

BK 13615 PG 339

1719
14

Conservation Restriction

DISC 28-78 PA 2.FD ZED: 19.00

Harold A. Buxton and Devana E. Buxton, ^{husband & wife} of Acton, Middlesex County, Commonwealth of Massachusetts, for no consideration but as a gift grant to the Town of Acton, a municipal corporation of Middlesex County, Commonwealth of Massachusetts. (address of grantee: Town Hall, Acton, Massachusetts 01720) and its successors and assigns, with quitclaim covenants, a conservation restriction in perpetuity on the following described premises:

Three areas shown on a plan entitled "Compiled Plan of Land in Acton Owned by Harold A. & Devana Buxton" dated November 30, 1978 by the Town of Acton Engineering Department to be recorded herewith.

That area shown on said plan as Area 2 containing 29,958 sf. Beginning at a point N 54-38-05W a distance 40.00 feet from a state highway bound on the southerly sideline of Great Road as shown on said plan, thence;

S 34-46W along a stone wall and land of C.B.C. Realty of Acton a distance of 197.50 feet, thence;

N 33-48-46W a distance of 176.49 feet, thence;

N 05-09-33E a distance of 66.34 feet, thence;

N 50-26-04E a distance of 80.00 feet, thence;

S 54-38-05E by Great Road a distance of 175.58 feet to the point of beginning.

Also those areas shown as Areas 3 and 4 on said plan containing a total of 13.26 acres more or less. Beginning at a point on the stone wall land of Elwood S. and Jean E. Wood, a distance of 137.43 feet from the southerly sideline of Great Road, thence;

S 33-48-46E a distance of 34.94 feet to a stone wall, thence;

S 50-55-49W along a stone wall and by land of Glenn M. Kidder a distance of 152.23 feet, thence;

S 45-02-53E by land of Kidder a total distance of 80.90 feet, thence;

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E 16-17-41W a distance of 180.75 feet, thence;

S 54-22-00K a distance of 120.00 feet to a stone wall, thence;

S 35-38W along a stone wall and land of C.B.C. Realty of Aston a distance of 592.50 feet, thence;

S 35-14W along said wall and land of C.B.C. Realty a distance of 876.00 feet, thence;

S 89-25W along a stone wall and land of Town of Concord (Naug Reservoir) a distance of 76.00 feet, thence;

N 34-21W along said land of Concord a distance of 468.00 feet to a corner in a stone wall, thence;

N 57-35E along a stone wall and land of Elwood S. And Jean E. Wood a distance of 592.00 feet, thence;

N 08-30W Along said wall and land of Wood a distance of 167.00 feet, thence;

N 34-43E along said wall and land of Wood a distance of 227.00 feet, thence;

N 24-33E along said wall and land of Wood a distance of 282.00 feet, thence;

N 60-15E along said wall and land of Wood a distance of 176.00 feet, thence;

N 54-40E along said wall and land of Wood a distance of 180.57 feet to the point of beginning.

The terms of this Conservation Restriction are as follows:

1. The Grantors, their successors and assigns shall neither perform nor permit others to perform any of the following:
 1. Construction or placing of any buildings, mobil homes, roads, signs, bill boards or other advertising, utilities or other structures on or above the ground;
 2. Dumping or placing of soil or other substance on the ground as landfill, or dumping or placing of trash, waste or unsightly or offensive material;
 3. Removal or destruction of trees, shrubs or other vegetation except for proper forestry and landscape practices including planting, cutting and pruning of trees, shrubs, and other vegetation, or to improve the scenic view and to implement disease prevention measures;

4. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other mineral substance or natural deposit in such a manner as to affect the surface of said land;
5. Use of said land except for agricultural, forestry or outdoor recreational purposes permitting said land to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water or soil conservation or erosion control; or
7. Other acts or uses detrimental to the preservation of said land in its present open and rural condition.

The foregoing restriction is authorized by G.L. c.184, ss.31-33, and is intended to retain said parcel predominantly in its natural, scenic and open condition, in order to protect the natural and watershed resources of said Town. The restriction shall be administered by the Board of Selectmen of said Town.

- B. The Conservation Restriction hereby conveyed shall not operate so grant to the Town or to the Inhabitants of the Town of Acton any right to enter onto said land except as follows:
1. The Conservation Commission of said Town, established under Chapter 40, s.8C, of the Massachusetts General Laws as amended through one or more duly designated members, employees or agents, shall have the right to enter said land at reasonable times and in a reasonable manner, for the purposes of inspecting said land, insuring compliance with the terms of this Conservation Restriction and remedying any violations thereof;
 2. The Town and the public shall have an easement to pass and repass on foot upon said premises for the purposes of hiking, winter sports or nature study.
- C. This Conservation Restriction shall be binding upon and may be enforced against, the Grantors, their successors, and assigns by the Inhabitants of the Town of Acton and its successors as holders of this Conservation Restriction.

EXHIBIT "A"

The land in said Acton, with the buildings thereon, situated on the southwesterly side of Great Road, being shown as Parcel 2 on a plan entitled, "Land in Acton surveyed for the Estate of George E. Murphy," by Horace F. Tuttle, C.E., dated July 30, 1948, recorded with Middlesex South District Deeds, Book 7335, Page 130, bounded and described as follows:

Beginning at the northeasterly corner of the premises at said Great Road at a stone wall and at land now or formerly of T. Leo McCarthy;

Thence running south 34 46' West three hundred fifty-four (354) feet;

Thence South 35 38' West seven hundred twelve and 50/100 (712.50) feet;

Thence South 35 14' West eight hundred seventy-six (876) feet to land of the Town of Concord, said three courses being by land of said McCarthy as the wall now stands;

Thence turning and running South 89 25' West as the wall now stands, seventy-six (76) feet to an angle in the wall;

Thence turning and running North 34 21' West as the wall and fence now stand, four hundred sixty-eight (468) feet to an angle in the wall at land now or formerly of George W. Newton, said last two courses being by land of said Town of Concord;

Thence North 57 35' East five hundred ninety-two (592) feet;

Thence North 8 30' West one hundred sixty-seven (167) feet;

Thence North 34 45' East two hundred twenty-seven (227) feet;

Thence North 24 33' East two hundred eighty-two (282) feet;

Thence North 60 15' East one hundred seventy-six (176) feet;

Thence North 54 40' East five hundred eighteen (518) feet to said Great Road, said last six courses being by land of said Newton as the wall now stands;

Thence turning and running South 54 38' 05" East by said Great Road, two hundred one and 08/100 (201.08) feet to the point of beginning.

Containing 15.45 acres of land, more or less, according to said plan.

ALSO:

The land in said Acton, being shown on a plan entitled, "Land in Acton owned by Ralph O. Buxton et al." surveyed by Horace F. Tuttle, dated October 25, 1949, recorded with Middlesex South District Registry of Deeds in Book 7620, Page 400, bounded and described as follows:

BEGINNING at a pipe in a wall at the most Northerly corner of the lot and at a Right of Way on land of Harold A. Buxton et ux. now or formerly, said point being distant 147.70 feet Southwesterly from the Southwesterly side of Great Road;

THENCE running SOUTH 33 47' EAST by said Right of Way on land of said Buxton, now or formerly, ninety-seven and 53/100 (97.53) feet to a pipe;

THENCE turning and running SOUTH 45 11' WEST still by the Right of Way on land of said Buxton, now or formerly, one hundred thirty-two and 80/100 (132.80) feet to a pipe;

THENCE turning and running NORTH 44 49' WEST by land of said Buxton, now or formerly, one hundred twelve and 30/100 (112.30) feet to a stone wall;

THENCE turning and running NORTH 51 19' EAST by the wall by land of said Buxton, now or formerly, one hundred fifty-two and 40/100 (152.40) feet to the point of beginning.

Containing 14.940 square feet of land according to said plan.

This conveyance is made together with the right to use the Right of Way shown on said plan to Great Road.

K2

Notice of Conservation Restriction

Pursuant to G.L. c. 184, notice is hereby given that a perpetual Conservation Restriction, dated December 11, 1978, granted by Harold A. Buxton and Devina E. Buxton, husband and wife, to the Town of Acton, affecting portions of the property located at 484-486 Great Road, Acton, Massachusetts was recorded on December 28, 1978 with the Middlesex South District Registry of Deeds in Book 13615, Page 339. The Conservation Restriction affects three areas of land containing approximately 13.95 acres, made up of Areas 2, 3, and 4, shown on a plan entitled "Compiled Plan of Land in Acton Owned by Harold A. & Devina Buxton" dated November 30, 1978 by the Town of Acton Engineering Department, recorded with the Conservation Restriction.

The current owner of the property subject to the Conservation Restriction is Sherman E. Rhodes, Trustee of the Rhodes Family Trust, by deed dated April 7, 1998, recorded with the Middlesex South District Registry of Deeds in Book 28421, Page 218.

By its terms, the Conservation Restriction is perpetual, is held by a governmental body pursuant to G.L. c. 184, § 32, and is not subject to any of the statutory provisions limiting unlimited terms to thirty years, G.L. c. 184, s. 23, or including requirements for extending restrictions, G.L. c. 184, s. 26-30.

Executed as a sealed instrument this 16 day of July, 2007.

484 Great Road, Acton, Middlesex County, Massachusetts 01720
486 Great Road, Acton, Middlesex County, Massachusetts 01720



Bk: 49813 Pg: 536 Doc: REST
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TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen

F. Dore' Hunter
F. Dore' Hunter, Chairman

Lauren S. Rosenzweig
Lauren Rosenzweig

Andrew Magee
Andrew Magee

Peter Berry
Peter Berry

Paulina Knibbe
Paulina Knibbe

Return to:
Mary Liz Brenninkmeyer
Anderson & Kreiger LLP
One Canal Park, Suite 200
Cambridge, MA 02141

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 16 day of July, 2007, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton.

Christine Joyce (official signature and seal of notary)

My commission expires Sept 26, 2008

Eugene C. Burns
Attest Middlesex S. Register

ACTION PLANNING BOARD
"APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED"
DATE: 12/14/78
[Signatures]

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
CONFORMANCE WITH THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASS."
[Signature]

ELWOOD S. & JEAN E. WOOD

AREA 4
12.1 Ac. ±

FORMERLY
NOW
C.B.C. REALTY OF ACTON
JOSEPH PINZONE &
GAETANO TARANTO

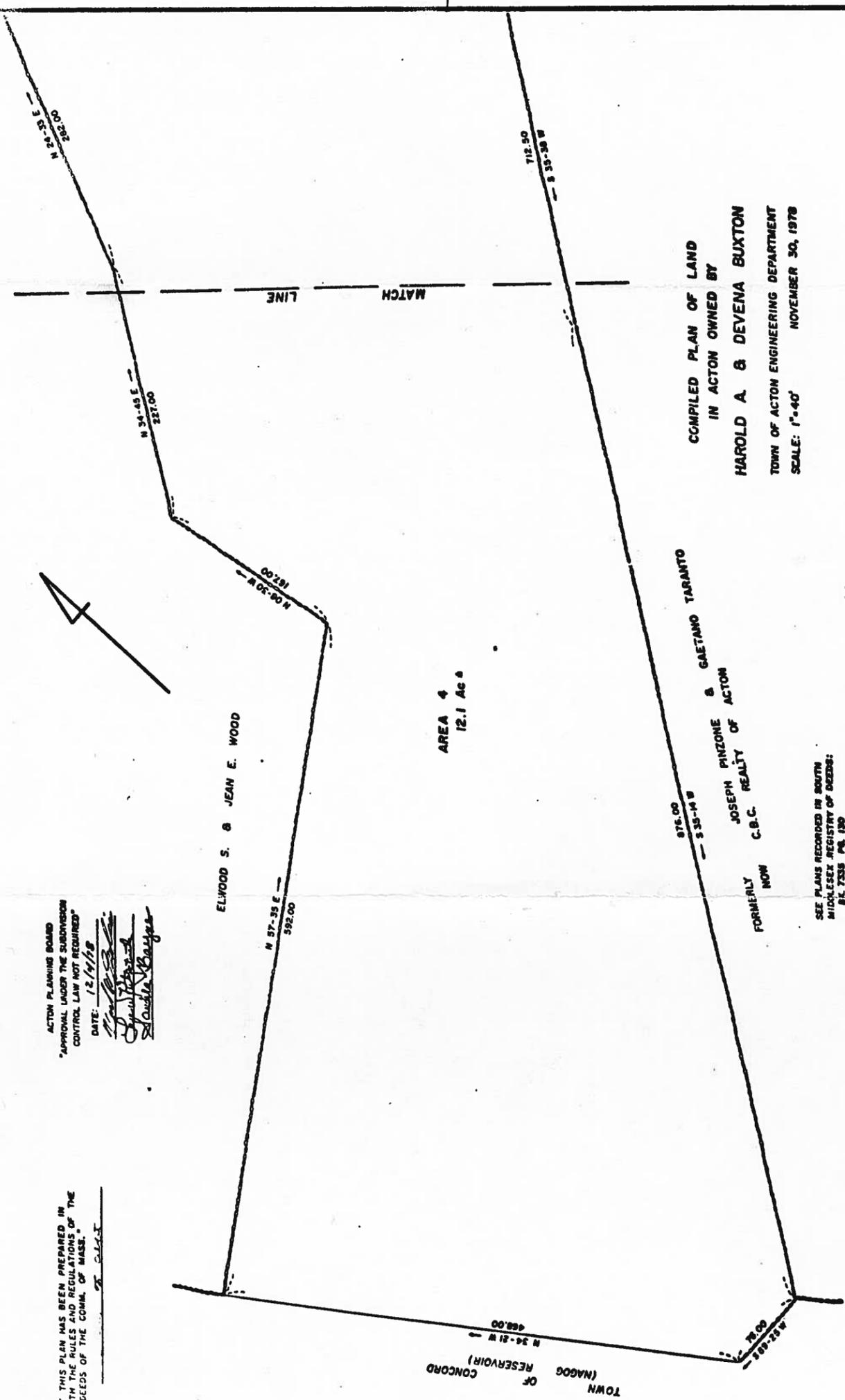
COMPILED PLAN OF LAND
IN ACTON OWNED BY
HAROLD A. & DEVENA BUXTON
TOWN OF ACTON ENGINEERING DEPARTMENT
SCALE: 1"=40' NOVEMBER 30, 1978

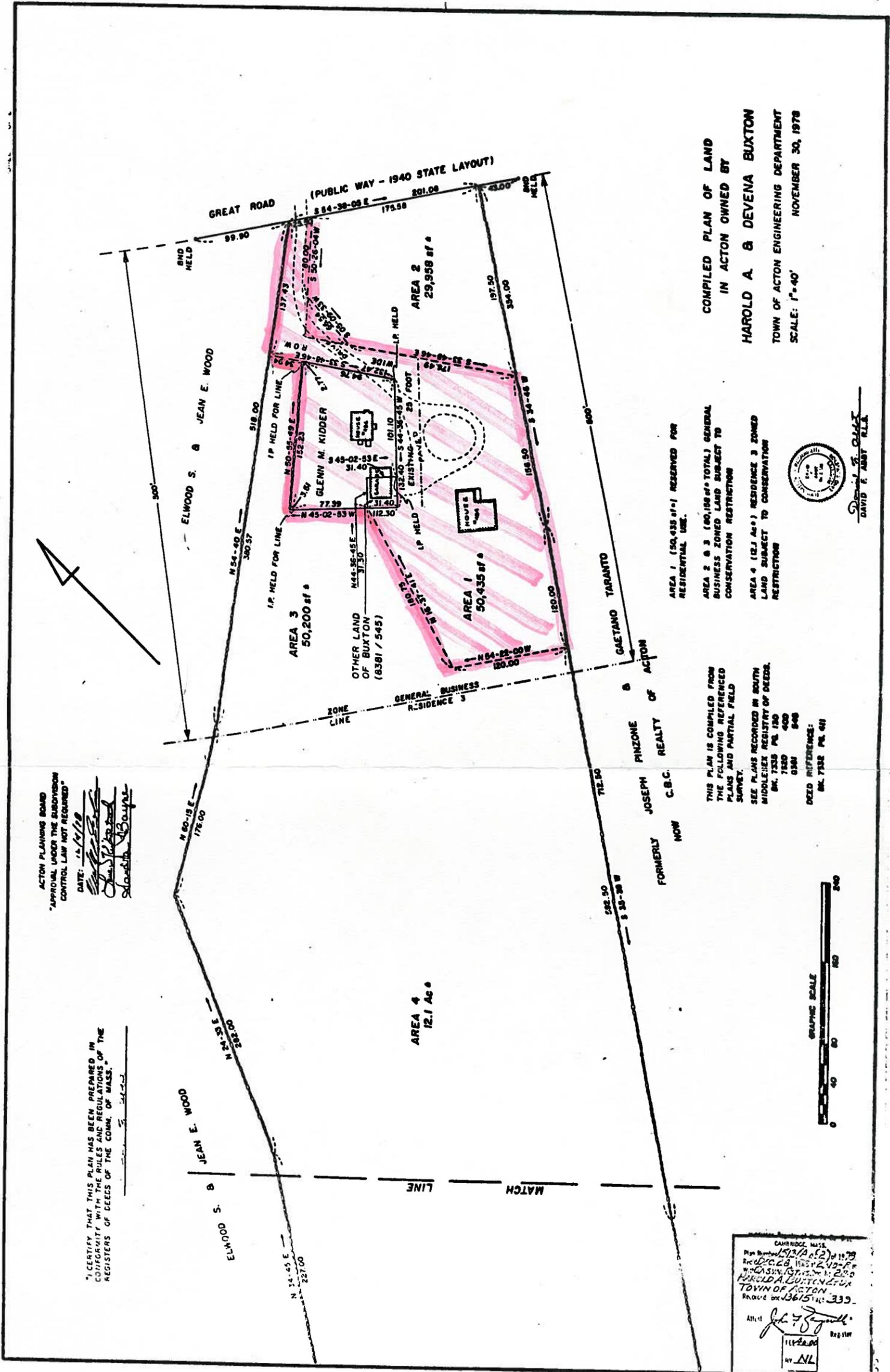
SEE PLANS RECORDED IN SOUTH
MIDDLESEX REGISTRY OF DEEDS:
BL 7338 PL 130
7430 400
6281 548
DEED REFERENCE:
DL 7338 PL 411



PLAN NUMBER 1513 (of 2) OF 1978
RECORDED BOOK 13615 PAGE 339

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COMPILED PLAN OF LAND
IN ACTON OWNED BY
HAROLD A. & DEVENA BUXTON
TOWN OF ACTON ENGINEERING DEPARTMENT
SCALE: 1"=40' NOVEMBER 30, 1978

AREA 1 (50,435 sq ft) RESERVED FOR RESIDENTIAL USE.
AREA 2 & 3 (80,186 sq ft TOTAL) GENERAL BUSINESS ZONED LAND SUBJECT TO CONSERVATION RESTRICTION.
AREA 4 (12.1 AC) RESIDENCE 3 ZONED LAND SUBJECT TO CONSERVATION RESTRICTION.

THIS PLAN IS COMPILED FROM THE FOLLOWING REFERENCED PLANS AND PARTIAL FIELD SURVEY:
SEE PLANS RECORDED IN SOUTH MIDDLESEX REGISTRY OF DEEDS:
BL. 7335 PL. 700
7120 400
0381 848
DOZED REFERENCE:
BL. 7548 PL. 011



DAVID F. ANST R.L.S.

ACTION PLANNING BOARD
"APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED"
DATE: 11/14/78
[Signature]
David F. Anst

"CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

CAMBRIDGE, MASS.
Plan Book No. 1512/A (52) of 1179
Rec'd 12/20/78 15:55 PL 700-57
W. CHAS. W. STANTON, R.L.S.
HAROLD A. BUXTON & DEVENA
TOWN OF ACTON
Revised 11/30/78 PL. 333.
Atty: *[Signature]*
11/22/78
BY: *[Signature]*
R.L.S.



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