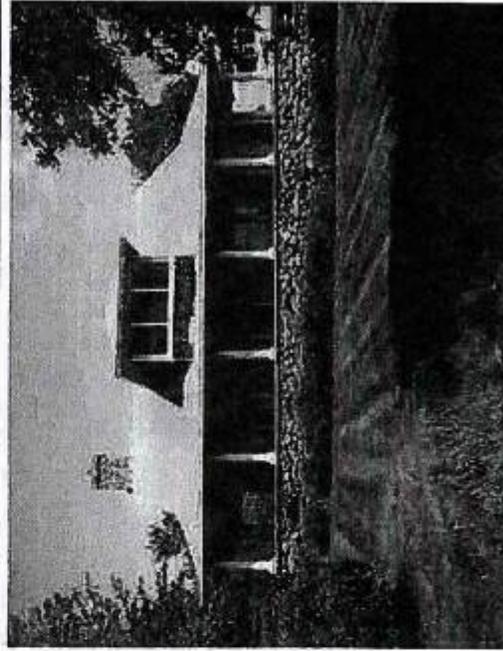
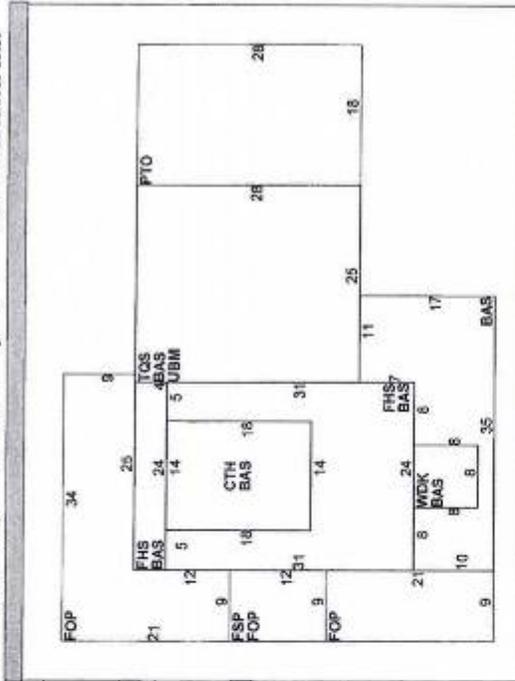
Property Location: 18 WRIGHT TERR  
 Vision ID: 3734

Account #  
 MAP ID: F2/A 1/11

MAP ID: F2/A 1/11  
 Bldg #: 1 of 1

Card 1 of 1

Bldg Name:  
 State Lic: 1010  
 Print Date: 11/15/2013 13:39



Element	Code	Description	Percentage
Style	05	Bungalow	
Model	01	Residential	
Grade	06	Excellent	
Stories	1.5		
Occupancy	1		
Exterior Wall 1	21	Stone/Masonry	
Exterior Wall 2	14	Wood Shingle	
Roof Structure	03	Cable/Hip	
Roof Cover	03	Asph/Ft Glas/Comp	
Interior Wall 1	06	Cast Wd Panel	
Interior Wall 2	03	Plastered	
Interior Flr 1	12	Hardwood	
Interior Flr 2	03	Gas	
Heat Fuel	06	Steam	
Heat Type	01	None	
AC Type	03	3 Bedrooms	
Total Bedrooms	03		
Total Bathrms	2		
Total Half Baths	0		
Total Xtra Fixtrs	8		
Total Rooms	02		
Bldg Style	01	Average	
Kitchen Style	01	Old Style	

Code	Description	Unit Price	Qty	Ext. Area	Int. Area	Unit Cost	Ext. Value	Int. Value
FGR1	GARAGE-AVI	16.00	1	16.00	0	16.00	16.00	0.00
FPL2	1.5 STORY CF	2,500.00	1	2,500.00	0	2,500.00	2,500.00	0.00

Code	Description	Unit Price	Qty	Ext. Area	Int. Area	Unit Cost	Ext. Value	Int. Value
BAS	Basement, Unfinished	110.11	1	110.11	0	110.11	110.11	0.00
CTH	Cathedral ceiling	0.00	252	0	252	0.00	0.00	0.00
FHS	Half Story, Finished	66.11	588	0	588	66.11	0.00	39,072.68
FOP	Porch, Open, Finished	21.99	711	0	711	21.99	0.00	15,635.49
FSP	Porch, Screen, Finished	27.53	180	0	180	27.53	0.00	4,955.40
FTO	Porch	16.92	584	0	584	16.92	0.00	9,881.28
TOS	Three Quarter Story	88.09	780	0	780	88.09	0.00	68,710.20
UBM	Basement, Unfinished	21.02	780	0	780	21.02	0.00	16,395.60
WDK	Deck, Wood	10.32	64	0	64	10.32	0.00	660.80
<b>Totals</b>				<b>1,967</b>	<b>5,820</b>		<b>110,111.00</b>	<b>110,111.00</b>

PROPERTY LISTING



**MLS # 71510963 - Sold**  
**Single Family - Detached**

**18 Wright Ter**  
 Acton, MA : West Acton 01720-2216  
 Middlesex County

Style: **Bungalow**  
 Color:  
 Grade School:  
 Middle School:  
 High School:

Handicap Access/Features:  
 Neighborhood/Subdivision: West Acton  
 Directions: Go to very end of Wright Ter, and continue through the stone pillars to house.

List Price: **\$1,800,000**  
 Sale Price: **\$1,650,000**

Total Rooms: **10**  
 Bedrooms: **4**  
 Bathrooms: **2F 0b**  
 Master Bath:  
 Fireplaces: **1**

**Remarks**

**4 Bedroom, 2 Bath!**

**Property Information**

Approx. Living Area: **2080 sq. ft.**  
 Living Area Includes:  
 Living Area Source: **Public Record**  
 Living Area Dislosures:  
 Disclosures: **W-9 form required from selling broker.**

Approx. Acres: **17.45 (760122 sq. ft.)**  
 Heat Zones: **Steam, Gas**  
 Cool Zones: **None**

Garage Spaces: **2 Detached**  
 Parking Spaces: **10 Paved Driveway**  
 Approx. Street Frontage:

**Room Levels, Dimensions and Features**

Room	Level	Size	Features
------	-------	------	----------

**Features**

Area Amenities: **Public Transportation, Shopping, Conservation Area, Public School**  
 Basement: **Yes Partial**  
 Beach: **No**  
 Construction: **Stone/Concrete**  
 Electric: **110 Volts, Circuit Breakers**  
 Exterior: **Stucco**  
 Flooring: **Wood**  
 Foundation Size: **2038 sq ft**  
 Foundation Description: **Fieldstone**  
 Hot Water: **Natural Gas**  
 Lot Description: **Other (See Remarks)**  
 Road Type: **Public**  
 Roof Material: **Asphalt/Fiberglass Shingles**  
 Sewer Utilities: **Inspection Required for Sale, Private Sewerage - Title 5: Buyer's Responsibility**  
 Water Utilities: **City/Town Water**  
 Waterfront: **No**

**Other Property Info**

Disclosure Deductions: **No**  
 Easements:  
 Home Dam Assn:  
 Load Point: **Unknown**  
 UETI: **Warranty Features**  
 Year Built: **1911** Source: **Public Record**  
 Year Built Description: **Actual**  
 Year Round:  
 Short Sale w/Ind.App.Rec: **No**  
 Lender Owned: **No**

**Tax Information**

Pin #: **M109P2A B/001 L/000**  
 Assessed: **\$1,257,100**  
 Tax: **\$23310** Tax Year: **2012**  
 Book: **1254** Page: **140**  
 Cert:  
 Zoning Code: **RB/4**  
 Map: Block: Lot:

**Office/Agent Information**

Listing Office: **Houssaped, LLC** (866) 807-9087  
 Listing Agent: **Ken Gehris** (866) 807-9087  
 Town Member: **Ken Gehris** (866) 807-9087  
 Sale Office: **Houssaped, LLC** (866) 807-9087  
 Sale Agent: **Ken Gehris** (866) 807-9087  
 Listing Agreement Type: **Exclusive Agency**  
 Entry Only: **Yes**

**Compensation**

Sub-Agent: **Not Offered**  
 Buyer Agent: **1.5%**  
 Facilitator: **0%**  
 Compensation Based On: **--**

Showing: Sub-Agent: **Sub-Agency Relationship Not Offered**  
 Showing: Buyer-Agent: **Owner, Other (See Special Showing Instructions)**  
 Showing: Facilitator: **--**

Special Showing Instructions: **Call owner for showings, questions and offers at: 978-266-9423. Submit offers at www.zoffer.us**

**Firm Remarks**

**This is an Entry Only Listing. The list agent will be providing limited service to the seller. Please contact the list office for further details.**

**Market Information**

Listing Date: **4/18/2013**  
 Days on Market: **Property has been on the market for a total of 50 day(s)**  
 Expiration Date:  
 Original Price: **\$1,800,000**  
 Off Market Date: **6/7/2013**  
 Sale Date: **7/2/2013**  
 Sale Price: **\$1,650,000**  
 Offer Date: **6/7/2013**

Listing Market Time: **MLSF has been on for 50 day(s)**  
 Office Market Time: **Office has listed this property for 50 day(s)**  
 Cash Paid for Upgrades:  
 Seller Concessions at Closing:  
 Financing: **Conv. Fixed**

## Market History for 18 Wright Ter, Acton, MA : West Acton 01720

MLS #	Date		DOM	Price
71510963	4/18/2013	Listed for <b>\$1,800,000</b>	Ken Gehris	\$1,800,000
UAG	6/7/2013	Status Changed to: <b>Under Agreement</b>	Ken Gehris	
SLD	7/3/2013	Status Changed to: <b>Sold</b>	Ken Gehris	
	7/2/2013	Sold for <b>\$1,650,000</b>	Ken Gehris	<b>\$1,650,000</b>
<b>Market History for Housepad, LLC (BB5534)</b>			<b>50</b>	<b>\$1,650,000</b>
<b>Market History for this property</b>			<b>50</b>	<b>\$1,650,000</b>



The information in this listing was gathered from third party sources including the seller and public records. MLS Property Information Network and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. Content ©2013 MLS Property Information Network, Inc.

SOIL MAP



Soil Map—Middlesex County, Massachusetts

### MAP LEGEND

<p><b>Area of Interest (AOI)</b></p> <ul style="list-style-type: none"> <li> Area of Interest (AOI)</li> </ul> <p><b>Scale</b></p> <ul style="list-style-type: none"> <li> Soil Map Unit Polygons</li> <li> Soil Map Unit Lines</li> <li> Soil Map Unit Points</li> </ul> <p><b>Special Point Features</b></p> <ul style="list-style-type: none"> <li> Blowout</li> <li> Borrow Pit</li> <li> Clay Spot</li> <li> Closed Depression</li> <li> Gravel Pit</li> <li> Gravelly Spot</li> <li> Landfill</li> <li> Lava Flow</li> <li> Marsh or Swamp</li> <li> Mine or Quarry</li> <li> Miscellaneous Water</li> <li> Perennial Water</li> <li> Rock Outcrop</li> <li> Saline Spot</li> <li> Sandy Spot</li> <li> Severely Eroded Spot</li> <li> Sinkhole</li> <li> Slide or Slip</li> <li> Sodic Spot</li> </ul>	<ul style="list-style-type: none"> <li> Spot Area</li> <li> Stony Spot</li> <li> Very Stony Spot</li> <li> Wet Spot</li> <li> Other</li> <li> Special Line Features</li> </ul> <p><b>Water Features</b></p> <ul style="list-style-type: none"> <li> Streams and Canals</li> </ul> <p><b>Transportation</b></p> <ul style="list-style-type: none"> <li> Rails</li> <li> Interstate Highways</li> <li> US Routes</li> <li> Major Roads</li> <li> Local Roads</li> </ul> <p><b>Background</b></p> <ul style="list-style-type: none"> <li> Aerial Photography</li> </ul>
---	--

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:25,000. Warning: Soil Map may not be valid at this scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the extent of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

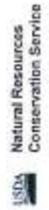
This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Middlesex County, Massachusetts  
 Survey Area Delta: Version 12, Feb 28, 2010

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 30, 2011—May 1, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Web Soil Survey  
National Cooperative Soil Survey

Soil Map—Middlesex County, Massachusetts

### Map Unit Legend

Middlesex County, Massachusetts (MA017)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
307B	Paxton fine sandy loam, 3 to 8 percent slopes, extremely stony	8.5	48.3%
307D	Paxton fine sandy loam, 15 to 25 percent slopes, extremely stony	8.0	50.9%
626B	Memimac-Urban land complex, 0 to 8 percent slopes	0.1	0.8%
<b>Totals for Area of Interest</b>		<b>17.6</b>	<b>100.0%</b>

TOWN OF ACTION ZONING BYLAWS EXCERPTS

**TOWN of ACTON**



Amended through April 2008

**\$25.00**

**ZONING BYLAW**

THE FOLLOWING TOWN OF ACTON ZONING BYLAW IS REVISED UP TO AND INCLUDING THE ANNUAL TOWN MEETING OF APRIL 7, 8, 9 and 14, 2008.

Note: The Table of Contents, 'Information Relative to the Laws and Regulations Governing Land Use', and notes contained within boxes are included for convenience of reference only and are not part of the Bylaw.

**TABLE OF CONTENTS**

	Page
TABLE OF CONTENTS .....	i
INFORMATION RELATIVE TO LAWS AND REGULATIONS GOVERNING LAND USE .....	iv
<b>SECTION 1. AUTHORITY, PURPOSE, DEFINITIONS AND APPLICABILITY</b>	
1.1 Authority .....	1
1.2 Purpose .....	1
1.3 Definitions .....	1
1.4 Applicability .....	3
<b>SECTION 2. ZONING DISTRICTS</b>	
2.1 Classification of Districts .....	4
2.2 Zoning Map .....	4
2.3 Zoning Map Interpretation .....	5
<b>SECTION 3. PRINCIPAL USE TABLE, PRINCIPAL USE DEFINITIONS AND ACCESSORY USE REGULATIONS</b>	
3.1 Provisions for Table of Principal Uses and Principal Use Definitions .....	6
<b>TABLE OF PRINCIPAL USES</b> .....	7
3.2 General Uses .....	10
3.3 Residential Uses .....	10
3.4 Governmental, Institutional and Public Service Uses .....	12
3.5 Business Uses .....	13
3.6 Industrial Uses .....	17
3.7 Prohibited Uses .....	18
3.8 Accessory Use Regulations .....	19
3.9 Special Provisions .....	23
3.10 Special Requirements for Personal Wireless Facilities .....	23
<b>SECTION 4. OVERLAY DISTRICTS</b>	
4.1 Flood Plain District .....	31
4.2 Open Space Development .....	34
4.3 Groundwater Protection District .....	39
<b>TABLE OF USE REGULATIONS WITHIN THE GROUNDWATER PROTECTION DISTRICT</b> .....	45
4.4 Affordable Housing Incentives and Overlay District .....	47
<b>SECTION 5. DIMENSIONAL REGULATIONS</b>	
5.1 Standard Dimensional Provisions .....	58
5.2 Methods for Calculating Dimensional Requirements .....	58
<b>TABLE OF STANDARD DIMENSIONAL REGULATIONS</b> .....	59
5.3 Special Provisions and Exceptions to Dimensional Regulations .....	61
5.4 Transfer of Development Rights .....	65
5.5 Special Provisions for Village Districts .....	70
5.6 Special Provisions for the Kelley's Corner District .....	79

5.7	Special Provisions for the Office Park 2 District .....	83
<b>SECTION 6. PARKING STANDARDS</b>		
6.1	Definitions .....	84
6.2	General Provisions .....	85
6.3	Schedule of Uses - General Requirements .....	86
6.4	Loading Areas .....	87
6.5	Standard Parking Dimensional Regulations .....	88
6.6	Small Car Stalls .....	88
6.7	Parking Lot Design Requirements .....	88
6.8	Structured Parking .....	91
6.9	Special Provisions for the Village, Kelley's Corner and Powder Mill Districts .....	92
6.10	Parking Lot Bonds and Securities .....	97
<b>SECTION 7. SIGNS AND ADVERTISING DEVICES</b>		
7.1	Purpose .....	98
7.2	Definitions .....	98
7.3	Signs Prohibited in all Districts .....	100
7.4	General Regulations .....	101
7.5	Signs Which Do Not Require a Sign Permit .....	102
7.6	Sign Permits .....	105
7.7	Exterior Signs .....	105
7.8	Freestanding Signs .....	107
7.9	Off Premises Directional Signs .....	109
7.10	Special Event Signs .....	109
7.11	Signs for Golf Courses and Cross-Country Skiing in Res. Districts .....	110
7.12	Non-Conforming Signs .....	110
7.13	Signs Requiring a Special Permit from the Planning Board .....	110
<b>SECTION 8. NONCONFORMING LOTS, USES, STRUCTURES AND PARKING; EXEMPTIONS</b>		
8.1	Nonconforming Lots .....	113
8.2	Nonconforming Uses .....	113
8.3	Nonconforming Structures .....	114
8.4	Nonconforming Parking .....	115
8.5	Building and Special Permit Exemption .....	115
8.6	Special Provisions to Enhance Access for Handicapped Persons .....	116
8.7	Special Permit to Reconstruct Nonconforming Multifamily Dwelling .....	116
8.8	Public Acquisition .....	116
8.9	Planned Unit Development (PUD) .....	116
<b>SECTION 9. PLANNED CONSERVATION RESIDENTIAL COMMUNITY DISTRICT</b>		
9.1	Purpose .....	118
9.2	Special Permit .....	118
9.3	Contents of Application for a PCRC Special Permit .....	118
9.4	Procedural Requirements .....	118
9.5	Planning Board Action .....	119
9.6	Standards for PCRCs .....	119
9.7	Streets, Utilities and Lighting .....	122
9.8	Revisions and Amendments of "PCRC Site Plans" .....	122

9.9 Previously Approved PCRC Developments..	122
SECTION 9A. PLANNED UNIT DEVELOPMENT ..	123
Intentionally Deleted (See Appendix)	
SECTION 9B. SENIOR RESIDENCE	
9B.1 Purpose.....	124
9B.2 Special Permit.....	124
9B.3 Planning Board Action.....	124
9B.4 Allowed Uses .....	125
9B.5 Dimensional Regulations .....	125
9B.6 Parking Requirements.....	126
9B.7 Storm Water Runoff .....	126
9B.8 Environmental Protection .....	126
9B.9 Common Land Standards .....	126
9B.10 Accessibility.....	128
9B.11 Age Restriction.....	128
9B.12 Affordability .....	128
9B.13 Streets, Utilities, and Lighting..	130
9B.14 Performance Guarantee.....	130
9B.15 Revisions and Amendments .....	130
SECTION 10. ADMINISTRATION	
10.1 Board of Appeals .....	131
10.2 Building Permit .....	131
10.3 Special Permit.....	131
10.4 Site Plan Special Permit.....	133
10.5 Variance .....	140
10.6 Outdoor Lighting Regulations for Site Plan Special Permits .....	141
SECTION 11. ENFORCEMENT	
11.1 Enforcement .....	151
11.2 Other Laws or Regulations.....	151
11.3 Validity and Separability .....	151
APPENDIX	
SECTION 9A. PLANNED UNIT DEVELOPMENT .....	A-1

---

**SUPPLEMENTAL MAPS (available at Planning Office)**  
 Zoning Districts of the Town of Acton - Zoning Maps  
 Flood Insurance Rate Map and Flood Boundary and Floodway Map  
 Groundwater Protection District Map of the Town of Acton  
 Affordable Housing Overlay District Map of the Town of Acton

**INFORMATION RELATING TO LAWS AND REGULATIONS GOVERNING LAND USE**

Land uses in the Town of Acton are subject to various Town rules and bylaws, and statutes of the Commonwealth of Massachusetts. In addition to the Acton Zoning Bylaw adopted pursuant to Chapter 40A - 'The Zoning Act' of the Commonwealth of Massachusetts, the following rules, bylaws, and statutes regulate land uses in Acton. This list is intended to serve as a reminder. It is not necessarily a complete list. Other rules, bylaws, and statutes may apply. Special permits and variances issued under the Acton Zoning Bylaw do not void the applicability of other rules, bylaws, and statutes:

**TOWN OF ACTON GENERAL BYLAWS** set forth the Town's general regulations including provisions pertaining to: street numbering; discharges of firearms; abandoned wells; excavations; registration of ownership of a building for occupancy by two or more families; historic districts; fire lanes and traffic regulations.

**CONDOMINIUM CONVERSION ACT - CHAPTER 548 OF THE ACTS OF 1987** sets forth the Board of Selectmen's authority to establish procedures and regulations relative to the protection of tenants and purchasers of condominiums or cooperative units in the Town of Acton. See also Rules and Regulations by the Board of Selectmen.

**EARTH REMOVAL BYLAW** sets forth the Board of Appeals authority to establish regulations and procedures concerning the removal of earth products (sand, gravel, loam, etc.) from a property.

**SUBDIVISION RULES AND REGULATIONS** set forth the Planning Board's procedures and standards to be followed in the subdivision of land and the construction of ways in accordance with the Subdivision Control Law, M.G.L. Ch. 41A, S. 81-A to 81GG.

**PLANNED CONSERVATION RESIDENTIAL COMMUNITY RULES & REGULATIONS (PCRC)** set forth the development standards of the Planning Board for a PCRC Special Permit. This permit provides for varied housing types in Acton and increases in the amount of permanent open space.

**OPEN SPACE DEVELOPMENT RULES & REGULATIONS** set forth the development standards of the Planning Board for Open Space Development Subdivisions. The purpose of this type of subdivision is to encourage the preservation of open space while better utilizing the land in harmony with natural features.

**PLANNED UNIT DEVELOPMENT RULES & REGULATIONS (PUD)** set forth the development standards of the Planning Board for a PUD Special Permit. See Appendix.

**RULES AND REGULATIONS FOR SPECIAL PERMITS FOR SIGNS** set forth the procedures and standards to be followed when seeking a special permit for a sign.

**RULES AND REGULATIONS FOR SPECIAL PERMITS FOR MAJOR AFFORDABLE HOUSING DEVELOPMENTS (MAHD)** set forth the development standards of the Planning Board for a MAHD Special Permit. This permit provides density bonuses in certain districts when affordable housing units are included within the development.

**RULES AND REGULATIONS FOR SPECIAL PERMITS in the GROUNDWATER PROTECTION DISTRICT** set forth the rules and regulations, administered by the Planning Board, to be followed for the development of land within the Groundwater Protection Districts.

**COMMON DRIVE SPECIAL PERMIT RULES AND REGULATIONS** set forth standards for development of land utilizing common drives.

INFORMATION RELATING TO LAWS AND REGULATIONS GOVERNING LAND USE (cont.)

**SCENIC ROAD BYLAW** sets forth the Planning Board's authority to establish procedures and regulations to be followed if the repair, maintenance, reconstruction or paving of any designated scenic road involves cutting or removing trees or tearing down or destruction of any part of a stone wall.

**STATE ENVIRONMENTAL CODE - Title 5** sets forth the minimum standards for the protection of public health and the environment when circumstances require the use of individual systems for the disposal of sanitary sewage in areas where municipal sewage systems are not available.

**STATE BUILDING CODE** sets forth the rules and regulations, administered by the Building Commissioner, relative to the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of buildings and structures and use or occupancy thereof.

**RULES AND REGULATIONS OF THE ACTON BOARD OF HEALTH** set forth the Board of Health's authority to establish procedures and regulations for human habitation, farm labor camps, recreational camps for children, septic disposal areas, swimming pools, bathing beaches, camp grounds, private and semi public water supply, sanitation for food service establishments and retail food stores, disposal of sanitary sewage in unsewered areas, keeping farm animals and domestic pets and practice of massage or conducting vapor bath establishments.

**ACTON WETLANDS BYLAW** sets forth the Conservation Commission's authority to establish procedures and regulations relative to the Town's local bylaw controlling activities deemed to have a significant impact upon wetland values. See also Rules and Regulations by Conservation Commission.

**STATE WETLANDS PROTECTION ACT** is administered by the Conservation Commission and provides for public review of proposed projects which involve construction or other alterations of land in or near wetlands or land deemed subject to periodic flooding.

**HISTORIC BUILDING DEMOLITION BYLAW** sets forth standards for the purpose of preserving and protecting historically or architecturally significant buildings within Acton.

**LOCAL HISTORIC DISTRICT RULES AND REGULATIONS** set forth the rules and regulations, administered by the Acton Historic District Commission, to be followed for development or alteration to property in the Local Historic Districts.

**HAZARDOUS MATERIALS CONTROL BYLAW** protects, preserves and maintains the town's existing and potential groundwater supplies, surface water and air quality from contamination by hazardous materials.

**SALE OF TOBACCO BYLAW AND USE OF TOBACCO BYLAW** sets forth the Board of Health's authority to establish procedures and regulations for the sale and use of tobacco in Acton.

**SITE PLAN RULES AND REGULATIONS** set forth the rules and regulations administered by the Board of Selectmen, to be followed for site development where a Site Plan Special Permit is required.

TABLE OF PRINCIPAL USES  
 PRINCIPAL USES listed in this Table are subject to provisions in corresponding Section 3.

PRINCIPAL USES	RESIDENTIAL DISTRICTS		VILLAGE DISTRICTS			OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SP. DIS.					
	R-2 R-4 R-8A R-8B R-10 R-10C R-10D	R-4A R-4B R-4C R-4D R-4E R-4F R-4G R-4H R-4I R-4J R-4K R-4L R-4M R-4N R-4O R-4P R-4Q R-4R R-4S R-4T R-4U R-4V R-4W R-4X R-4Y R-4Z	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2	KC	LB	PW	GI		LI	LI-1	SMK(1)	TD	ARC
<b>3.2. GENERAL USES</b>																			
3.2.1. Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.2.2. Condominium	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.2.3. Recreation	SPF	SPF	SPF	SPF	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NR
<b>3.3. RESIDENTIAL USES</b>																			
3.3.1. Single Family Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.3.2. Single Family Dwelling with one Y(2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.3.3. Two Family Dwellings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.3.4. Dwelling Conversion	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	NR
3.3.5. Multiple Dwelling	N	SPS	Y	SPAL(1)	Y(1)	Y(2)	Y(3)	Y(4)	Y(5)	Y(6)	Y(7)	Y(8)	Y(9)	Y(10)	Y(11)	Y(12)	Y(13)	Y(14)	NR
<b>3.4. GOVERNMENTAL, INSTITUTIONAL &amp; PUBLIC SERVICE USES</b>																			
3.4.1. Municipal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	MP
3.4.2. Educational	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.4.3. Religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.4.4. Nursing Home	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	NR
3.4.5. Public or Private Child Day Care	Y	N	N	N	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	NR
3.4.6. Child Care Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.4.7. Adult Family Care	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	NR
3.4.8. Full Service Retirement Community	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	NR
3.4.9. Assisted Living Residence	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	NR
3.4.10. Specialized Community Facility (1)	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	SPF	NR
3.4.11. Commercial Education or Instruction	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
<b>3.5. BUSINESS USES</b>																			
3.5.1. Retail Store	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.5.2. Office	N	N	N	N	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	SPS(1)	NR
3.5.3. Adult Day Care Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.5.4. Hospital Medical Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NR
3.5.5. Restaurant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NR
3.5.6. Commercial Business & Shopping	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NR
3.5.7. Non-Alcohol Conference Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NR

TABLE OF PRINCIPAL USES  
 PRINCIPAL USES listed in this Table are subject to provisions in corresponding Section 3.

PRINCIPAL USES	RESIDENTIAL DISTRICTS		VILLAGE DISTRICTS			OFFICE DISTRICTS		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SP- DIS
	R-2 R-4 R-6 R-8 R-10 R-12B	R-4 H-4A VR	LAV	LAV-2 NAV SAV WAV	OP-1	DP-2	KC LB PM	CI LI LF	SR(1) TD ARC	PLAN				
<b>3.4 BUSINESS USES (continued)</b>														
3.5.6 Bed & Breakfast	SPS	SPS	Y	SPS	Y	SPS	Y	Y	Y	Y	Y	Y	Y	R
3.5.9 Laundry	N	N	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	R
3.5.10 Vehicle Rep. Cars	N	N	SPS(6)	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	R
3.5.11 Animal Boarding	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.12 Services	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.13 Barber Shop, Barber's Shop, Barber	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.14 Building Trade Shop	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.15 Commercial Motor Vehicle	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.16 Commercial Motor Vehicle	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.17 Golf Course (Residential Districts)	SPS	N	N	N	N	N	N	N	N	N	N	N	N	NR
3.5.18 Districts	SPS	N	N	N	N	N	N	N	N	N	N	N	N	NR
3.5.19 Vehicle Service Station	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.20 Vehicle Repair	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.21 Vehicle Body Shop	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.22 Vehicle Sales, Rental	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.23 Ferry Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.24 Transportation Services	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.5.25 Adult Uses	N	N	N	N	N	N	N	N	N	N	N	N	N	R
<b>3.5 INDUSTRIAL USES</b>														
3.6.1 Warehouse	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.6.2 Distribution Plant	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.6.3 Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	R
3.6.4 Special	N	N	N	N	N	N	N	N	N	N	N	N	N	R

**NOTES FOR TABLE OF PRINCIPAL USES**

- (1) See also Section 10.4.3.12 - Special Provisions Applicable in the SM District, for special USE restrictions in oversized BUILDINGS.
- (2) A Single FAMILY Dwelling with one Apartment shall require a Special Permit from the Board of Appeals if located on a LDT with less than 15,000 square feet in LDT area, or if the Apartment is located in a detached BUILDING. See Sections 3.3.2.9 and 3.3.2.10 of USE Definitions.
- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. In the VR District a Site Plan Special Permit shall not be required. In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per Multifamily Dwelling.
- (4) Multifamily dwellings created under the provisions of Section 5.4 and Section 5.5 shall be permitted.
- (5) If the proposed USE will be located in the Floodway Fringe, as defined in Section 4.1 or Zones 1, 2 or 3 of the Groundwater Protection District, as defined in Section 4.3, before granting a special permit under this Section the applicant shall submit the information required under Sections 4.1 or 4.3 and the Board of Selectmen shall find that the proposed USE complies with the requirements of Sections 4.1.8.1 and 4.1.9, and 4.3.8 through 4.3.10 respectively.
- (6) Assisted Living Residences with 10 or fewer residents shall not require a Special Permit or Site Plan Special Permit.
- (7) Refer to Section 3.10 for specific standards for Wireless Communication Facilities and for certain categorical exemptions from the requirements set forth in the Table of PRINCIPAL USES.
- (8) Provided that the owner of the property resides on the property, the business USE is limited to 500 square feet of NET FLOOR AREA, and all parking spaces are provided to the rear or side of the BUILDING. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. The business USE hereunder shall not be deemed a home occupation. Home occupations are authorized separately under Section 3.8.1.2. Site Plan Special Permit shall not be required. Hours of business operation shall be limited to 7 AM to 9 PM Monday through Saturday, except hours of retail sale shall be limited to 7 AM to 7 PM Monday through Saturday. Exterior lighting fixtures for the business USE shall not be illuminated except during hours of business operation.
- (9) No Special Permit shall be required for a Restaurant with 10 seats or less.
- (10) No Special Permit shall be required for Commercial Recreation facilities with a NET FLOOR AREA of less than 2,000 square feet.
- (11) No Special Permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

## SECTION 4.

### OVERLAY DISTRICTS

- 4.1 Flood Plain District** – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw.
- 4.1.1 Definitions** – For the purposes of this Section, the following terms shall have the following meaning:
- 4.1.1.1 Base Flood or 100-Year Flood** – The flood having a 1 percent chance of being equaled or exceeded in any given year.
- 4.1.1.2 Flood Plain** – Any land susceptible to being inundated by the Base Flood. The Flood Plain includes the Floodway and Floodway Fringe.
- 4.1.1.3 Floodway** – The channel of a river or other watercourse and the adjacent areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot above the Base Flood elevation.
- 4.1.1.4 Floodway Fringe** – The area between the Floodway and the boundary of the Base Flood.
- 4.1.1.5 Lowest Floor** – The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a BUILDING'S Lowest Floor, provided that such enclosure is not built so as to render the STRUCTURE in violation of the applicable non-elevation design requirements of this ordinance.
- 4.1.1.6 Natural Flood Storage Volume** – The volume of water which could be stored between the elevation(s) of the property as it existed on June 14, 1978 and the elevation(s) of the Base Flood.
- 4.1.1.7 Substantial Improvement** – Any repair, reconstruction or improvement of a STRUCTURE, the cost of which equals or exceeds 50% of the fair market value of the STRUCTURE either: 1) before the improvement or repair is started, or 2) if the STRUCTURE has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the STRUCTURE commences, whether or not that alteration affects the external dimensions of the STRUCTURE. However, Substantial Improvement shall not include either 1) any project for improvement of a STRUCTURE to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe occupancy conditions, or 2) any alteration of a STRUCTURE listed on the National Register of Historic Places or the State Inventory of Historic Places.
- 4.1.2 Purpose** – The purpose of the Flood Plain District is to protect persons and property against the hazards of the Base Flood, to maintain the flood storage capacity and flow pattern of the Flood Plain for the Base Flood and to provide long-term control over the extent of land subject to inundation by the Base Flood.

- 4.1.3 **Methods for Determining Flood Plain District Boundaries** – The exact zoning district boundaries of the Flood Plain District shall be the location on the ground, as determined by an actual field survey of the Base Flood elevation(s).
- 4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 3 and the cross section locations from the Flood Profiles contained in the "Flood Insurance Study, Town of Acton, January 6, 1988" published by the Federal Emergency Management Agency (FEMA).
- 4.1.3.2 The Base Flood elevations and Floodway data for A-Zones shall be determined based on hydrologic and hydraulic analyses of the development area by a Registered Professional Engineer. However, Base Flood elevations and Floodway data for A-Zones may also be based, when available, upon information from a federal or state source, or from the Office of the Town Engineer.
- 4.1.4 **Prohibited USES Within the Limits of the Floodway** – Except as provided in Section 4.1.5 all new construction and encroachments including, grading, filling, excavating, Substantial Improvements and other development is prohibited unless:
- a) a technical evaluation by a Registered Professional Engineer demonstrates that the new construction or encroachment will not result in any increase in flood levels during the occurrence of the Base Flood discharge;
  - b) and it is otherwise allowed by a special permit from the Board of Appeals under Section 4.1.8;
- 4.1.5 **Permitted USES Within the Limits of the Floodway** – The following USES are permitted within the limits of the Floodway:
- 4.1.5.1 Maintenance and repair of existing STRUCTURES and improvement of existing STRUCTURES provided that any such improvement is either within the existing STRUCTURE or above the Base Flood elevation;
- 4.1.5.2 Maintenance, repair and replacement of existing STRUCTURES in a driveway or private way or in an associated easement. Structures referred to herein are banks, walls, culverts, bridges or similar structures;
- 4.1.5.3 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.
- 4.1.6 **Prohibited USES within the Limits of the Floodway Fringe** – Except as provided in Section 4.1.7 and Section 4.1.8, all new construction including grading, filling or excavating is prohibited within the limits of the Floodway Fringe.
- 4.1.7 **Permitted USES Within the Limits of the Floodway Fringe** – The following USES are permitted within the limits of the Floodway Fringe in accordance with the underlying district.
- 4.1.7.1 Any USE otherwise permitted by this Bylaw subject to the provisions of this Section.
- 4.1.7.2 Any USE permitted in the underlying district in which the land is located subject to the same USE and development restrictions as may otherwise apply provided that, based upon properly documented engineering data, the land is found by the Zoning Enforcement Officer not to be subject to flooding during the Base Flood.

- 4.1.7.3 Construction, maintenance and repair of municipal and private water supply STRUCTURES;
- 4.1.7.4 Maintenance and repair of existing STRUCTURES and improvement of existing STRUCTURES provided that any such improvement is either within the existing STRUCTURE or above the Base Flood elevation;
- 4.1.7.5 Maintenance, repair and replacement of existing STRUCTURES in a driveway or private way or in an associated easement. Structures referred to herein are banks, walls, culverts, bridges or similar structures;
- 4.1.7.6 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.
- 4.1.8 USES Permitted by Special Permit Within the Limits of the Floodway Fringe – The following USES may be permitted within the limits of the Floodway Fringe upon the issuance of a special permit by the Board of Appeals:
- 4.1.8.1 Any USE permitted in the underlying district in which the land is located, including grading, filling or excavating, subject to the same USE and development regulations as may otherwise apply thereto provided the Board of Appeals finds that:
- a) the proposed USE does not significantly conflict with the purposes of this Section;
  - b) at least 99 percent of the Natural Flood Storage Volume of the Flood Plain on the site is preserved without the use of compensatory storage techniques and disturbance of the natural characteristics of the Flood Plain on the site is kept to a minimum;
  - c) the elevation of the Lowest Floor level including basement of any new or substantially improved residential STRUCTURE is at or above the Base Flood;
  - d) the elevation of the Lowest Floor including basement of any new or substantially improved non-residential STRUCTURE is at or above the Base Flood or floodproofed to above the Base Flood;
  - e) the elevation of the lowest point of any new vehicular or pedestrian ACCESS from a STREET to any BUILDING, including garages, used for human occupancy is at or above the Base Flood;
  - f) any new construction or Substantial Improvements are constructed with flood resistant materials and methods and anchored to prevent flotation and lateral movement;
  - g) any new or reconstructed utilities, such as water or sewer mains, septic and drainage systems, fuel storage facilities, gas electric or other utilities, are anchored to prevent flotation and designed to avoid impairment during the Base Flood.
- 4.1.9 Procedures for Review by the Board of Appeals – Any person who desires to erect any STRUCTURE or excavate, fill, grade or otherwise develop land in accordance with Section 4.1.4 or Section 4.1.8 shall submit a written application to the Board of Appeals. Each such application shall be accompanied by the following:

- a) A written statement indicating any special permits previously granted under this Section for the subject LOT, for any portion of the subject LOT or for any larger LOT which formerly included the subject LOT;
  - b) Proposed site plan for the entire area to be developed showing existing and proposed BUILDINGS, STRUCTURES, signs, parking spaces, driveway openings and driveways; the Flood Plain District boundary; existing and proposed topography at one foot intervals within the Flood Plain District and two foot intervals outside the District; the Floodway boundary; all facilities for surface and subsurface water drainage and sewage disposal; and all existing and proposed landscape features;
  - c) Detailed calculations and supporting materials prepared by a Registered Professional Engineer showing the existing and proposed flood storage volume of the site between the elevation(s) of the property as it existed on June 14, 1978 and the elevation(s) of the Base Flood. In A-Zones, the supporting materials shall include the methods and all data used in determining the location of the Floodway and the elevation of the Base Flood;
  - d) Where floodproofing is used, certification by a Registered Professional Engineer or a Registered Professional Architect that the new construction is adequate to withstand the forces associated with the Base Flood and that the methods used are adequate to withstand flood depths, pressures and velocities, impact and uplift forces and other factors associated with the Base Flood.
- 4.1.0.1 If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience may require. Upon completion of any authorized work an "as-built" plan, prepared by a Registered Professional Engineer or a Registered Land Surveyor, as appropriate to the data, of all improvements in the Flood Plain District shall be submitted to the Zoning Enforcement Officer and shall specify the elevation of the Lowest Floor including basement, the elevation to and method by which any STRUCTURE has been floodproofed and the finished grades of all disturbed areas.
- 4.2 Open Space Development** – Open Space Development shall be the preferred method of land development in the Residential Districts. Open Space Development as set forth in this Section is authorized by The Zoning Act, M.G.L. Ch. 40A, Section 9, and is based on the general concept of "Cluster Development" described hereon.
- 4.2.1 Purpose – The purpose of Open Space Development is to enhance the preservation of common land for conservation, OPEN SPACE, recreation, agriculture and forestry; to preserve unique and significant natural, historical and archeological resources, and to promote development in harmony with those resources; to protect scenic vistas from Acton's roadways and other places; to preserve and foster the rural character of the Town of Acton; to promote development of land that creates clusters and villages and, thereby, is in greater harmony with the historic and traditional landscape of the Town of Acton and New England as a whole; to protect existing and potential municipal water supplies; to promote better overall site planning and optimal siting of BUILDINGS, accessory STRUCTURES and wastewater disposal systems in relation to the resources of the development site; to reduce roadway maintenance cost and the cost of providing municipal services; and to enhance the general purpose of this Bylaw.
- 4.2.2 Special Permit from the Planning Board – The Planning Board shall grant a Special Permit for an Open Space Development in the R-2, R-4, R-8, R-8½, R-10 and R-10½ Districts, for single FAMILY detached dwellings and accessory STRUCTURES, subject to the following:

- 4.2.2.1 **Contents of Applications for an Open Space Development Special Permit** – The application for an Open Space Development Special Permit shall be accompanied by an "Open Space Development Site Plan", showing the information required by the Rules and Regulations for Open Space Development. The information shall include but not be limited to: the topography, soil characteristics as shown on the Soil Conservation Service Maps; wetlands as defined by M.G.L. Chapter 131 Section 40 Flood Plain boundary lines; existing types of vegetation; any other unique natural, historical, archeological, and aesthetic resources; the approximate layout of the LOTS without the benefit of Open Space Development standards and under given site limitations; the proposed layout of the LOTS and the Common Land in the Open Space Development; the proposed location of the dwellings, setback lines, garages, driveways, walls, septic systems; the proposed finished grades of the land; the proposed vegetation and landscaping including where existing vegetation is retained; the Land Use Plan for the Common Land; the proposed form of ownership of the Common Land including any improvements proposed thereon.
- 4.2.2.2 **Procedural Requirements** – If the Open Space Development requires approval under the Subdivision Control Law, M.G.L., Ch. 41, the "Open Space Development Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Acton Subdivision Rules and Regulations. The applications for an Open Space Development Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time. If the Open Space Development contains a Common Driveway subject to Section 3.8.1.5 of the Bylaw, the applications for an Open Space Development Special Permit and a Common Driveway Special Permit shall be filed concurrently and the Planning Board shall, to the extent permitted by law, consider both applications at the same time.
- 4.2.2.3 **Planning Board Action** – In evaluating the proposed Open Space Development the Planning Board shall consider the general objectives of this Bylaw and of Open Space Development in particular, the existing and probable future development of surrounding areas, the appropriateness of the proposed layout of the LOTS and the proposed layout and USE of the Common Land in relation to the topography, soils and other characteristics and resources of the TRACT OF LAND in question. The Planning Board shall grant a Special Permit for Open Space Development if it finds that the Open Space Development and the proposed USES:
- comply in all respects to the requirements of the Bylaw and enhance the purpose and intent of Open Space Development,
  - are in harmony with the existing and probable future USES of the area and with the character of the surrounding area and neighborhood, and
  - comply with the requirements of Section 10.3.5.
- The Planning Board may require changes to the "Open Space Development Site Plan" and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this Bylaw, including without limitation, any conditions, safeguards or limitations listed in Section 10.3.6.
- 4.2.2.4 **Revisions and Amendments of "Open Space Development Site Plans"** – Any change in the layout of STREETS; in the configuration of the Common Land; in the ownership or USE of the Common Land; or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the character of the Open Space Development, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new special permit and hold a public

hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.

- 4.2.3 Open Space Development Standards – The following standards shall apply to all Open Space Developments:
- 4.2.3.1 Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area within the Town of Acton of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10, and R-10/8 Districts.
- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of Open Space Development and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable dimensional requirements in Open Space Developments, and the required Common Land may consist of land located on either side of the STREET.
- b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts and the TRACT OF LAND meets the largest of the size requirements for any of the involved districts, the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLING UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district but shall be constructed in accordance with the dimensional requirements for LOTS and BUILDINGS in Open Space Developments for the district in which the DWELLINGS UNITS are located. The required Common Land shall be large enough to meet the largest of the requirements of the involved zoning districts.
- 4.2.3.2 Maximum Number of BUILDING LOTS Permitted – The total number of BUILDING LOTS in an Open Space Development shall not exceed the number of BUILDING LOTS that could be developed without the benefit of Open Space Development standards in the District in which the TRACT OF LAND is located. Provided however, that the number of allowable BUILDING LOTS in the R-8/4 District shall be based on the dimensional requirements applicable in the R-4 District, and the number of allowable BUILDING LOTS in the R-10/8 District shall be based on the dimensional requirements applicable in the R-8 District. In making the determination of the number of allowable BUILDING LOTS, the Planning Board shall require that the applicant provide a plan demonstrating evidence that, if such TRACT OF LAND were to be developed under the standard requirements applicable for the underlying or otherwise applicable zoning district,
- a) the development would comply with all requirements of Bylaw;
- b) the development would comply with the Massachusetts Wetlands Protection Act and the Acton Wetlands Bylaw.

The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Engineering Department of the Town of Acton in making said determination.

- 4.2.3.3 Dimensional Requirements for LOTS and BUILDINGS – Where the requirements of the Open Space Development differ from or conflict with the requirement of Section 5 of this Bylaw, the requirements established for Open Space Developments shall prevail. The following requirements shall be observed in all Open Space Developments. Where appropriate, the Planning Board may impose additional requirements upon the TRACT OF LAND or on any parts thereof as a condition to the granting of a special permit:
- a) Average LOT Area: The minimum average LOT area for all BUILDING LOTS in an Open Space Development in the R-2 District shall not be less than 10,000 square feet; in the R-4 and R-8/4 Districts not less than 20,000 square feet; and in the R-8, R-10, and R-10/8 Districts not less than 30,000 square feet.
  - b) Minimum LOT Area: In the R-2 District not less than 8,000 square feet; in the R-4 and R-8/4 Districts not less than 10,000 square feet; and in the R-8, R-10 and R-10/8 Districts not less than 20,000 square feet.
  - c) Minimum FRONTAGE: Not less than 50 feet.
  - d) Minimum LOT Width: Not less than 50 feet.
  - e) Minimum Front Yard: 45 feet from a pre-existing STREET. The minimum front yard measured from a new STREET within the Open Space Development shall be 15 feet in the R-2 District and 20 feet in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.
  - f) Minimum Side and Rear Yard: In the R-2 District not less than 10 feet. In the R-4, R-8, R-8/4, R-10, and R-10/8 Districts not less than 20 feet.
  - g) Minimum Yard Area: Not less than 70% of the LOT.
- 4.2.3.4 Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10, and R-10/8 Districts of the total area of the TRACT OF LAND within Acton to be developed as an Open Space Development shall be dedicated as Common Land within Acton. The following additional requirements shall apply:
- a) The minimum required area of the Common Land shall not contain a greater percentage of wetlands, as defined in M.G.L. Ch. 131, Section 40, than the percentage of wetlands found in the overall TRACT OF LAND.
  - b) The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes and USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.
  - c) If the TRACT OF LAND of the Open Space Development abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.
- 4.2.3.5 USE of the Common Land -- The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those USES. No other USES shall be allowed in the Common Land, except as provided for herein:
- a) The proposed USE of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Common

Land. The Planning Board shall have the authority to approve or disapprove particular USES proposed for the Common Land in order to enhance the specific purposes of Open Space Development.

- b) The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and STRUCTURES accessory to the dedicated USE or USES of the Common Land, and provided that the Common Land may be subject to temporary easements for the construction, maintenance, and repair of roads, utilities, and sewer or drainage facilities serving the Open Space Development or adjacent land.
- c) In addition, a portion of the Common Land may also be used for the construction of leaching areas, if associated with septic disposal systems serving the Open Space Development, and if such USE, in the opinion of the Planning Board, enhances the specific purpose of Open Space Development to promote better overall site planning.  
 Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the LOT owners within the Open Space Development.
- d) In addition, a portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths, and ACCESS or egress to the Open Space Development or adjacent land, if such a USE, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Common Land.
- e) Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with Section 4.2.3.4, including its subsection a), may be used for storm water detention and retention facilities serving the LOTS, STREETS and ways in the Open Space Development, including infrastructure such as pipes, swales, catch basins, and manholes, and parcels and easements associated with such facilities.

- 4.2.3.5 Ownership of the Common Land – The Common Land shall be conveyed in whole or in part to the Town of Acton and accepted by it, or to a non-profit organization, the principal purpose of which is the conservation of OPEN SPACE and/or any of the purposes and USES to which the Common Land may be dedicated. The Common Land may also be conveyed to a corporation or trust owned or to be owned by the owners of LOTS within the Open Space Development. If the Common Land or any portion thereof is not conveyed to the Town of Acton, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Acton, shall be imposed on the USE such and, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of Open Space Development as set forth herein and, if applicable, further specified in the decision of the Planning Board governing the individual Open Space Development. The proposed ownership of all Common Land shall be shown on the Land Use Plan for the Open Space Development. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.

### 4.3 GROUNDWATER Protection District

4.3.1 Purpose – GROUNDWATER is the sole source of drinking water available to the residents, businesses and industries of the Town of Acton. The purpose of the GROUNDWATER Protection District is to protect the public health, safety, and welfare by protecting the Town's limited present and future drinking water supply, to ensure a sufficient quantity of potable pure drinking water for the present and future residents of Acton, and to limit the adverse effects of the use and development of land on the quality of the GROUNDWATER and SURFACE WATER resources of the Town of Acton.

The GROUNDWATER Protection District is an overlay district whose boundaries are superimposed on all districts established by this Bylaw and whose regulations are in addition to any other regulations established by this Bylaw. The regulations in this district are not intended to supersede or limit the protections contained in state or federal GROUNDWATER protection programs, but to supplement protections contained in other statutes and regulations. The GROUNDWATER Protection District encompasses the entire Town, but it is divided into four separate protection zones, the regulations for which vary depending on their proximity to the Town's present and future drinking WATER SUPPLY wells.

4.3.2 District Boundaries – The GROUNDWATER Protection District is divided into four protection zones as follows:

4.3.2.1 ZONE 1 - The area from which GROUNDWATER will travel to a pumping municipal well within a one year time period, based on average recharge conditions and anticipated pumping, as established in the "Groundwater Protection District Map of the Town of Acton, January 1989", prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989".

4.3.2.2 ZONE 2 - The Recharge Protection Area – The area within which GROUNDWATER will move toward a pumping municipal well at the end of a 180 day period of no surficial recharge and full design capacity pumping of the well (the Massachusetts Department of Environmental Protection ZONE 2 boundary standard), as established in the "Groundwater Protection District Map of the Town of Acton, January 1989", and amended in 1995. Except for the Conant I and II well fields, the Zone 2 delineation was prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant I and II well fields the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test", dated January 1993, and has been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zone 2.

4.3.2.3 ZONE 3 - The AQUIFER Protection Area - The Area of the TOWN underlain with the geologic formation of STRATIFIED DRIFT, based on the U.S. Soil Conservation Service's (SCS) soil map field sheets 1988 and Interior Soil Survey Report 1985 and based on the United States Geologic Survey's (USGS) Surficial Geology Maps for the HUNSON-MAYNARD Quadrangle, 1956, and the Assabet River Basin, Hydrologic Investigations Atlas, 1969.

4.3.2.4 ZONE 4 - The Watershed Protection Area – Consists of the entire TOWN including ZONES 1-3 and separates the TOWN into watershed areas along the existing GROUNDWATER divides. The areas of ZONE 4 outside from the boundaries of ZONES 1, 2 and 3 consist primarily of bedrock, glacial fill and small isolated sand and

gravel deposits. Water from these areas will eventually recharge into the lower lying areas of ZONES 1, 2 and 3, although at a rather slow rate. Recharge from these areas into ZONES 1, 2 and 3 occurs through movement of GROUNDWATER and SURFACE WATER. The purpose of ZONE 4 is to promote public awareness that all GROUNDWATER areas in the Town are interconnected and to prevent possible contamination of the GROUNDWATER from any source.

- 4.3.2.5 **Boundary Determination** – The locations of the various ZONES are shown on the "Groundwater Protection District Map of the Town of Acton, January 1989", as amended, consisting of Map Number 3A showing all ZONES at a scale of 1"=1200', and of Map Number 3B. Map Number 3B consists of sheets 3B-1 through 3B-18 showing ZONE 1 and ZONE 2 at a scale of 1"=200'. The sheets 3B-1 through 3B-18 correspond to the matching town atlas pages, which are also indicated on these sheets, and the ZONE delineations are either traced on these corresponding town atlas pages or matching overlays to these pages. The "Groundwater Protection District Map of the Town of Acton, January 1989", as amended, is available at the office of the Town Clerk and the Engineering and Planning Departments. Actual site locations of the ZONE 1 and ZONE 2 boundary lines shall be determined by scaling from the Map Number 3B. Actual site location of the boundary line between ZONE 3 and ZONE 4 shall be located by the Zoning Enforcement Officer, or in the case of a Special Permit under Section 4.3.8, by the Planning Board, based on information from Map Number 3A. Locating the boundary between ZONE 3 and ZONE 4 may be assisted through field investigations conducted by a soil scientist who is certified under qualification class A (advanced qualifications) by the Society of Soil Scientists of Southern New England or by a Professional Engineer versed in soil identification and classification.
- 4.3.2.6 **Split ZONE LOTS** – Notwithstanding any other provisions of this Bylaw, whenever a GROUNDWATER Protection District ZONE boundary line divides a LOT, each portion of the LOT shall comply with the requirements of this Bylaw applicable to its respective ZONE.
- 4.3.3 **Definitions** – For the purpose of the GROUNDWATER Protection the following terms shall have the following meaning. The terms defined below are capitalized in this Section 4.3 in addition to the terms defined in Section 1.
- 4.3.3.1 **AQUIFER** – An area of permeable deposits of rock or soil, containing significant amounts of potentially recoverable water.
- 4.3.3.2 **DIVERSION BOX** – A precast concrete box or similar STRUCTURE, designed and positioned to direct a defined initial portion of runoff from a storm event in one direction and to direct remainder of the runoff water in another direction.
- 4.3.3.3 **PRIMARY, SECONDARY, TERTIARY TREATED EFFLUENT** – As defined from time to time in the applicable regulations of the Massachusetts Department of Environmental Protection.
- 4.3.3.4 **FILL** – Any material taken from on-site or off-site used for the purpose of augmenting or altering existing on-site topography, including but not limited to, landscaping, grading, or leveling of naturally occurring depressions in the land or of man-made excavations.
- 4.3.3.5 **GENERATOR OF HAZARDOUS MATERIALS OR WASTE** – Any individual or business that produces, uses or stores (storage, within the meaning of STORAGE pursuant to Section 4.3.3.4) on site HAZARDOUS MATERIAL OR WASTE as defined in Section 4.3.3.7, as a PRINCIPAL or ACCESSORY USE and in quantities exceeding normal household or BUSINESS maintenance needs.

- 4.3.3.6 **GROUNDWATER** – Water beneath the ground surface in the zone of saturation where every pore space between rock and soil particles is saturated with water.
- 4.3.3.7 **HAZARDOUS MATERIAL OR WASTE** – Any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety or welfare; to the GROUNDWATER resources; or to the natural environment. Any substance, including but not limited to those regulated under the applicable Acton Board of Health regulations and under any of the following State and Federal laws and regulations, or any amendments thereof, shall be considered HAZARDOUS MATERIAL OR WASTE:  
 M.G.L., Chapter 21C, 315 C.M.R. 2.04;  
 M.G.L., Chapter 21E, 310 C.M.R. 40.00;  
 M.G.L., Chapter 111F, 105 C.M.R. 670.00;  
 M.G.L., Chapter 14B, Section 13;  
 Toxic Substances Control Act - 15 U.S.C s.2601 et seq.;  
 Federal Insecticide, Fungicide and Rodenticide Act - 7 U.S.C s.136 et seq.;  
 Resource Conservation and Recovery Act - 42 U.S.C s.6901 et seq.;  
 Comprehensive Environmental Response, Compensation and Liability Act of 1980 - 42 U.S.C s. 9601 et seq.;  
 Federal Clean Water Act - 33 U.S.C s.1251 et seq..
- For the purposes of this Section, sanitary domestic wastes from residential sources shall not be considered a HAZARDOUS MATERIAL OR WASTE.
- 4.3.3.8 **IMPERVIOUS COVER** – Refers to material covering the ground, with a coefficient of runoff greater than 0.7 (as defined in Data Book for Civil Engineers by Seelye; C = runoff/rainfall) including, but not limited to, macadam, concrete, pavement and BUILDINGS.
- 4.3.3.9 **MAXIMUM GROUNDWATER ELEVATION** – The height of the GROUNDWATER table when it is at its maximum level or elevation. This level is usually reached during the months of December through April. Determination of the MAXIMUM GROUNDWATER ELEVATION shall be made based upon the historical high GROUNDWATER table as determined by the United States Geological Survey (U.S.G.S), Acton Board of Health records, data from monitoring wells or other adequate field testing, whichever indicates the highest elevation. Where applicable, the determination of the MAXIMUM GROUNDWATER ELEVATION shall be made with the additional assumption that any well which during pumping would draw down the GROUNDWATER table at the site, is not operating and that the GROUNDWATER table is leveled off to its natural state.
- 4.3.3.10 **UNDISTURBED OPEN SPACE** – An area within the OPEN SPACE that lies outside of any disturbances due to clearing, grading, paving, building, landscaping or other site development activities. It may be subject to limited and selected cutting of trees, removal of dead wood, or yearly mowing of grass and brush.
- 4.3.3.11 **SOLID WASTE** – For the purpose of this Section SOLID WASTE shall mean any unwanted or discarded solid material, as defined in 310 C.M.R. 18, with the exception of brush, yard trimmings and grass clippings.

- 4.3.3.12 **SPECIAL WASTE – SPECIAL WASTE** means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, SPECIAL WASTE includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. SPECIAL WASTES include but are not limited to: asbestos waste, infectious wastes except as specified in 310 CMR 19.061(6)(c)4, sludges including wastewater treatment sludges and industrial process wastewater treatment sludges. For purposes of this Bylaw, SPECIAL WASTE does not include drinking water treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3))
- 4.3.3.13 **STRATIFIED DRIFT –** Permeable, porous deposits of glacial outwash, consisting primarily of sand and gravel. The particular deposits referred to herein are those occurring in glacial river valleys in which the town's drinking WATER SUPPLIES are located. These deposits are defined in the United States Geologic Survey's (USGS) Surficial Geology Maps for the Hudson Maynard Quadrangle, 1955, and the Assabet River Basin, Hydrologic Investigations Atlas, 1969, and in the U.S. Soil Conservation Service's (SCS) soil map field sheets, 1988, and Interim Soil Survey Report, 1986; soil types associated with STRATIFIED DRIFT listed in the Interim Soil Survey Report are: Agawam series, Amostown series, Birdsall series, Carver series, Deerfield series, Freetown series, Freetown ponded, Hadley series, Haver series, Hinkley series, Hinkley series-bouldery, Limanck series, Merrimac series, Merrimac-urban land complex, Ninigret series, Occum series, Pipestone series, Pootatuck series, Quanset series, Raynham series, Ripponam series, Saco series, Scarborough series, Scio series, Sudbury series, Suncook series, Swansea series, Tisbury series, Walpole series, Windsor series, Winoski series; also Udornents, Gravel Pits, Landfills, and Urban Land Complexes when surrounded by or primarily associated with soil types listed above. The above referenced soil types are associated with STRATIFIED DRIFT in general, however, not necessarily every listed soil type does occur within the boundaries of the Town of Acton.
- 4.3.3.14 **STORAGE –** On-site containment or retention of materials (liquid, gas, solid) for PRINCIPAL or ACCESSORY USE for a period of more than 24 hours and occurring with a frequency of more than once a month.
- 4.3.3.15 **SURFACE WATER –** All surface water bodies and wetlands protected under Massachusetts General Laws, Chapter 131, Section 40.
- 4.3.3.16 **WATER SUPPLY – A GROUNDWATER AQUIFER and SURFACE WATER** recharge to a GROUNDWATER AQUIFER, which is a present or potential future drinking WATER SUPPLY source for the Town of Acton.
- 4.3.4 **OPEN SPACE and LOT COVER –** The following requirements shall apply for OPEN SPACE, UNDISTURBED OPEN SPACE and IMPERVIOUS COVER:
- 4.3.4.1 **ZONE 1 –** In the Well Protection Area (ZONE 1) a minimum of 90% of every LOT shall remain OPEN SPACE, 50% of every LOT shall remain as UNDISTURBED OPEN SPACE. No more than 10% of every LOT shall be covered with IMPERVIOUS COVER.
- 4.3.4.2 **ZONE 2 –** In the Recharge Protection Area (ZONE 2) a minimum of 70% of every LOT shall remain OPEN SPACE, 40% of every LOT shall remain as UNDISTURBED OPEN SPACE. No more than 30% of a LOT shall be covered with IMPERVIOUS COVER.

- 4.3.4.3 **ZONE 3, ZONE 4** – In the Aquifer Protection Area (ZONE 3) and in the Watershed Protection Area (ZONE 4) the **OPEN SPACE** requirements of the underlying Zoning District shall apply.
- 4.3.4.4 **Outdoor STORAGE** – Outdoor STORAGE areas shall not be considered a part of the **OPEN SPACE** of any LOT.
- 4.3.5 **Depth to GROUNDWATER** – Except for single FAMILY residential USES or BUILDINGS, no land within ZONES 1, 2 and 3 of the GROUNDWATER Protection District shall be developed or used except in accordance with the following requirements:
- 4.3.5.1 **Minimum Distance to GROUNDWATER** – The vertical distance between the existing or pre-development land surface and the **MAXIMUM GROUNDWATER ELEVATION** shall generally not be reduced, except when necessary to properly grade and construct STREETS, driveways, parking facilities and BUILDING sites, in order to comply with applicable regulations and to meet generally accepted ACCESS and safety standards.
- 1) The minimum distance between the finished or post-development grade from the **MAXIMUM GROUNDWATER ELEVATION** shall be not less than ten (10) feet, except as provided in Section 4.3.5.2.
  - 2) If the distance between the existing or pre-development land surface and the **MAXIMUM GROUNDWATER ELEVATION** is less than ten (10) feet, the distance may be reduced in accordance with Section 4.3.5.2.
- 4.3.5.2 **Maximum Allowed Reduction within 10 ft. of GROUNDWATER** – Where the existing or pre-development land surface is less than 10 feet above the **MAXIMUM GROUNDWATER ELEVATION**, the vertical distance between the finished or post-development grade to the **MAXIMUM GROUNDWATER ELEVATION** may be not less than ninety (90) percent of the pre-development distance.
- 4.3.5.3 **GROUNDWATER Recharge Facilities** – The bottom elevation of a leaching pond, or the bottom elevation of the stone layer in a leaching galley or trench shall be not less than two (2) feet above the **MAXIMUM GROUNDWATER ELEVATION**. This Section shall apply to STRUCTURES associated with surface drainage only.
- 4.3.6 **Other Design and Operation Requirements** – Except for single FAMILY residential USES or BUILDINGS, no land within ZONES 1, 2 and 3 of the GROUNDWATER Protection District, and with respect to Sections 4.3.6.1 and 4.3.6.2 no land within the entire GROUNDWATER Protection District shall be developed or used except in accordance with the following requirements:
- 4.3.6.1 **FILL** – FILL material shall not contain HAZARDOUS MATERIAL OR WASTE, SPECIAL WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.
- 4.3.6.2 **Watershed Recharge** – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board shall require a hydrology budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology. This Section shall also apply in ZONE 4.

- 4.3.6.3 **Treatment and Renovation of Runoff** – All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least 3 days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated, and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A DIVERSION BOX shall direct all water, which falls onto the site in excess of one (1) inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met.
- 4.3.6.4 **Pollution Safeguards** - (1) Drainage facilities shall be designed to prevent leaks and shall be equipped with emergency slide gates or similar provisions to be closed in the event of an emergency. (2) Loading and unloading areas for HAZARDOUS MATERIALS OR WASTE, including fuel and heating oils, shall be equipped with a containment dike. (3) Compliance with the Acton Hazardous Materials Control Bylaw shall be required.
- 4.3.6.5 **Location** – Where a LOT is divided into two or more protection ZONES, potential pollution sources, such as HAZARDOUS MATERIALS OR WASTE processing, storage and disposal systems, septic systems, or wastewater treatment plants, shall be located on that portion of the LOT which is in the ZONE farthest away from the public wells. Where the ZONE boundary in question is one between ZONE 3 and ZONE 4, septic systems and waste-water treatment plants may be located in either ZONE, subject to certain restrictions contained in Section 4.3.7 of this Bylaw.
- Where a LOT is partly in ZONE 4 and partly in another ZONE of the GROUNDWATER Protection District, IMPERVIOUS COVER runoff, generated in the ZONE 4 portion of the LOT but infiltrated, or discharged from the LOT, in a ZONE 1, 2 or 3 portion of the LOT, shall meet the same quality standard at the point of infiltration or discharge as if the runoff had been generated in ZONES 1, 2 and 3.
- 4.3.7 **GROUNDWATER Protection District Use Regulations** - No land which lies in ZONE 1, 2, and 3 of the GROUNDWATER Protection District shall be used and no activity shall be conducted on any land within these ZONES of the GROUNDWATER Protection District except in conformance with the following regulations:
- 4.3.7.1 **Permitted USES all ZONES** – All USES allowed in the underlying zoning district except those which are prohibited or regulated in Section 4.3.7.2 are permitted.
- 4.3.7.2 **Prohibited USES** – In the following table of USE regulations "N" indicates that the USE is prohibited. "Y" indicates that a USE is permitted.

**TABLE 4.3.7.2**  
**USE Regulations within the GROUNDWATER Protection District**

	ZONE 1 Well Protection Area	ZONE 2 Recharge Protect on Area	ZONE 3 Aquifer Protection Area
1. Sanitary landfill/solid waste disposal site, refuse treatment and disposal facility, landfills, of sludge and septage, storage of sludge and septage except for municipal USES as defined in Section 3.4.1 of this Bylaw associated with the provision of public sewer services	N	N	N
2. GENERATOR OF HAZARDOUS MATERIALS OR WASTE, except for municipal USES as defined in Section 3.4.1 of this Bylaw associated with the provision of public water and sewer services	N	N	Y
3. Vehicle Repair or Vehicle Body Shop	N	N	Y
4. Vehicle STORAGE for the purposes of leasing, rental, sale, resale, parts recovery, or similar USES	N	N	Y
5. Car, truck and equipment washing facility	N	N	Y
6. STORAGE of petroleum products for purposes other than heating the premises on which it is located	N	N	Y
7. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS	N	N	N
8. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS associated with residential USE	N	N	N
9. Commercial Laundries	N	N	Y
10. Dry cleaners with on site cleaning facilities	N	N	Y
11. Furniture/wood shopping, painting & refinishing	N	N	Y
12. Dispose of snow contaminated with deicing chemicals and originating from a protection ZONE further distant from a public well than the location of disposal	N	N	N
13. Outdoor STORAGE of fertilizer, animal manure, soil conditioner, pesticide, herbicide and deicing chemicals	N	N	Y
14. Chemical, bacteriological, biological or radiological laboratory or production facility	N	N	N
15. Subsurface disposal of wastewater effluent at a rate of less than 3.5gpd/1000sf of land area	Y	Y	Y
16. Subsurface disposal of wastewater effluent at a rate of 3.5gpd or more per 1000sf of land area but at a rate of less than 6gpd/1000sf of land area	N	Y	Y
17. Subsurface disposal of wastewater effluent at a rate of 6gpd or more per 1000sf of land area	N	N	Y
18. Subsurface disposal of wastewater effluent on a parcel of land which is not a buildable LOT as defined in footnote (**)	N	N	N

**TABLE 4.3.7.2**  
**USE Regulations within the GROUNDWATER Protection District**  
**(continued)**

	ZONE 1 Well Protection Area	ZONE 2 Recharge Protection Area	ZONE 3 Aquifer Protection Area
19. Subsurface disposal of wastewater effluent at a rate of less than 750gpd per buildable LOT(**)	Y	Y	Y
20. Subsurface disposal of wastewater effluent at a rate of 750gpd or more per buildable LOT(**) but at a rate of less than 2,000gpd per buildable LOT(**)	N	Y	Y
21. Subsurface disposal of wastewater effluent at a rate of 2,000gpd or more per buildable LOT(**) but at a rate of less than 6,000gpd per buildable LOT(**)	N	N	Y
22. Subsurface disposal of wastewater effluent at a rate of 6,000gpd or more per buildable LOT(**)	N	N	N
23. Subsurface disposal of TERTIARY TREATED wastewater EFFLUENT	Y	Y	Y
24. Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection	Y	Y	Y
25. Treatment or disposal works for non-sanitary wastewater that are subject to 310 CMR 22.21 (2)(a)6 as amended, except the treatment and discharge of surface water runoff in compliance with section 4.3.6.3 of this bylaw.	N	N	Y

NOTES:

(\*) A USE may fall under one or more categories listed in this Table. Except as indicated in NOTE(\*\*), any USE must be able to qualify for a Y or a SP in every applicable category, in order to be considered allowed (Y) or in order to be considered eligible for consideration of a special permit (SP), as the case may be.

(\*\*) For the purpose of this table, buildable LOT shall mean: a) A LOT that is shown on a plan recorded in the Middlesex County Registry of Deeds or the Land Court, and that complies with all requirements of this bylaw pertaining to the LOT and the STRUCTURES thereon; and b) Common Land as provided for in sections 4.2, 4.4, 5, and 9B of this bylaw.

gpd - Gallons per day

4.3.8 Special Permit for the change or extension of nonconforming USES in the Groundwater Protection District.

4.3.8.1 The Planning Board may grant a Special Permit for any change or substantial extension of any PRINCIPAL or ACCESSORY USE designated with "N" in Table 4.3.7.2 that is in existence as of April 7, 1997. Change or substantial extension as referred to here shall include but not be limited to: Any change or increase in HAZARDOUS MATERIALS OR WASTE produced, used or stored; any change or increase in the outdoor STORAGE of fertilizers, animal manure, soil conditioners, pesticides, herbicides or deicing chemicals; any increase in wastewater effluent flow other than TERTIARY TREATED EFFLUENT; any change in the grade of the land or the drainage

system for the LOT, which affects the flow of GROUNDWATER or SURFACE WATER; any expansion in ground area by 500 square feet or more of impervious material or any area devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

- 4.3.8.2 Action by the Planning Board, Criteria for Special Permit – After notice and public hearing, and after due consideration of all reports and recommendations submitted to the Planning Board regarding the Special Permit application, the Planning Board may grant such a Special Permit provided that it shall make the following findings:
- a) Maintain GROUNDWATER Quality – That the change or extension of the USE will not cause the GROUNDWATER quality at the down gradient property boundary to fall below the drinking water standards established by the Acton Water District, or where no such standards exist, below standards established in 314 C.M.R. 6.00, Massachusetts Drinking Water Standards, or by the Acton Board of Health. Where existing GROUNDWATER quality is already below those standards, the Planning Board may grant such Special Permit upon determination that the change or expansion of the USE will not result in further degradation of the GROUNDWATER quality, and will not impede its improvement over time.
  - b) Protection of Overall WATER SUPPLY – That the change or extension of the USE will not, during construction or thereafter, have an adverse effect on the GROUNDWATER, SURFACE WATER and overall WATER SUPPLY of the Town of Acton and the resulting USE after the change or extension will be in harmony with the specific purpose and intent of this Section to protect the GROUNDWATER, SURFACE WATER and overall WATER SUPPLY of the Town of Acton.
  - c) Compliance – That the changed or extended USE is in harmony with the purpose and intent of this Section and complies with the standards of Section 10.3.5 of this Bylaw. In making such determinations, the Planning Board shall give consideration to the proposed USE, the demonstrated reliability and feasibility of the proposed pollution control measures associated with the USE, and the degree of pollution threat to the GROUNDWATER which would result if the control measures perform at less than design specifications. The Planning Board may impose such conditions, safeguards, and limitations as it deems appropriate to protect the GROUNDWATER and SURFACE WATER resources of the Town of Acton.
- 4.3.8.3 Filing Requirements – The Planning Board shall promulgate and adopt rules and regulations governing this Special Permit pursuant to Section 10.3.1 of this Bylaw. Such rules and regulations shall set forth the application filing requirements to ensure that the application, including any plans and accompanying text, provides sufficient information for a full evaluation of resulting impacts on the GROUNDWATER resources, and to allow the Planning Board an evaluation of the application under the criteria set forth in section 4.3.8.2 above.
- 4.3.8.4 Submittal of 'As Built' Plan – Upon completion of any work authorized through a Special Permit under this Section, an "as built" plan prepared by a Registered Professional Engineer, showing all improvements authorized or required, shall be submitted to the Zoning Enforcement Officer for approval prior to the issuance of an Occupancy Permit.
- 4.4 AFFORDABLE Housing Incentives and Overlay District**
- 4.4.1 Purpose – The purpose of this Section is to enhance the public welfare by increasing the production of DWELLING UNITS AFFORDABLE to persons and households of LOW-INCOME and MODERATE-INCOME. In order to encourage utilization of the

**SECTION 5.  
DIMENSIONAL REGULATIONS**

**5.1 Standard Dimensional Provisions** – No land shall be used, and no STRUCTURE or BUILDING shall be used or construction begun except in accordance with Section 5 Dimensional Regulations and the Table of Standard Dimensional Regulations unless otherwise specifically permitted in this Bylaw.

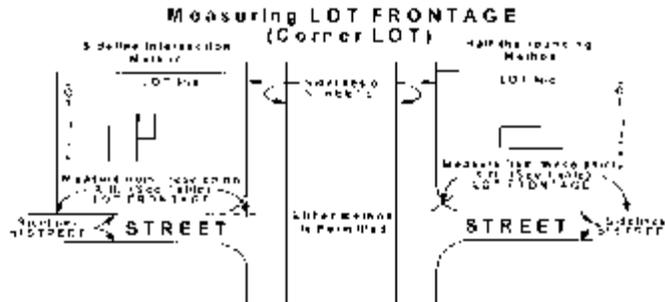
**5.2 Methods for Calculating Dimensional Requirements** – The following shall apply:

**5.2.1 LOT area** – LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area.

**5.2.2 FRONTAGE** – FRONTAGE shall be measured in a continuous line along the sideline of a STREET between the points of intersection of the side LOT lines with the STREET.



**5.2.2.1** FRONTAGE for a corner LOT may be measured either to the point of intersection of the extension of the sideline of the right-of-way or to the middle of the curve connecting the sideline of the intersecting STREETS.



**5.2.2.2** If a LOT has FRONTAGE on more than one STREET, the FRONTAGE on one STREET only may be used to satisfy the minimum LOT FRONTAGE.

**TABLE OF STANDARD DIMENSIONAL REGULATIONS**

See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-6 and R-10/B Districts along and near Great Road (Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), Special Dimensional Regulations for Open Space Developments (OSD - Section 4.2), Planned Conservation Residential Communities (PCRC - Section 6), and Senior Residences (Section 9E).

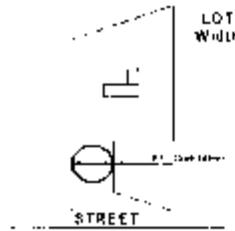
The symbol "NR" in this Table indicates no specific minimum or maximum regulation.

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH in feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in Percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
RESIDENTIAL DISTRICTS	R-2	20,000	150	50	30	10	NR	NR	36
	R-4	40,000	175	50	45	20	NR	NR	36
	R-6	80,000	200	50	45	20	NR	NR	36
	R-8/4	80,000	200	50	45	20	NR	NR	36
RESIDENTIAL DISTRICTS	R-10	100,000	250	50	45	20	NR	NR	36
	R-10/B	100,000	250	50	45	20	NR	NR	36
	R-A	100,000	200	50	30	10 (3)	35%	NR	36
	R-AA	100,000	100	50	30	10	35%	NR	36
VILLAGE DISTRICTS	VR	5,000	50	NR	10	10	20%	NR	36
	EAV	NR	NR	NR	0 (10)	NR (1)	25%	0.20 (4)	36
	FAV-2	5,000	50	NR	10	10 (1)	35%	0.20 (4)	36
	NAV	10,000	100	50	10 (8)	10 (1)	35%	0.20 (4)	36
OFFICE DISTRICTS	SAV	NR	NR	NR	10 (10)	10	NR	0.20 (13)	36 (12)
	WAV	NR	NR	NR	5 (10)	NR (1)	NR	0.40 (11)	36 (12)
	OP-1	80,000	200	50	50	30 (7)	50%	0.20 (14)	36
	OP-2	80,000	200	50	50	30 (7)	50%	0.20 (18)	40
BUSINESS DISTRICTS	KC	10,000	100	50	30	NR (6)	NR	0.40 (15)	36
	KB	20,000	200	50	75 (5)	30 (5)	50%	0.20 (4)	36
	PM	10,000	100	50	30	20	35%	0.20	40
	GI	40,000	100	50	45	20 (2)	35%	0.20	40
INDUSTRIAL DISTRICTS	LI	80,000	200	50	50	30 (2)	35%	0.20	40
	J-1	80,000	200	50	50	30 (2)	50%	0.20	40
	SM	40,000	100 (8)	50	50	30 (2)	35%	0.20 (18)	36 (18)
	TC	40,000	100	50	45	50 (2,17)	35%	0.20	40
SP. DISTRICT	ARC	NR	20	50	20	10	NR	NR	36

**NOTES for TABLE OF STANDARD DIMENSIONAL REGULATIONS**

- (1) Where a non-residential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV and LAV-2.
- (2) If the LOT abuts a Residential District, whether directly or separated by a public or railroad right of way, the side and rear yards abutting the Residential District shall be increased as follows:
- | Industrial District | Minimum Side or Rear Yard |
|---------------------|---------------------------|
| ID                  | 200 feet                  |
| GI                  | 100 feet                  |
| LI or LI-1          | 80 feet                   |
| SM                  | 50 feet                   |
- (3) Where a Multifamily Dwelling USE abuts a residential zoning district other than R-A the minimum side and rear yard shall be increased to 30 feet.
- (4) In the EAV District, subject to the provisions in Sections 5.4 and 5.5B. In the FAV-2 District, subject to the provisions in Section 5.5B.2. In the NAV District, subject to the provision in Section 5.4 and 5.5C. In the LB District, subject to the provisions in Section 5.4.
- (5) The minimum front yard to the sidewalk of STREETS other than Great Road shall be 30 feet. On LOTS with FRONTAGE on Great Road and in existence on or before February 15, 1990 where the 75-foot minimum front yard to the sidewalk of Great Road would exceed 30% of the LOT depth, the front yard may be reduced to 30% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the Great Road sidewalk.
- (6) If the LOT abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On LOTS in existence on or before February 15, 1990 where the minimum side or rear yard exceeds 20% of the LOT depth, the side or rear yard may be reduced to 20% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.
- (7) If the LOT abuts a Residential District the minimum side and rear yard shall be 60 feet.
- (8) Minimum LOT FRONTAGE on Rt. 27 (Main Street) shall be 200 feet.
- (9) Where a LOT is facing Great Road or Main Street the minimum front yard shall be 50 feet.
- (10) The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20') in the SAV and EAV Districts, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. Exceptions: a) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE in the rear of an existing BUILDING or to an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET. b) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not face a STREET.
- (11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at least equal amount of residential NET FLOOR AREA is provided simultaneously.
- (12) The maximum height of a BUILDING shall be twenty (20) feet. Accessory BUILDINGS, such as garages or sheds may be less than 20 feet in height.
- (13) The maximum Floor Area Ratio (FAR) may be increased to .40 provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.
- (14) On LOTS within the OP-1 District, which on April 3, 1995 were held in common ownership by the FLOOR AREA RATIO may be calculated by dividing the sum of the NET FLOOR AREA of all BUILDINGS on such LOTS by the DEVELOPABLE SITE AREA of such LOTS, whether or not such LOTS are contiguous or divided by a STREET.
- (15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelkey's Corner District.
- (16) Subject to certain provisions in Section 5.7, Special Provisions for the Office Park 2 District.
- (17) Landscaped screening shall be required to separate a non-residential USE from a Residential District. The screen shall be 100 feet in width and shall be non-transparent in all seasons of the year from the ground to a height of at least six (6) feet, with intermittent visual obstruction to a height of at least 70 feet. The screen is intended to exclude visual contact between uses and to create a strong impression of spatial separation. It may be composed of a wall, fence, landscaped earth berm, or densely planted vegetation or a combination of these items.
- (18) The maximum FLOOR AREA RATIO and height may be increased further subject to procedures and conditions set forth in Section 10.4.3.12.

5.2.3 **LOT Width** – LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines.



5.2.4 **Front Yards** – Front yards shall be the distance measured in a straight line between the LOT FRONTAGE and the nearest point of any BUILDING or STRUCTURE, excluding roof overhangs. Roof overhangs shall not extend further than two feet into the minimum required front yard. A LOT having FRONTAGE on two or more STREETS shall have two or more front yards, each of which shall comply with the requirements of the front yard provisions. In no case shall any BUILDING or STRUCTURE be located closer to the sideline of a STREET than the minimum required front yard.

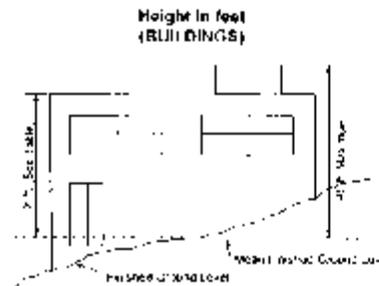
5.2.5 **Side and Rear Yards** – Side and rear yards shall be the distance measured in a straight line from the nearest point of any BUILDING or STRUCTURE to each side or rear LOT line, excluding roof overhangs. Roof overhangs shall not extend further than two feet into the minimum required side or rear yard.

5.2.6 **BUILDING Coverage** – The BUILDING coverage shall be determined by dividing the total ground area of all BUILDINGS on a LOT, including roof overhangs greater than two feet, carports and canopies, whether or not such carports or canopies are part of a BUILDING, by the total LOT area.

5.2.7 **Height in Feet**

5.2.7.1 **Height in Feet, STRUCTURES** – Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire STRUCTURE to the highest extension of any part of the STRUCTURE.

5.2.7.2 **Height in Feet, BUILDINGS** – Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire BUILDING at each exterior wall to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof.



5.3 **Special Provisions and Exceptions to Dimensional Regulations**

5.3.1 **Location of STRUCTURES** – Unless otherwise specified in this Bylaw, no STRUCTURE shall be located within the required yard area of any LOT except walls or fences no more than eight feet in height; uncovered steps, ramps or terraces; sign posts; pedestrian lighting facilities; flagpoles; or similar STRUCTURES.

- 5.3.2 Residence A District, Residence AA District and Multifamily Dwellings.
- 5.3.2.1 In the R-AA District, residential USES may be established at a density of up to five DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations. If such USES are established as single FAMILY DWELLING UNITS, the standards set forth in the Table of Standard Dimensional Regulations may be reduced provided that the following alternative standards are met:
- Minimum LOT area: 8,000 square feet;
  - Minimum LOT FRONTAGE: 50 feet;
  - Minimum Front Yard: 15 feet;
  - All other dimensional regulations: as set forth for the R-2 District.
- 5.3.2.2 In the R-AA District, residential USES may be established at a density of up to fifteen DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations.
- 5.3.2.3 In all other districts, the following dimensional regulations must be met or maintained for any LOT used for five or more multifamily dwellings which were in existence prior to June 1, 1983:
- Minimum LOT area: the greater of either 50,000 square feet; or 4,500 square feet per one bedroom DWELLING UNIT plus 3,000 square feet for each additional bedroom per DWELLING UNIT;
  - Minimum FRONTAGE: 200 feet;
  - Minimum LOT width: 200 feet;
  - Minimum front yard: 30 feet;
  - Minimum side and rear yards: 30 feet.
- No changes may be made to the boundaries of any such LOT, or to the boundaries of any land adjoining such LOT which is held in common ownership, until the above requirements have been met for each multifamily dwelling (unless such changes bring the multifamily dwelling more nearly into compliance with these standards).
- 5.3.3 FRONTAGE Exceptions
- 5.3.3.1 FRONTAGE Exception LOTS – In the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts, the minimum LOT FRONTAGE may be reduced by 50 feet per LOT provided that the minimum LOT area required for each such LOT is doubled.
- 5.3.3.2 Curved STREET Exception LOTS – Excluding a cul-de-sac, any LOT whose entire FRONTAGE is on the outside side of a curved STREET having the radius of 300 feet or less shall be permitted to reduce its minimum FRONTAGE to 125 feet for a LOT located in the R-2 District and 150 feet for a LOT located in the R-4, R-8/4, R-8, R-10/8, and R-10 Districts.
- 5.3.3.3 Cul-de-sac LOTS – In all districts the minimum LOT FRONTAGE for a LOT may be reduced to 100 feet per LOT provided that each such LOT fronts entirely on a cul-de-sac with a side/rear radius of 62.5 feet or greater and provided further that no more than three such reduced FRONTAGE LOTS shall have FRONTAGE on the cul-de-sac.
- 5.3.4 Hammerhead LOTS – In the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts, Hammerhead LOTS may be created subject to the following requirements:

- 5.3.4.1 The minimum FRONTAGE and LOT width shall be 50 feet; and
- 5.3.4.2 The minimum LOT area shall be 80,000 square feet in the R-2 District, 120,000 square feet in the R-4 District, and 200,000 square feet in the R-8/4, R-8, R-10/8 and R-10 Districts; and
- 5.3.4.3 The LOT shall contain a dwelling location square with a minimum side of 150 feet in the R-2 District, 175 feet in the R-4 District, and 200 feet in the R-8/4, R-8, R-10/8 and R-10 Districts. The dwelling shall be located within the dwelling location square; and
- 5.3.4.4 No dwelling shall be located within 50 feet of any LOT line; and
- 5.3.4.5 No more than two Hammerhead LOTS shall have contiguous FRONTAGE; and
- 5.3.4.6 A plan showing a Hammerhead LOT submitted to the Planning Board for endorsement under M.G.L. Ch. 41A S. 81P or 81U shall clearly identify the LOT as a Hammerhead LOT and bear a statement to the effect that such Hammerhead LOT shall not be further divided to reduce its area or to create additional BUILDING LOTS. Further, such plan shall show the proposed dwelling location square.
- 5.3.5 Height of BUILDINGS
- 5.3.5.1 In all districts appurtenant STRUCTURES located upon the roof of a BUILDING may extend above the height limit but in no case shall they exceed 45 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area unless in compliance with Section 5.3.5.2 of this Bylaw.
- 5.3.5.2 In the General Industrial and Industrial Park Districts the height of BUILDINGS may be increased by right above 40 feet provided that 1) the minimum OPEN SPACE provided on the LOT is 45% or more in the General Industrial District and 60% or more in the Industrial Park District, 2) the maximum BUILDING coverage on the LOT is 25% or less, and 3) the maximum height of the BUILDING is 50 feet or less.
- 5.3.5.3 In all Districts, the Planning Board may by special permit increase the height limits in the Table of Standard Dimensional Regulations for light poles that illuminate outdoor recreation facilities such as, but not limited to, playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks that are operated as a Recreation, Municipal, or Commercial Recreation USE. In considering a special permit, the Planning Board shall take into account the trade-offs between the height of light poles and the improved illumination of the facility, and it shall weigh any mitigating effects on light trespass and glare. The luminaires on such light poles shall comply with section 10.6.2.4.c) of this Bylaw. No such light poles shall exceed a height of 85 feet.
- 5.3.6 No more than 50% (fifty percent) of the MINIMUM OPEN SPACE for any LOT as required by the Table of Standard Dimensional Requirements shall be freshwater wetlands, as defined in the M.G.L. 131, Section 4B.
- 5.3.7 Town Boundary LOTS – In the event that a LOT is located partially outside of the Town of Acton, FRONTAGE and LOT area located outside of the Town of Acton may be used to satisfy the minimum FRONTAGE and LOT area requirements of this Bylaw, provided however that this Section shall only apply

## SECTION 9.

**PLANNED CONSERVATION RESIDENTIAL COMMUNITY (PCRC)**

- 9.1 Purpose** – The primary purpose of the Planned Conservation Residential Community (PCRC) is to allow residential development that encourages the preservation of open space, and thus allows within it the preservation of significant land, water, historic, archeological and natural resources, in a manner consistent with the goals of the Master Plan and the Open Space and Recreation Plan, as amended from time to time.
- The secondary purpose is to facilitate and encourage the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner than in a standard subdivision.
- 9.2 Special Permit** – The Planning Board may grant a special permit for the development and construction of a PCRC on all land and parcels previously incorporated into a PCRC zoning district, as well as in the R-2, R-4, R-8/4, R-6, R-10/8 and R-10 Districts in accordance with this Section and MGL Ch. 40A, s. 9.
- 9.3 Contents of Application for a PCRC Special Permit** – The application for a PCRC Special Permit shall be accompanied by a "PCRC Site Plan", showing the information required by the Rules and Regulations for PCRCs. The information shall include but not be limited to: the topography; soil characteristics as shown on the Soil Conservation Service Maps; wetlands as defined by M.G.L. Chapter 131, Section 40; vernal pools; riverfront areas; buffer zones and setbacks as defined in Chapter F of the Bylaws of the Town of Acton - Wetland Protection; Flood Plain boundary lines; existing types of vegetation; any other unique natural, historical, archeological, and aesthetic resources; the proposed layout of the LOTS; proposed locations of DWELLING UNITS and accessory BUILDINGS; the proposed diversity and cost range for the DWELLING UNITS; dimensions, STREETS, garages, driveways, wells, utilities, wastewater disposal systems; the proposed finished grades of the land; the proposed vegetation and landscaping including where existing vegetation is retained; proposed features designed for energy and water conservation and pollution control; the proposed layout and land use plan of the Common Land in the PCRC; the proposed form of ownership of the Common Land and any improvements proposed thereon.
- 9.4 Procedural Requirements** – If the PCRC requires approval under the Subdivision Control Law, M.G.L., Chapter 41, the "PCRC Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Acton Subdivision Rules and Regulations. The applications for a PCRC Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.
- 9.5 Planning Board Action** – In evaluating the proposed PCRC, the Planning Board shall consider the general purpose and objectives of this Bylaw; the existing and probable future development of surrounding areas; the appropriateness of the proposed layout of STREETS, ways, LOTS, and STRUCTURES; the proposed layout and USE of the Common Land; the topography; soil; and other characteristics and resources of the TRACT OF LAND in question. The Planning Board may grant a special permit for a PCRC if it finds that the PCRC:
- complies in all respects with the applicable requirements of this Bylaw;
  - enhances the purpose and intent of PCRC Development;
  - enhances the goals of the Open Space and Recreation Plan;

- d) is in harmony with the character of the surrounding area and neighborhood; and
  - e) complies with the requirements of Section 10.3.5.
- 9.5.1 The Planning Board shall consider the recommendations, if any, of the Board of Health, the Conservation Commission, and other town boards and staff in making said findings.
- 9.5.2 The Planning Board may require changes to the "PCRC Site Plan" and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this Bylaw, including without limitation, any conditions, safeguards or limitations listed in Section 10.3.6.
- 9.6 Standards for PCRCs**
- 9.6.1 Permitted USES – Permitted USES in a PCRC shall be any USE permitted in the underlying Zoning District, as well as ACCESSORY USES typically associated with residential USES, owned and operated by the owner of the PCRC or the residents within the PCRC, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.
- 9.6.2 Area and Dimensional Regulations.
- 9.6.2.1 PCRC Site Area – The TRACT OF LAND for a PCRC must contain a minimum area of 8 acres within the Town of Acton.
- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of PCRC and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLING UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable PCRC requirements and the required Common Land may consist of land located on either side of the STREET.
  - b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/S districts the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLING UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district and shall be constructed in accordance with PCRC requirements.
- 9.6.2.2 Dimensional Requirements for BUILDINGS – There shall be no minimum LOT area, FRONTAGE, LOT width, or yard requirements within a PCRC except as follows.
- a) No BUILDINGS or STRUCTURES shall be located within 45 feet of a pre-existing STREET, or within 15 feet of a new STREET, way, or common drive within the PCRC.

- b) No BUILDINGS or STRUCTURES shall be located within 30 feet of the boundary line of the PCRC or the Common Land.
  - c) The minimum distance between residential BUILDINGS shall be 20 feet.
  - d) Where a residential BUILDING measures more than 3,000 square feet of GROSS FLOOR AREA per DWELLING UNIT, including any attached garages, the minimum setback from a street, way, or common drive within the PCRC shall be 30 feet, and the minimum separation to the next residential BUILDING shall be 40 feet.
  - e) The Planning Board may impose other conditions on the locations of BUILDINGS and STRUCTURES, as it deems appropriate to enhance the purpose and intent of PCRC.
- 9.6.2.1 Number of DWELLING UNITS – The maximum number of DWELLING UNITS permitted in a PCRC shall be 80% of the following, rounded up to the next integer:
- a) In the R-2 District: 1 DWELLING UNIT per 20,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land.
  - b) In the R-4 and R-6¼ Districts: 1 DWELLING UNIT per 40,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land.
  - c) In the R-8 and R-10⅞ Districts: 1 DWELLING UNIT per 80,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land.
  - d) In the R-10 District: 1 DWELLING UNIT per 100,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land.
  - e) In the AFFORDABLE Housing Overlay District - Sub-Districts A and B: The number of DWELLING UNITS may be increased pursuant to the formulas provided in Section 4.4.3.1 and subject to the requirements of Sections 4.4.5, 4.4.6, 4.4.7, 4.4.8 and 4.4.9. The inclusion of AFFORDABLE DWELLING UNITS in compliance with the above referenced Sections of this Bylaw shall be authorized under a Special Permit for a PCRC.
- 9.6.2.4 BUILDING Requirements – There shall be no more than four DWELLING UNITS in any residential BUILDING. Except in the case of detached single family dwellings, there shall be not more than two garage spaces per DWELLING UNIT in any residential BUILDING. The overall length of any residential BUILDING shall not exceed 200 feet. Each DWELLING UNIT shall have two separate exterior entrances at ground level.
- 9.6.2.5 Parking Requirements – A minimum of 2 parking spaces per DWELLING UNIT including garages shall be provided.
- 9.6.2.6 Storm Water Runoff – The peak rate of storm water runoff from a PCRC shall not exceed the rate existing prior to the new construction based on a 10-year design storm.
- 9.6.3 Common Land Standards.
- 9.6.3.1 Dimensional Requirements for the Common Land – In a PCRC, at least sixty percent (60%) of the TRACT OF LAND within Acton shall be set aside as Common Land within Acton for the use of the PCRC residents or the general public. The following additional requirements shall apply:
- a) The minimum required area of the Common Land shall not contain a greater percentage of wetlands, as defined in M.G.L. Chapter 131, Section 40, than the percentage of wetlands found in the overall TRACT OF LAND on which the PCRC is located.

- b) The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes and USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.
  - c) If the TRACT OF LAND of the PCRC abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.
- 9.6.3.2 USE of the Common Land – The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those USES. No other USES shall be allowed in the Common Land, except as provided for herein:
- a) The proposed USE of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Common Land. The Planning Board shall have the authority to approve or disapprove particular USES proposed for the Common Land in accordance with the purposes of this Bylaw.
  - b) The Common Land shall remain unbuild upon, except that the Planning Board may approve as part of the special permit the location and area of pavement or STRUCTURES accessory to the approved USE or USES of the Common Land.
  - c) A portion of the Common Land may also be used for the construction of leaching areas, if associated with septic disposal systems serving the PCRC, and if such USE, in the opinion of the Planning Board, enhances the specific purpose of PCRC Development and promotes better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the LOT owners within the PCRC.
  - d) A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths, and emergency access or egress to the PCRC or adjacent land, if such a USE, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.
  - e) Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with Section 9.6.3.1, including its subsection a), may be used for storm water detention and retention facilities serving the LOTS, STREETS and ways in the PCRC, including infrastructure such as pipes, swales, catch basins, and manholes, tank ponds and easements associated with such facilities.
  - f) No portion of the Common Land as shown on the approved PCRC Site Plan, including any portion that exceeds minimum zoning requirements, shall be used to meet area, setback, or any other zoning requirements for any development or improvement that is not shown on the approved PCRC Site Plan. No portion of the Common Land shall be used to meet minimum Common Land requirements in any adjacent or expanded PCRC.
- 9.6.3.3 Ownership of the Common Land – The Common Land shall be conveyed in whole or in part to the Town of Acton and accepted by it, or to a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and USES to which the Common Land may be dedicated. The Common Land may also

be conveyed to a corporation or trust owned or to be owned by the owners of DWELLING UNITS within the PCRC. The Planning Board shall approve the form of ownership of the Common Land. If the Common Land or any portion thereof is not conveyed to the Town of Acton, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Acton, shall be imposed on the USE of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of a PCRC as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual PCRC. The proposed ownership of all Common Land shall be shown on the Land Use Plan for the PCRC. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages, tax liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.

- 9.7 STREETS, Utilities and Lighting** – Whether or not the Planned Conservation Residential Community is a subdivision, all STREETS and ways whether public or private, wastewater disposal and drainage facilities and utilities shall be designed and constructed in compliance with the Town of Acton Subdivision Rules and Regulations, as amended. Special exception(s) to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a special permit hereunder provided the Board determines such exception(s) is in the public interest and is not inconsistent with the purposes of Section 9.1. The Planning Board may impose appropriate standards for all outdoor lighting within a PCRC.
- 9.8 Revisions and Amendments of "PCRC Site Plans"** – Any change in the layout of STREETS and ways, in the configuration of the Common Land, in the ownership or USE of the Common Land, or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the character of the PCRC, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new special permit and hold a public hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.
- 9.9 Previously Approved PCRC Developments** – Nothing herein shall be construed to prevent the orderly completion of any previously approved PCRC development. Any previously approved PCRC development shall be subject to the Zoning Bylaw in effect at the time when it was approved. However, the Planning Board may authorize BUILDING setbacks, BUILDING dimensions and arrangement of garages in accordance with Sections 9.6.2.2 and 9.6.2.4 of this Bylaw.

OWNER'S PROPERTY INSPECTION CERTIFICATION

\*Two managers!  
Jude Armstein (978) 621-5701  
Franny Osman (978) 621-7330  
EXHIBIT I

COMMONWEALTH OF MASSACHUSETTS

[agency name]

OWNERS PROPERTY INSPECTION CERTIFICATE

1. ~~Franny~~ Wright Hill Association LLC \*  
Name(s) of Supposed Owner(s) Telephone No. w/ Area Code  
3 Gregory Lane  
Address  
Acton MA 01720  
Town/City State Zip Code

2. Please check appropriate line

- I wish to accompany the appraiser on an inspection of my property.
- or  I wish to have my representative accompany the appraiser(s) on an inspection of my property. (please fill in Item 3.)
- I do not wish to accompany the appraiser(s) on an inspection of my property.

3. Any member of Wright Hill Association LLC or Joe Rice use tel. nos. above to arrange  
Name of Authorized Representative Telephone No. w/ Area Code  
Address  
Town/City State Zip Code

4. The following individuals and/or entities occupy the premises in accordance with an agreement as indicated (lease, life estate, etc.):

- a) Joe Rice  
Name of Individual or Entity  
18 Wright Terrace  
Occupied Premises  
Type of Agreement
- b) \_\_\_\_\_  
Name of Individual or Entity  
Occupied Premises  
Type of Agreement

Lease ended Dec. 15 but we may ask him to accompany appraiser as he knows house well. UPDATE: he is staying longer, so he may be still there 12-13-13  
5. I certify that I have given the above-referenced tenants or occupants notice of the appraiser's inspection of the property.

Franny Osman  
Name(s) of supposed owner(s)

Page 2

6. I hereby authorize the appraiser to enter and inspect the property, after reasonable notice, for the purposes of preparing an appraisal report.

Fran G  
Owner's Signature

12/13/13  
Date

THANK YOU FOR YOUR COOPERATION  
PLEASE RETURN THIS FORM IN THE ENVELOPE PROVIDED.

---

**QUALIFICATIONS OF  
KENNETH J. CROFT III, ESQ.**

---

**Real Estate Appraiser and Consultant**

Kenneth Croft has been a real estate appraiser and consultant since 1984. Mr. Croft has wide experience in the appraisal of real estate that ranges from multi-million dollar oceanfront estates and residential land suitable for subdivision, to apartment buildings, shopping centers, office buildings, industrial buildings, and mill complexes, as well as land suitable for commercial development. Geographically, Mr. Croft has worked in each of the six New England states, as well as in New York and beyond.

Notable projects in which Mr. Croft participated include the valuation of a large portfolio of shopping centers for two different ownership groups; valuation and consulting work for a large agricultural landowner seeking to develop its excess land; and the valuation of developable land in a Cape Cod resort suitable for a wide variety of types of development. Over many years, Mr. Croft acted as a real estate consultant to the Archdiocese of Boston, giving advice on the reuse of former schools and convents, as well as negotiating leases with prospective tenants of these facilities.

Prior to joining The Foster Company, Mr. Croft worked for Coleman & Sons Appraisal Group and specialized in appraisal work for litigation purposes. Throughout his career, he has been active in litigation strategy and support. As an expert in appraisals for litigation, he has valued properties involved in partial as well as full takings for eminent domain; and has valued the leasehold, leased fee, and fee simple interests in a variety of properties. His combination of skills as a lawyer and appraiser, with over 25 years of hands-on experience, provides exceptional client service and performance.

### **EDUCATION**

Boston College – BA Political Science and Economics, 1980

Suffolk University - Juris Doctorate, 1984

Numerous courses offered by the Massachusetts Board of Real Estate Appraisers and the Appraisal Institute

### **PROFESSIONAL EXPERIENCE**

Qualified as an expert in Norfolk and Middlesex Superior Courts, United States Bankruptcy Court, Massachusetts Appellate Tax Board, the American Arbitration Association

### **PROFESSIONAL AFFILIATIONS**

Foster Appraisal & Consulting Co., Inc. – Vice President, Appraiser, Consultant

Massachusetts General Real Estate Appraiser #3579

State Certified Affiliate of the Massachusetts Board of Real Estate Appraisers

---

## OUR COMPANY

---

The Foster Company - specialists in real estate appraising and consulting - we have provided services for more than 12,000 real estate projects. Founded in 1925, we have assisted a variety of clients, including banks, mortgage companies, utilities, residential and commercial developers, hospitals, federal and state agencies, municipal governments, and more.

Over the past 60 years we have developed the depth and breadth to complete appraisal and consulting projects effectively - from start to finish. Through recessions, market shifts, and fluctuations we have maintained an impressive track record by following the fundamentals established through more than 85 years in the real estate business.

Our professional staff are seasoned problem-solvers. We work as a team, drawing upon extensive knowledge of the real estate marketplace based on years of hands-on experience in valuations, land and property development, property management, insurance, project financing, syndication, and commercial and industrial brokerage. Additionally, we have received designations from the most respected organizations in the industry.

**When you work with The Foster Company, you work with experts.**

---

## OUR SERVICES

---

### Real Estate Appraisal & Valuation

We provide a complete range of real estate valuation services to meet your specific appraisal needs. From overview reports to in-depth, comprehensive studies, we give you the facts - and the no-nonsense interpretations of them - that enable you to make sound real estate decisions.

### Real Estate Counseling

Our experience in all aspects of the real estate business since 1925 has provided us with the detailed knowledge required to answer the most complex or unique consulting questions. We provide the full range of real estate services on an hourly or flat fee arrangement.

The Foster Company provides innovative concepts and workable, profitable solutions for a variety of real estate related projects. Listed below are samples of the services we deliver. See our Scope of Services for additional areas covered.

- ❑ Acquisition and Disposition
- ❑ Development and Urban Reuse
- ❑ Environmental Contamination
- ❑ Feasibility and Market Studies
- ❑ Investment Analysis
- ❑ Marketing
- ❑ Preservation
- ❑ Waterfront Property Issues

### Expert Witness and Litigation Support

For more than 60 years, The Foster Company has been involved in real estate valuation and consulting work for litigation and other actions requiring an expert witness. We have built on that foundation with an expert staff and litigation support services that are second to none.

When preparing a case for court or other arenas where real estate interests are contested, we apply the greatest skill, care, and focus to ensure our client's success. Our background in brokerage, development, management, finance, and insurance gives us the hands-on experience that creates convincing testimony. Our cases are presented with the confidence that comes from having lived the business. Our appraisal and consulting services provide far more than sideline advice. You can count on The Foster Company.

---

## SCOPE OF SERVICES

---

### APPRAISAL SERVICES

Ad Valorem Taxes	Market Value
Business Valuations	Mortgages
Corporate Mergers	Rental Value
Development Rights	Resyndication
Estates	Reviewing
Gifts	Tax Base
Insurable Value	

### COMMUNITY SERVICES

Conservation	Housing Programs
Downtown Revitalization	Industrial Development
Eminent Domain	Urban Renewal
Feasibility	

### COUNSELING

Acquisition	Leasebacks
Assessments	Market Studies
Development	Planning
Disposition	Problem Solution
Financing	Workouts

### INVESTMENT ANALYSIS

Assessment Ratios	Investment Yield
Cash Flow	Physical Inspection
Economic Feasibility	Rehabilitation Feasibility
Income Projections	

### LAND DEVELOPMENT

Agricultural Preservation	Market Planning
Economic Analysis	Site Analysis
Highest and Best Use Study	Zoning
Land Use & Marketability	

---

**PARTIAL LIST OF CLIENTS SERVED**


---

**COMMERCIAL & INDUSTRIAL**

Acro-Matic Plastics	James River Paper Company
Asher Sportswear	Mobil Oil Corporation
Borden, Inc.	Modern Contract Furniture
Boston & Maine Railroad	National Grid
Brookfield Machine	Pinsley Railroad Company
Bruel Kjaer Instrument	Renovators Supply
Cardinal Comb Company	Shell Oil Company
CSX Corporation	Sprague Energy
Exxon Corporation	Super 8 Motels
Fitchburg Mutual Insurance Company	Unisorb Corporation

**GENERAL**

Beals and Thomas, Inc.	On-Site Insight
Economics Research Association	Orchard Hills Athletic Club
Guilford Transportation	Roman Catholic Diocese of Worcester
Heywood Hospital	Spectrum Addiction
J.M. Corcoran & Company	State Street Development
Massachusetts Audubon Society	Toyota Financial Services
Massachusetts Housing Partnership	Trammell-Crow Company
Montachusett Regional Transit Authority	Trust for Public Land
Mt. Grace Land Trust	The Trustees of Reservation
National Trust for Historic Preservation	Westport Land Conservation Trust
New England Forestry Foundation	Whittier Rehabilitation
Nordblom Company	Winn Development Trust

**FINANCIAL**

Arbor Commercial Mortgage	LaSalle National Bank
AT & T Capital Corporation	Lawrence Savings Bank
Avidia Bank	Malden Trust Company
Bank of America	Milford National Bank
Bank of New Hampshire	Morgan Guaranty Trust Company
Boston Federal Savings Bank	National Credit Union Association
Boston Safe Deposit and Trust Company	Nations Bank
Cambridge Realty Capital	North Middlesex Savings Bank
Citizens Bank	North Shore Bank
Commerce Bank & Trust Company	PNC Bank
Crum & Forster Insurance Company	Pioneer Bank
Eastern Bank	Red Mortgage Capital
Enterprise Bank	Rollstone Bank & Trust
Federal National Mortgage Association	State Street Bank & Trust Company
Fidelity Bank	TD Bank
Fiduciary Trust Company	Wainwright Bank
Israel Discount Bank of New York	

---

**PARTIAL LIST OF CLIENTS SERVED: GOVERNMENT**


---

**FEDERAL**

Federal Aviation Administration	Small Business Administration
Federal Deposit Insurance Corporation	US Army Corps of Engineers
General Services Administration	US Dept. of Housing & Urban Development
National Park Service	US Postal Service

**MASSACHUSETTS**

Department of Conservation & Recreation	Massachusetts Development Finance Agency
Department of Fisheries & Wildlife	Massachusetts Housing Finance Agency
Department of Food & Agriculture	Massachusetts Port Authority
DOT – Mass Highway Department	Massachusetts Water Resources Authority
Massachusetts Bay Transportation Authority	Office of the Attorney General

**MUNICIPAL AGENCIES – MASSACHUSETTS**

Auburn Board of Water Commissioners	Groton/Dunstable School Distribution
Berlin Conservation Commission	Lincoln Conservation Commission
Bolton Conservation Commission	Malden Redevelopment Authority
Boston Facilities Department	Mystic Valley Development Corporation
Boston Redevelopment Authority	Pittsfield Redevelopment Authority
Devens Commerce Center	Springfield Redevelopment Authority
Fitchburg Redevelopment Authority	Worcester Redevelopment Authority
Gardner Redevelopment Authority	

**MASSACHUSETTS CITIES AND TOWNS**

Ashby	Dartmouth	Malden	Springfield
Ayer	Everett	Medfield	Templeton
Bellingham	Fitchburg	Milton	Townsend
Boston	Gardner	Nantucket	Tyngsboro
Boxford	Greenfield	Natick	Westminster
Bridgewater	Groton	Newton	Westport
Chelmsford	Harvard	Pepperell	Westwood
Chelsea	Lexington	Pittsfield	Worcester
Clinton	Lunenburg	Quincy	

**NEW HAMPSHIRE CITIES AND TOWNS**

Concord	Mason
Derry Housing Authority	Nashua Housing Authority
Hudson	NH Department of Transportation
Manchester	NH Office of the Attorney General
Manchester Housing Authority	

MASSACHUSETTS APPRAISERS' CERTIFICATIONS

