

GROENER PROPERTY
BASELINE DOCUMENTATION REPORT

March 17, 2013

**GROENER LAND
CONSERVATION RESTRICTION
ACTON
(2014)**

FIELD BINDER

Grantor(s):

The Town of Acton
472 Main Street
Acton, MA 01720

Current Owner Name and Contact Information:

Steve Ledoux, Town Manager
Acton Town Hall,
472 Main Street
Acton, MA 01720
978-264-9612; manager@acton-ma.gov

Grantee(s):

Acton Conservation Trust
P.O. Box 658
Acton, MA 01720

Property Location:

193 Nagog Hill Road, Acton

Date Restriction Recorded: February 11, 2014

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Section 1

Conservation Information

CONSERVATION RESTRICTION ABSTRACT

This abstract is for the convenience of ACT volunteer staff only as an aid for field monitoring of the Conservation Restriction. The abstract is not a legal document, it has been drafted for convenience only, and it should not be relied upon as a substitute for the legal language of the Conservation Restriction in the interpretation of any aspect of the CR. It is not intended to and does not in any way limit, amplify or otherwise have any legal effect on the terms of the Conservation Restriction.

Conservation Restriction Name: Groener Conservation Restriction

Grantor(s): The Town of Acton

Grantee(s): Acton Conservation Trust

Town: Acton Acreage: 12.506

Number of restrictions: 9

Property location: 193 Nagog Hill Road

Current owner(s): The Town of Acton

Date recorded: 2/11/14 Registry Book and Page #: 63269; Page 471

Notes:

SUMMARY OF RESTRICTIONS:

Purposes:

- a) Open space and natural or vegetated conditions
- b) Ecological values including crucial wildlife habitat, wetlands and other important ecosystems.
- c) Protection for ground and surface waters given location within the watershed of Nashoba Brook, the largest tributary of the Assabet River.
- d) Access to network of over 500 acres of protected land including land owned by the water departments of the Town of Acton and Concord that protect Nagog Pond, an important drinking water source.
- e) Passive recreation for the general public
- f) Archaeological, historic, and cultural values as illustrated by stone walls and glacial erratics.

Special Prohibitions or Requirements

1. Buildings, Structures, Facilities and Improvements.
2. Excavating Soil, Mineral Resources, etc.
3. Dumping of Refuse and Other Materials
4. Cutting of Vegetation.
5. Subdivision, and no portion of the Premises may be used towards building or development requirements on this or any other parcel.
6. Disruption of wildlife habitat, drainage, water conservation, archeological conservation, erosion control or soil conservation.
7. Parking, storage of motorized vehicles, except for vehicles permitted in conjunction with activities as permitted under Paragraph III.B;
8. Commercial Recreational Uses.

Reserved Rights;

All acts and uses not prohibited in Paragraph III.A above are permissible, provided that such acts and uses do not materially impair the purposes of this Conservation Restriction or other significant conservation interests.

1. Recreational Activities.
2. Vegetation Management.
3. Public Access/Trails
4. Non-native or nuisance or invasive species, and the interplanting of native species.
5. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials generated on the Premises as long as it does not compromise the purposes (including scenic values) of this Conservation Restriction.
6. Wildlife Habitat Improvement
7. Archeological Investigations.
8. Signs
9. Use of vehicles necessary for public safety and other vehicles used for activities permitted by this Conservation Restriction.

With notice or approval:

Notice:

Approval:

3. Maintenance of Public Access/Trails and creation of new trails, boardwalks, bridges, etc.
6. Restoration of native biotic communities to improve wildlife habitat, or rare or endangered species including planting of native trees, shrubs or plants.
7. Archeological Investigations

Grantee Rights:

Suggestions for key locations/features to inspect

Residential Boundary

Groener Land CR History and Commentary

In November 2002 the Town of Acton adopted the CPA. The Town voted to pay a 1.5% property tax surcharge for which they would receive a 100% state match from the Town. These funds had to be spent for open space, historic preservation, and community housing. Each year 10% had to be spent on each area/year or to be placed in a set-aside fund. For the first time since the 1970's, Acton has a funding source with which to purchase land.

In the spring of 2005 ACT hosted a landowners Tea that John and Jill Groener attended. This is where the seed was planted with the Groener's that it might be possible to realize value for their oversize lot of 17 acres. They needed to retain 5 of their 17 acres to conform to the requirements for a reduced frontage lot. The 12 acres abutting the 158 acre Nagog Hill Conservation Area could be bought by the Town using CP funds. This land was a Priority Parcel in the Town of Acton Open Space and Recreation Plan (OSRP) as it would augment existing conservation land. Also preservation of the natural and man-made features that contribute to Acton's character, such as woodlands and stone walls, was one of the goals outlined in the OSRP. The parcel consists of approximately 8 acres of oak and maple upland forest, and 4 acres of red maple forested wetlands. It lies within the watershed of the Nashoba Brook. The parcel has become part of the Nagog Hill Conservation Area and is accessible for passive recreation from the existing trail system. This back land was undevelopable unless the neighboring landowner chose to develop his land. The odds of that happening in a reasonable time were slim.

The President of ACT re-approached the Groener's the following year about protecting their and, and they expressed interest in selling their backland to the Town for conservation purposes. This was to be the first land purchase using CPA funding.

At the 2007 April Annual Town Meeting, the Town voted in all the CP projects unanimously including that of the purchase of the Groener land for \$100,000. The Town closed on the land in September 2007. (Since acquisition the parcel has become part of the Nagog Hill Conservation Area and is accessible for passive recreation from the existing trail system.)

- The land purchased by the Town was subdivided from an oversized 17 acre lot at 191 Nagog Hill Road, Tax Atlas Map D4-Parcel 37
- Acres 12.506
- Book 5021, Page 161, and shown as lot 3B on plan of 5/18/07, recorded as Plan #1136 in Book 02007

Attachment: Conservation Restriction for the Groener property as required by the CPA legislation.

Section 2

Legal Information

Conservation Restriction as Executed

See full text in Section 6

EXECUTIVE OFFICE OF ENERGY and ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

100 Cambridge St., 9th fl.
Boston, MA 02114-2150
(617) 626-1011

For agency use only
DATE: _____
MUNICIPALITY (list all): _____ _____
NUMBERS

CONSERVATION RESTRICTION APPLICATION FORM

Pursuant to the provisions of M.G.L. ch. 184. §32. the Executive Secretary of Energy and Environmental Affairs is hereby requested to approve a perpetual conservation restriction as described below:

A. GENERAL INFORMATION (please indicate contact person for CR review)

1. GRANTOR(S) (must list all owners)
TOWN OF ACTON
(Name(s))
472 MAIN STREET, ACTON, MA
(Address)
978-264-9612 STEVE LEDOUX
(Telephone & fax No.) (Contact Person)

2. GRANTEE(S): ACTON CONSERVATION TRUST
(Name(s))
PO BOX 658, ACTON, MA 01720
(Address)
978-369-9264 SUSAN MITCHELL-HARDY
(Telephone & fax No.) (Contact Person)

3. ARE THERE ONE OR MORE MORTGAGES ON THE PROPERTY? Yes No
(Assent of mortgagee(s) is required and must be recorded with the restriction.)

4. IS THE RESTRICTION IN MORE THAN ONE MUNICIPALITY? Yes No

5. TYPE OF RESTRICTION:
a. Conservation Only:
b. Joint Restriction:
Type: _____
(agricultural, historical, watershed)

6. STATE OR FEDERAL FUNDS INVOLVED Yes No
 CPA (attach attested copy of town meeting vote(s) as an exhibit)
 Grant (type) (attach as an exhibit)
 Other (attach)
 Is there a deadline for completing restriction (reason)? _____ 20__

NOTE: (A full package must be submitted for CR review, even if all or some of the materials were submitted as part of the grant process, as the grant programs are separate)

7. PUBLIC OFFICIALS: State Representative(s) _____,
State Senator(s) _____, Other involved Official(s) _____

NOTES:

If the grantee is a non-profit charitable corporation or trust, DCS may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3) that qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization's by-laws and list of officers.

Regardless of whether the grantee is a qualified private non-profit organization or a city or town or commission, authority, or other instrumentality thereof, the local conservation commission must define the reasons for preserving the property and certify that the restriction is in the public interest (please refer to page 6).

A conservation restriction is a voluntary limitation on the use of land designed to preserve it from adverse future change. But it should be distinguished at the outset from an agricultural preservation restriction which is approved by the Commissioner of Food and Agriculture for the Commonwealth, 251 Causeway Street, Boston, MA 02114-2150, and from an historical preservation restriction, which is approved by the Massachusetts Historical Commission 80 Boylston Street, Rm. 310, Boston, MA 02116, and from a state watershed preservation restriction which is approved by the Commissioner of the Department of Conservation and Recreation, 251 Causeway St., Boston, MA 02114-2150.

It is possible for a restriction to fit into more than one category, requiring more than one approval. If this is a joint restriction, has the approval process been started with the joint holder, including the Commissioners of Food and Agriculture, DCR, the Massachusetts Historical Commission, etc.? Yes No

8. GRANTOR'S INTENT

- a. Charitable contribution: Yes No
Do you intend to claim an IRS income tax deduction? Yes No
- b. Granted or required as part of municipal or state permitting process? Yes No
 - 1. Is this restriction required by a M.G.L. C.40A §9 special permit? Yes No
(Please attach a copy of the permit(s) as an exhibit)
 - 2. Required by M.G.L. C.131, §40 Wetlands Order of Conditions? Yes No
(Please attach a copy of the Order of Conditions)
 - 3. Other? Yes No (please explain)

c.. Other: Please explain (for example, sale of a C.R. to a public agency):

PURCHASE OF LAND WITH COMMUNITY PRESERVATION FUNDS

d. Is this a perpetual restriction? Yes No If less than permanent, for how many years: ____
(It is the policy of DCS not to approve less than permanent restrictions except in exceptional circumstances. Please discuss the restriction with DCS before submitting a non-permanent CR)

B. PUBLIC BENEFIT

- 1. Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public (will there be public access)? Yes No
- 2. Is the restriction for the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems? Yes No
- 3. Is the restriction for the preservation of open space (including farmland and forest land) where such preservation is:
 - a. pursuant to a clearly delineated federal, state, local governmental policy, and will yield a significant public benefit? Yes No
 - b. for the scenic enjoyment of the general public and will yield a significant public benefit? Yes No
- 4. Is the property historically significant or meets National Register Criteria or is within a registered historic district or contributes to the integrity of an historic building or property? Yes No

5. Other public benefit? Yes No (if yes, please explain)

NOTES:

The Secretary will find sufficient evidence of the "public interest," if the applicant can show that the restriction meets any of the tests for deductibility under the Internal Revenue Service Code Section 170(h) and the Regulations promulgated thereunder, or a private letter ruling by the Internal Revenue Service shall be deemed sufficient for establishing such deductibility, or the applicant makes an independent showing of eligibility for deductibility. The letter ruling or documentation demonstrating eligibility for deductibility should be attached along with this application

Regardless of the intent of the grantor's gift, the Secretary's determination of public interest will be dependent upon how well the applicant demonstrates public interest; however, grantors should be advised that the Secretary reserves the right to require modifications to the conservation restriction where in his/her opinion the retained rights adversely impact the public interest or natural resource values of the property or when the document is improperly drafted.

C. **SITE DATA**

1. Location:
- 1. Municipality ACTON Street Location 193 NAGOG HILL ROAD
 - 2. Grantor's Registry of Deeds Bk. # 50251 Page # 161
 - 3. Assessors Map # D Lot # 37
 - 4. New Site?: Addition to existing restricted area: _____ (please specify)

2. Zoning: Commercial Industrial Residential (check all that apply)

3. Title: Does applicant have clear title? Yes No
If no, please explain:

4. Encumbrances: Is the property encumbered by any easement(s)? Yes No
Is the property encumbered by any mortgages(s)? Yes No
Please explain and attach copy of easement, mortgage, subordination, etc.:

5. Geographic Information (if restriction is located in 2 municipalities, fill out separate page for each):

1. Total acres: 12.1 Acres covered by restriction: 12.1 Total unrestricted areas _____

2. Cover: acres in A. Upland Forest 8 B. Open (field, pasture, etc.) _____
C. Vegetated Wetland 4 D. Water _____ E. Other _____

3. Topography: acres in A. Flat _____ B. Hilly _____
C. Rolling D. Mountains _____

4. Water front: feet on A. Ocean _____ B. River _____
C. Stream _____ D. Lake _____

Please identify waterbody _____

6. General information:

Are there any improvements existing on the property, or to be permitted after execution of the C.R.? Yes No If yes, please describe in detail:

7. Is the property currently under any of the preferential real estate tax assessment programs?

Yes No If yes, which one: c.61 c.61A c. 61B

NOTE:

If the restriction lies in more than one community, separate Site Data forms, Selectmen and Conservation Commission approvals must be completed for that portion of the restriction within each community

8. If the property is under agricultural use, is the soil considered prime or of statewide agricultural significance?

Yes No (If yes, USDA Soil Conservation Service data must be provided)

9. Is the property adjacent to any public or quasi-public land or buildings? Yes No

Describe briefly:

ABUTS NAGOG HILL CONSERVATION AREA

10. Does the property lie within an historic district, include an archaeological or rare species site, fall within a Department of Conservation and Recreation designated scenic landscape, river, or within an Executive Office of Energy and Environmental Affairs designated Area of Critical Environmental Concern, a Zone II of a public water supply etc.? Please explain:

11. Will public access be allowed? Yes No If yes, explain any limitations, type, etc.:

Prepared by: SUSAN MITCHELL-HART

Address: 328 POPE RD.

ACRON, MA 01720

978-369-9264

(telephone number, fax number if comments are to be sent to preparer)



TOWN CLERK
EVA K. TAYLOR

A TRUE COPY. ATTEST:

Eva K. Taylor
TOWN CLERK, ACTON, MA

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 264-9615
FAX (978) 264-9630
clerk@acton-ma.gov

**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 2, 2007, 7:00 P.M.
ACTON TOWN HALL, ROOM 204
WITH ADJOURNED SESSIONS HELD APRIL 9 AND APRIL 10, 2007
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM**

NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 2, 2007 – 14 APRIL 9, 2007 – 386 APRIL 10, 2007 - 418

ARTICLE 32 COMMUNITY PRESERVATION PROGRAM
(Majority vote) **DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2006 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2006 COMMUNITY PRESERVATION FUND BALANCE	
FY 2006 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2006	\$ 656,254.18
State Community Preservation Trust Fund Receipt, October 2006	\$ 652,082.00
Other FY 2006 Community Preservation Fund Components	
Interest Earned FY 2006	\$ 58,502.20
Recapture of unspent previous years' project appropriations (02/07)	\$ 71,984.64
Unencumbered FY 2005 Fund Balance	\$ 86,122.12
Total - FY 2006 Community Preservation Fund Balance	\$1,524,945.14
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration	\$ 350,000.00
B. Acquisition, preservation, rehabilitation and restoration of historic resources	\$ 55,334.00
C. Acquisition, preservation, rehabilitation and restoration of historic resources; compensates for under-spending in 2004	\$ 4,130.00

Spending Appropriations	
D. Capital Fund, Acton Housing Authority	\$ 64,000.00
E. Support Services, Acton Housing Authority	\$ 35,000.00
F. Community Housing Program Fund	\$ 170,000.00
G. Athletic Field Lighting	\$ 175,000.00
H. Bruce Freeman Rail Trail Design	\$ 202,000.00
I. East Acton Village Green	\$ 70,000.00
J. Communitywide Archaeological Reconnaissance Survey	\$ 35,000.00
K. Granite Street Marker Restoration	\$ 5,500.00
L. Groener Land Purchase at 191 Nagog Hill Road	\$ 100,000.00
Administrative Spending Appropriation	
M. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 65,416.00
Total Recommended Appropriations	
	\$1,331,380.00
Remaining FY 2006 fund balance	\$ 193,565.14

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2006 Community Preservation Fund revenues.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2006 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2006 Community Preservation Fund revenues for open space (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues for historic preservation (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues (\$130,833.62) for community housing, and to set aside for future spending on historic preservation not less than \$4,130.00, which had been recaptured as unspent 2004 Community Preservation appropriations and closed to the Community Preservation Fund.
, or take any other action relative thereto.

MOTION: Ms. Coleman moves that the Town appropriate or set aside for later appropriation, \$1,331,380, and to raise such amount, \$1,331,380 be transferred from the Community Preservation Fund and that the Town Manager be authorized to expend or set aside amounts as set forth in the Article and in compliance with conditions to be noted in the Community Preservation Committee's Award Letters.

MOTION CARRIES UNANIMOUSLY

MUNICIPAL CERTIFICATION

We, the undersigned Conservation Commission of the Town of Acton, hereby certify that the proposed conservation restriction is in the public interest in that the Premises will be retained in perpetuity in its natural scenic, and open condition for wildlife conservation, native habitat protection, associated public recreation and other conservation uses consistent with and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the Premises that will materially impair or interfere with the conservation purposes.

Terence Mantland

Thomas B. Arnold

William F. Jones

Lisa B. Stant



ACKNOWLEDGEMENT OF BASELINE DOCUMENTATION

The undersigned, being the grantor/successor under a conservation restriction Granted to the Acton Conservation Trust, Inc ("ACT") with respect to land located at 193 Nagog Hill Road, Acton, MA ("the Property"), hereby certifies to ACT that the accompanying baseline documentation which includes the "relevant documents" listed below, is an accurate representation of the Property and its condition on the date hereof. The undersigned agrees that the conditions documented in said baseline documentation do not necessarily represent the conditions of the Property allowed or required by the conservation restriction, and that ACT in no way waives any rights either at or in equity, to enforce the provisions of the conservation restriction.

Signed this 25 Day of MARCH, 2013

[Handwritten Signature]

Tom Tidman - NATURAL RESOURCES
TOWN OF ACTON

Grantor/Successor

Grantor/Successor

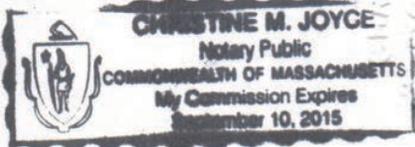
Acknowledged by:

Acton Conservation Trust, Inc.

By: *[Handwritten Signature]*
PRESIDENT OF ACTON CONSERVATION TRUST

Relevant Documents:

- Baseline Inspection Report, dated 8/22/11
- Photos (numbered 1 through 21, and dated 4/14/11)
- Photos (numbered 22 through 39, and dated 8/2/11)
- Photo Log, dated 4/14/11
- Photo Log, dated 8/2/11
- Affidavit, signed and dated, 8/16/11



Middlesex SS. 3/25/13
Then personally Appeared
Tom Tidman and Susan Mitchell -
Heart
[Handwritten Signature]
Christine M. Joyce



Bk: 50251 Pg: 161 Doc: DEED
Page: 1 of 3 10/19/2007 02:39 PM

plan # 1136 of 2007

Property Address: Vacant land near 191 Nagog Hill Road, Acton, MA
To be known as 193 Nagog Hill Road, Acton, MA

QUITCLAIM DEED

E. John Groener and Jill Groener, of 191 Nagog Hill Road, Acton, Middlesex County, Massachusetts (the "Grantor"),

for consideration paid and in full consideration of Ninety Thousand and NO/100 (\$90,000.00) Dollars,

grant to the **Town of Acton**, a Massachusetts municipal corporation with an address of Town Hall, 472 Main Street, Acton, Middlesex County, Massachusetts (the "Grantee"), for open space purposes,

with *quitclaim covenants*,

A certain parcel of land (the "Premises") situated in Acton, Middlesex County, Massachusetts and shown as Parcel 3B on an approval not required plan recorded herewith entitled "Plan of Land in Acton, Massachusetts (Middlesex County), Owned by E. John & Jill Groener" dated May 18, 2007, which plan was prepared by the Town of Acton Engineering Department and to which plan reference is made for a particular description of said Premises.

The Premises contain 544,749 square feet of land (12.506 acres), more or less, according to said plan.

Grantor hereby grants to the Board of Selectmen of the Town of Acton as a gift a perpetual conservation restriction over the Premises to preserve the Premises for Open Space. As used herein, the terms "Preservation" and "Open Space" shall have the meanings ascribed to these terms in M.G.L. c. 44B, §2.

As identified in M.G.L. c. 44B, §2, and for the purposes of this Deed, "Preservation" shall mean the protection of personal or real property from injury, harm or destruction, but not including maintenance, and the meaning of "Open Space" shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas,

{A0042527.1}

Anderson + Kreigel
1 Canal Park
Cambridge, Ma. 02141

watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

The Premises are conveyed subject to and with the benefit of rights, easements and restrictions of record, if any, insofar as the same are now in force and applicable.

For Grantor's title reference, see Deed from Albert W. Koch and Doris E. Koch dated August 10, 1984 and recorded with Middlesex South District Registry of Deeds in Book 15730, Page 438.

EXECUTED under seal this 19th day of October, 2007.

E. John Groener
E. John Groener

Jill Groener
Jill Groener

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Middlesex

On this 19th day of October, 2007, before me, the undersigned notary public, personally appeared E. John Groener, proved to me through satisfactory evidence of identification, which was MA DIVERS 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.

Matthew R. Roberts
Notary Public: Matthew R. Roberts
My Commission Expires: 12/4/09

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Middlesex

On this 4th day of October, 2007, before me, the undersigned notary public, personally appeared Jill Groener, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose.

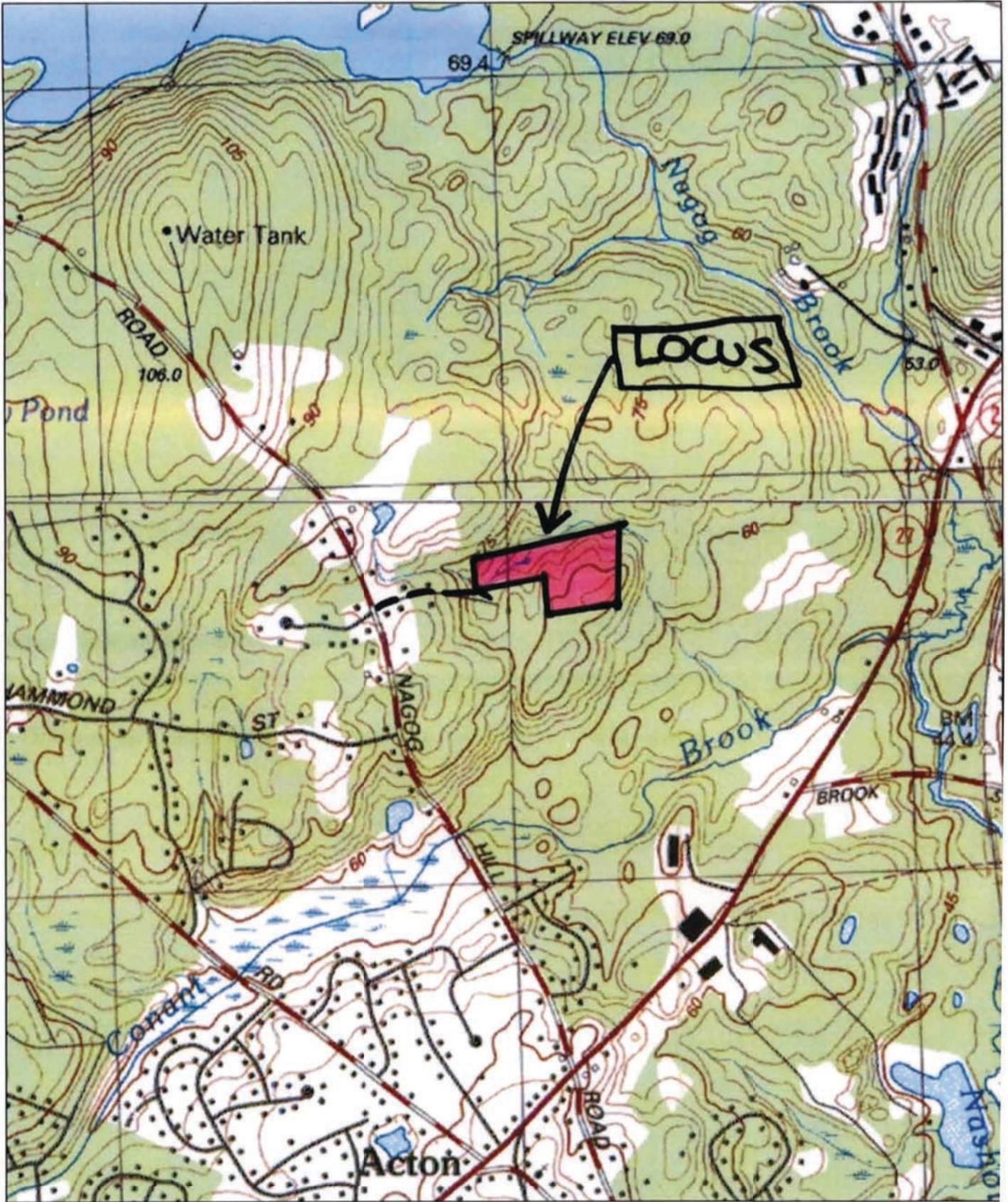


Notary Public: Matthew R. Roberts
My Commission Expires: 12/4/09

Eugene C. Burns
Attest Middlesex S. Register

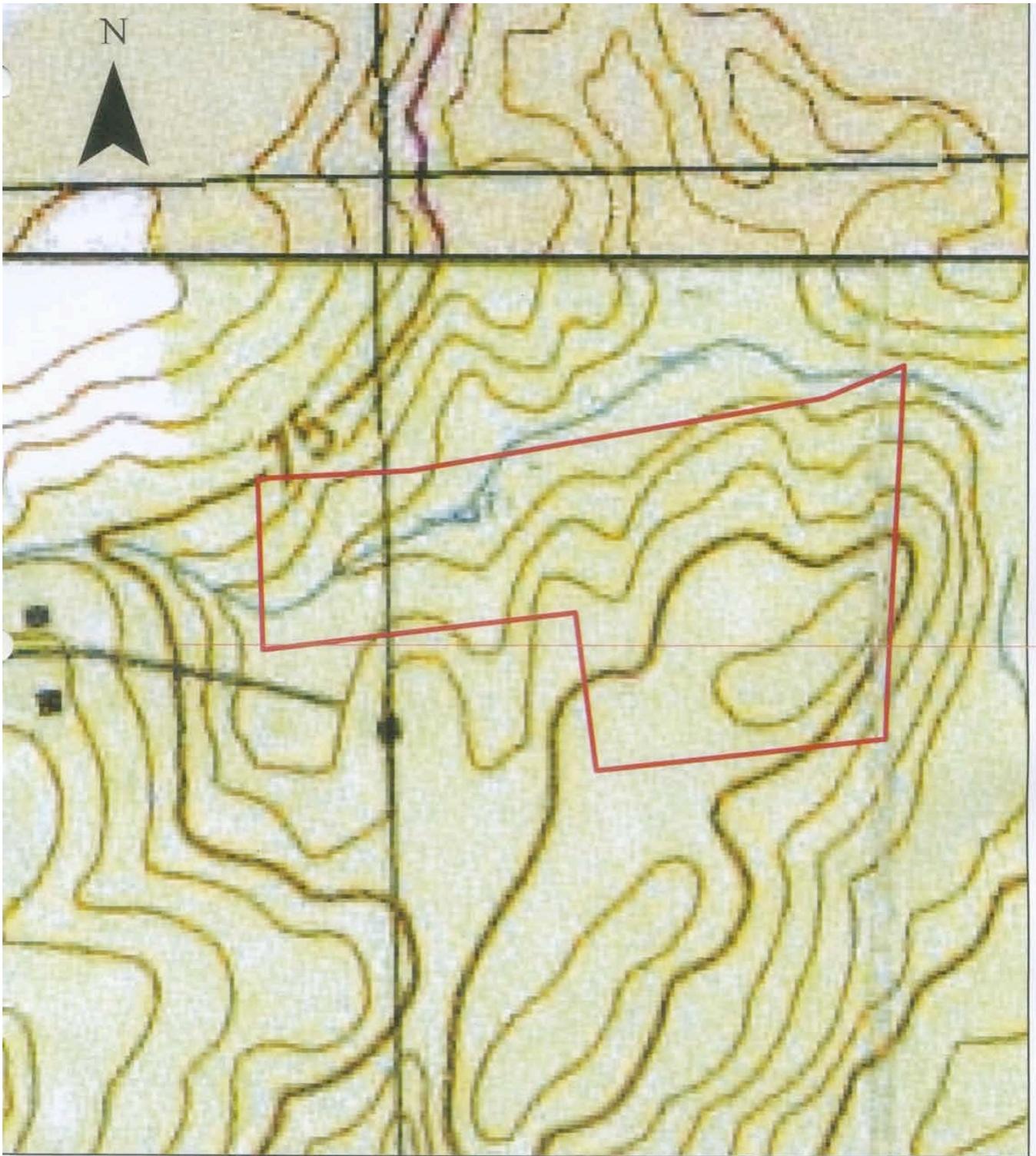
Section 3

Maps and Plans



Name: MAYNARD
 Date: 5/7/2010
 Scale: 1 inch equals 1000 feet

Location: 042° 29' 51.6" N 071° 26' 02.2" W



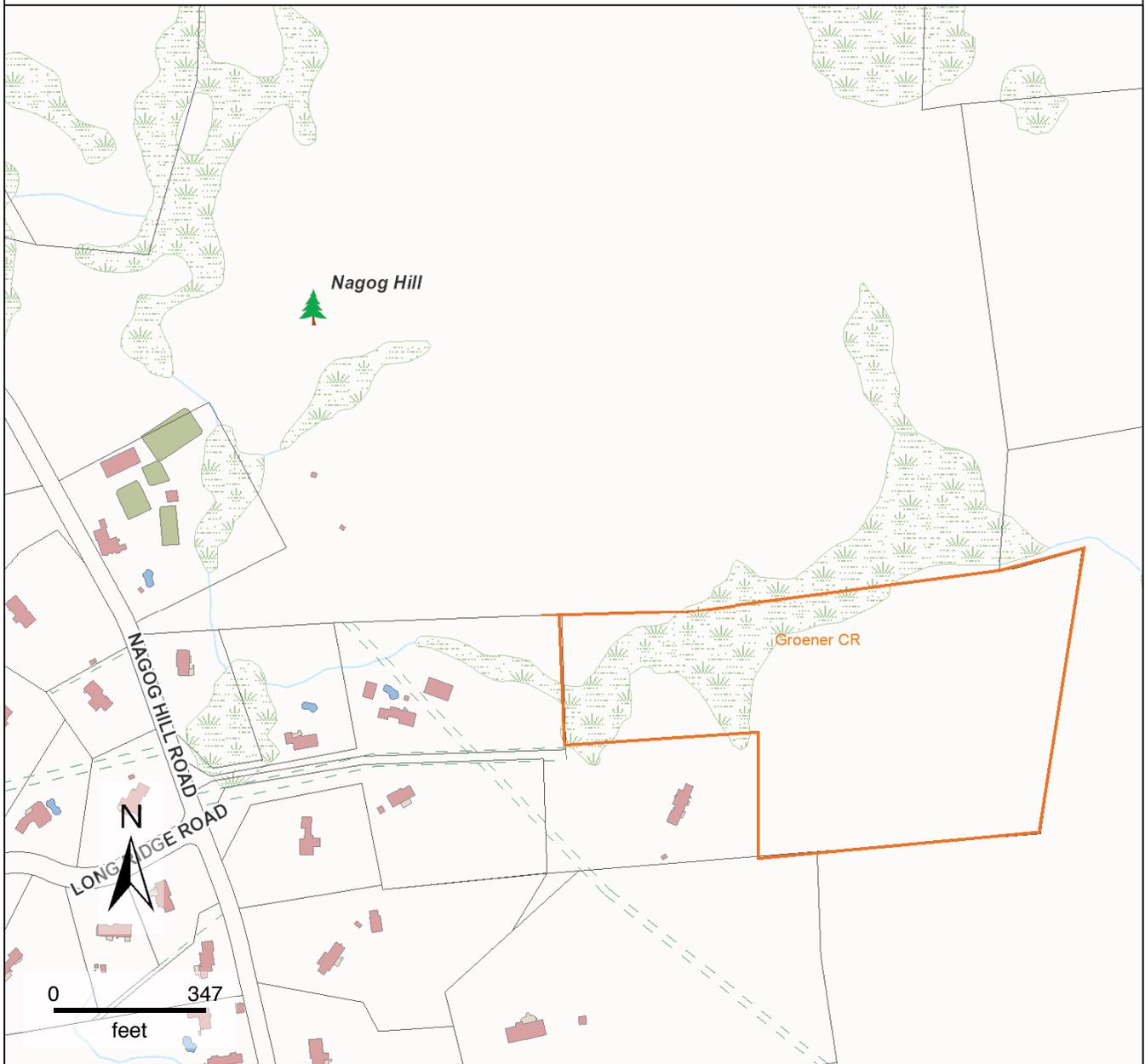
— Groener CR

This map should be used for reference only.
Sudbury Valley Trustees, Inc. does not guarantee
the accuracy of the data presented here.

Groener CR
USGS 1:24,000



fdds



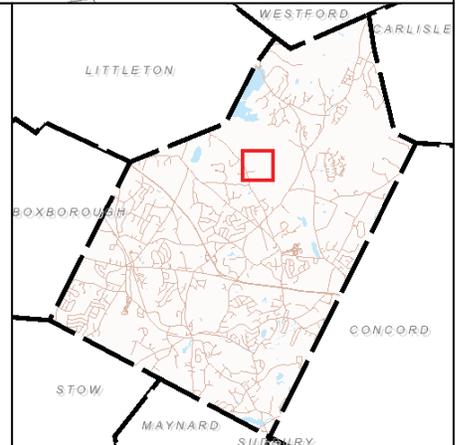
Property Information

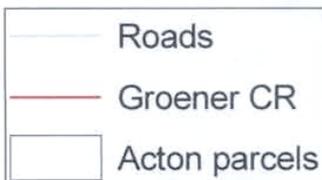
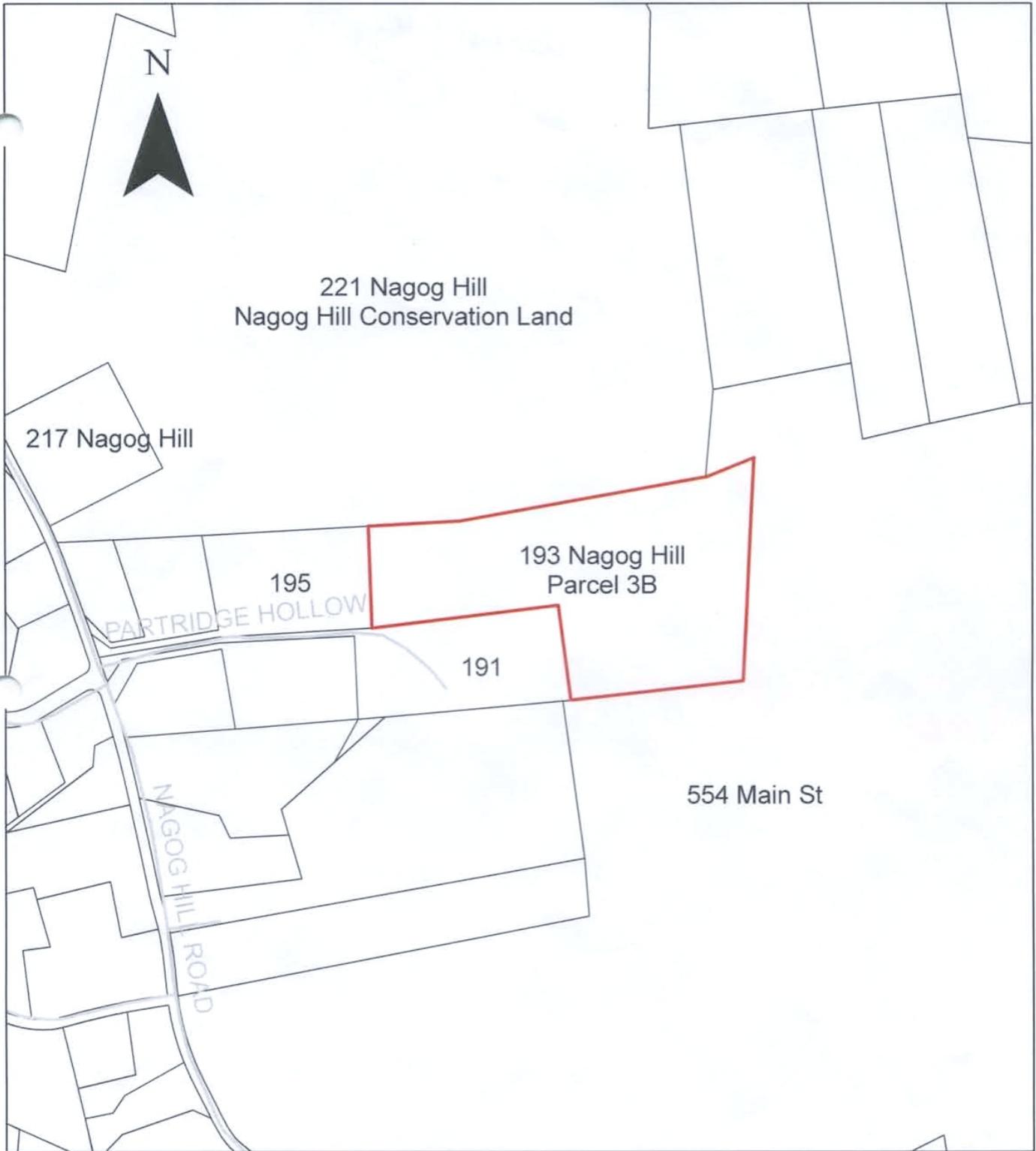
Property ID
Location



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.





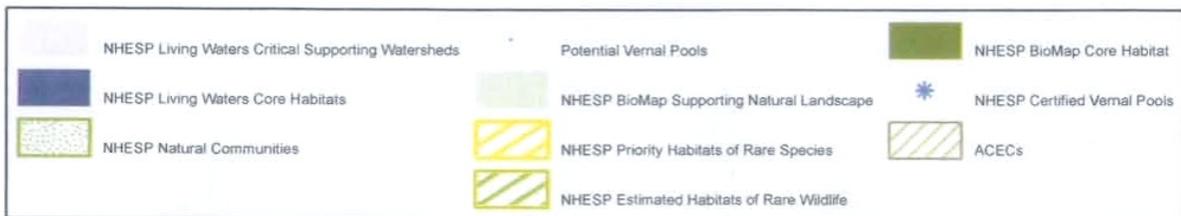
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Groener CR
USGS 1:24,000



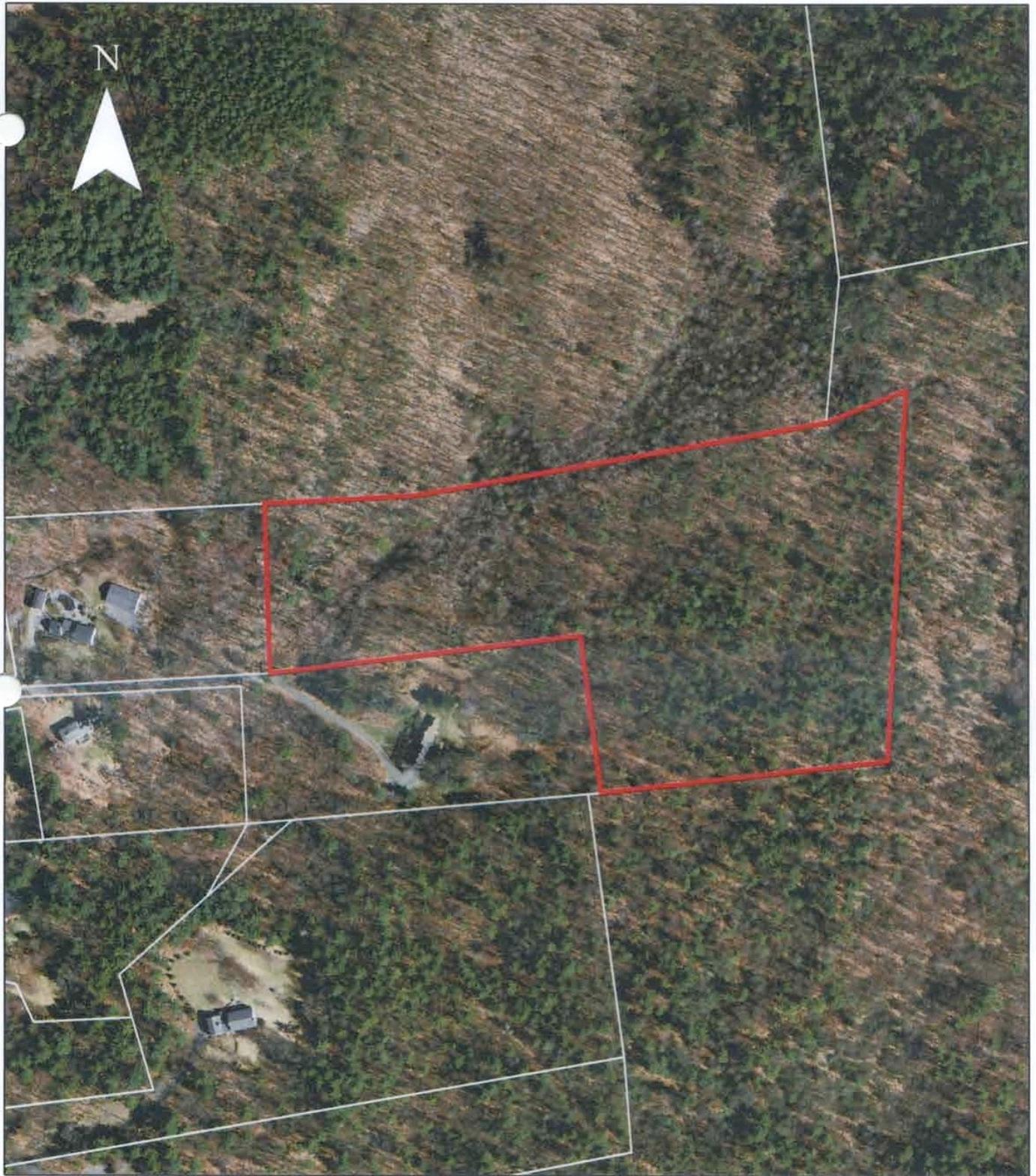


Groener CR Natural Heritage and Endangered Species Program Data 2006



This map should be used for reference only.
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the accuracy of the data presented here.

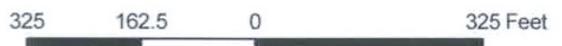




-  Groener CR
-  Acton parcels

Groener CR Aerial Photograph, March 2008

This map should be used for reference only.
Sudbury Valley Trustees, Inc. does not guarantee
the accuracy of the data presented here.





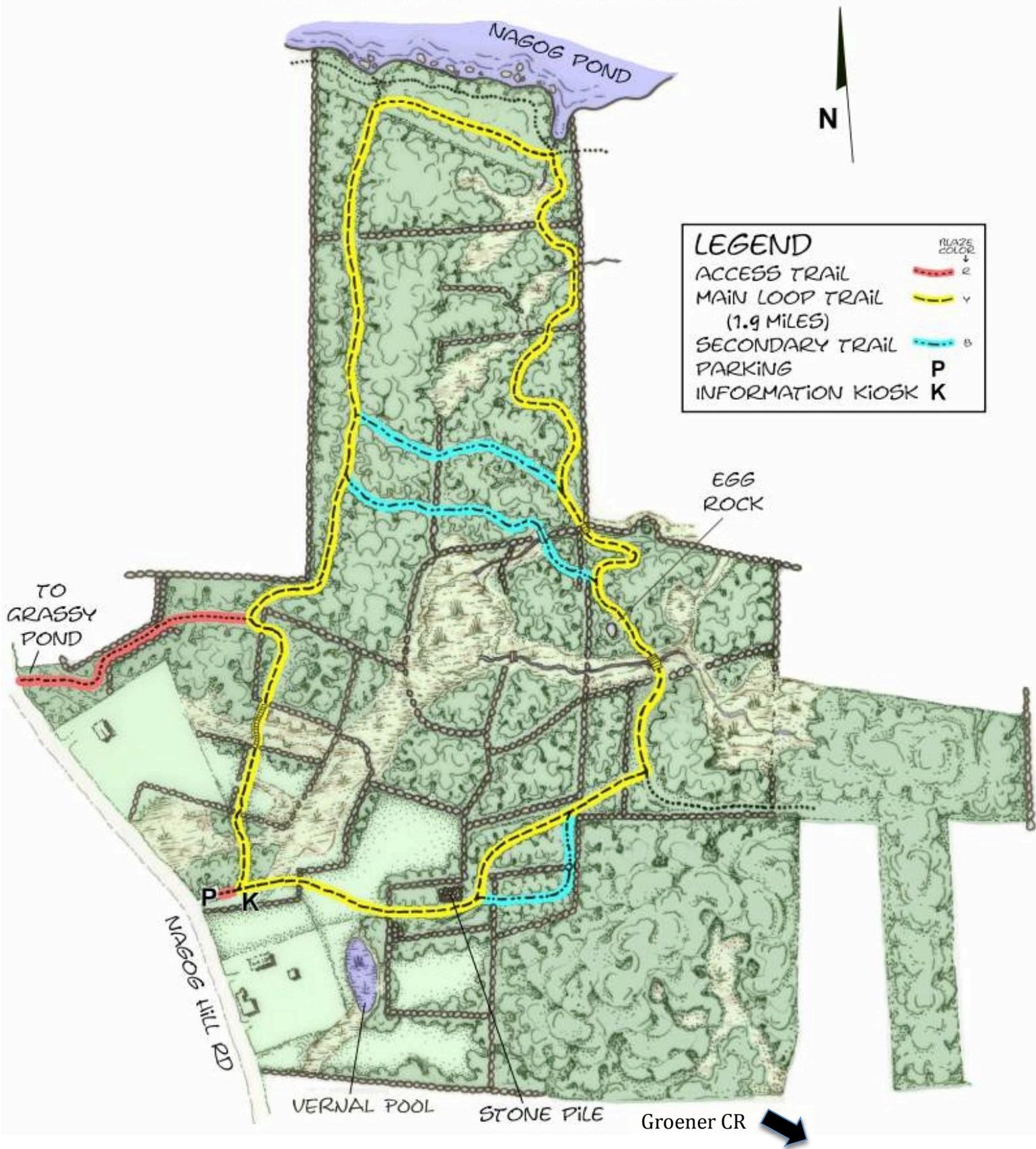
-  Marsh/Bog
-  Wooded marsh
-  Cranberry Bog
-  Open Water
-  Reservoir (with PWSID)
-  Shoreline
-  Hydrologic Connection
-  Mean Low Water Line
-  Wetland Limit
-  Closure Line

Groener CR
Mass DEP Wetlands 1:12,000 Data 2007



This map should be used for reference only.
 Sudbury Valley Trustees, Inc. does not guarantee
 the accuracy of the data presented here.

NAGOG HILL CONSERVATION LAND



Section 4

Photo Documentation



CONSERVATION RESTRICTION BASELINE INSPECTION REPORT

1. Property name: Groener CR
2. Location [street address]: 193 Nagog Hill Road, Acton, MA 01720
3. Date of inspection: 4/14/11 and 8/2/11
4. Size in acres: 12.5 Acres
5. Date conservation restriction recorded: February 2014
6. Grantor name: The Town of Acton
7. Grantor address: The Town of Acton, 472 Main Street, Acton, MA 01720
8. Owner name [if different from grantor]: Same
9. Owner address: Same
10. Length of present ownership: September 2007, 4 years
11. Did the owner of the property accompany you on the inspection?: No
 - identify how notice of visit was given or permission obtained:
Permission from Conservation Director, Thomas Tidman
12. Describe the details of your inspection [where you walked, etc.]: **April 14, 2011:** Dan Stimson, Thai Ha-Ngoc, Susan Mitchell-Hardt, and Jim Snyder-Grant visited the Groener CR to document the boundaries and interior conditions. We entered the property via the Nagog Hill Conservation Area trails and walked southeast towards the Groener property. At what we think is the old stone bound, we walked west to the stone wall and south to the CBDH. We then walked east along the road onto the 191 Nagog Hill Road property (with permission from the home owner) due to the difficulty of remaining on the Groener property. We then documented the interior through panoramas at the hilltop, a boulder, and on the wetlands boundary. We walked back through the Nagog Hill Conservation Area to return to the parking lot. **August 2, 2011:** Susan Mitchell-Hardt, Jim Snyder-Grant, and Thai Ha-Ngoc visited the property to document the remainder of the

property boundaries. Parking on Partridge Hollow, we started on the property boundary with 191 Nagog Hill Road and walked counter clockwise along the well-marked boundary (including monuments, survey flags and sight lines). We ended on the wetlands boundary on the northern border of the property before walking southwest to Partridge Hollow.

13. Present use of restricted property: Conservation
14. Note any possible violations of the terms of the conservation restriction [be as specific as possible]: None
15. Present use of abutting properties [including the owner's unrestricted lands]:
Residential and conservation
16. Describe any rare or unusual plant or animal life or sign thereof: None.
17. Additional remarks [particularly as to the present condition of the property]:
Construction on 191 Nagog Hill Road is ongoing and takes place near the boundary with the conservation land. This boundary should be routinely monitored during the construction period.
18. Names of monitoring team members: Thai Ha-Ngoc, Dan Stimson, Susan Mitchell-Hardt, Jim Snyder-Grant
19. Time spent on property: 4/14/11: 2 hours
8/2/11: 1.5 hours
20. Inspection team leader: Thai Ha-Ngoc

[printed name]



[signature]



1 - 281 - Property boundary corner. Taken at old stone bound looking west. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00524]



2 - 94 - Property boundary corner. Taken at old stone bound looking east. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00525]



3 - 189 - Property boundary corner. Taken at stone wall looking south. Estimated location by GPS. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00526]



4 - 99 - Property boundary corner. Taken at stone wall along wall looking east. Estimated location by GPS. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00527]



5 - 97 - Property boundary corner. Taken at CB/DH. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00528]



6 - 9 - Property boundary corner. Taken at CB/DH. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00529]



7 - 82 - Property boundary corner. Taken at CB/DH. Looking into interior at culvert. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00530]



8 - 0 - Interior panorama on hilltop. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00531]



9 - 90 - Interior panorama on hilltop. [Thai Ha-Ngoc, 4/14/11 , 0 degrees declination, Groener CR, DSC00532]



10 - 180 - Interior panorama on hilltop. [Thai Ha-Ngoc, 4/14/11 , 0 degrees declination, Groener CR, DSC00533]



11 - 270 - Interior panorama on hilltop. [Thai Ha-Ngoc, 4/14/11 , 0 degrees declination, Groener CR, DSC00534]



12 - 67 - Interior panorama on hilltop. Taken of stone pile. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00535]



13 - 0 - Interior panorama on boulder. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00536]



14 - 90 - Interior panorama on boulder. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00537]



15 - 180 - Interior panorama on boulder. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00538]



16 - 270 - Interior panorama on boulder. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00539]



17 - 100 - Interior panorama on boulder. Taken of boulder. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00540]



18 - 0 - Interior panorama at wetland boundary. [Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00541]



19 - 90 - Interior panorama at wetland boundary. [Thai Ha-Ngoc, 4/14/11 , 0 degrees declination, Groener CR, DSC00542]



20 - 180 - Interior panorama at wetland boundary.[Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00543]



21 - 270 - Interior panorama at wetland boundary.[Thai Ha-Ngoc, 4/14/11, 0 degrees declination, Groener CR, DSC00544]



22 - 277 - Property boundary. Taken at split red oak with rock on one stump. [Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00814]



23 - 97 - Property boundary. Taken at split red oak with rock on one stump.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00815]



24 - 277 - Property boundary corner. Taken at pink survey flag. North of wooden spike.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00816]



25 - 186 - Property boundary corner. Taken at pink survey flag. North of wooden spike.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00817]



26 - 115 - Property boundary. Taken at old cart road from house into property.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00818]



27 - 6 - Property boundary corner. Taken at pink flag and red stake 33 feet from end of stone wall.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00819]



28 - 97 - Property boundary corner. Taken at pink flag and red stake 33 feet from end of stone wall.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00820]



29 - 277 - Property boundary. Taken along surveyor's trail.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00821]



30 - 97 - Property boundary. Taken along surveyor's trail.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00822]



31 - 277 - Property boundary. Taken at IP.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00823]



32 - 19 - Property boundary. Taken at IP.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CR, DSC00824]



33 - 199 - Property boundary. Taken at rock pile.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00825]



34 - 19 - Property boundary. Taken at rock pile.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00826]



35 - 199 - Property boundary corner. Taken at IP.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00827]



36 - 95 - Property boundary corner. Taken at IP.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00828]



37 - 274 - Property boundary corner. Taken at IP.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00829]



38 - 94 - Property boundary. Near wetlands boundary and glacial erratic.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00830]



39 - 274 - Property boundary. Near wetlands boundary and glacial erratic.[Thai Ha-Ngoc, 8/2/11 , 0 degrees declination, Groener CRDSC00831]



- ▲ Photos 8/2/11
- ▲ Photos 4/11/11
- Property georeferenced from CBDH (#6) and IP (#35)

Groener Photo Point Map

This map should be used for reference only. Sudbury Valley Trustees, Inc. does not guarantee the accuracy of the data presented here.

Baseline Documentation		Thai Ha-Ngoc, 4/14/11 and 8/2/11, 0 degrees declination, Groener CR	
Photo #	Jpeg #	Azimuth	Description
1	DSC00524	281	Property boundary corner. Taken at old stone bound looking west.
2	DSC00525	94	Property boundary corner. Taken at old stone bound looking east.
3	DSC00526	189	Property boundary corner. Taken at stone wall looking south. Estimated location by GPS.
4	DSC00527	99	Property boundary corner. Taken at stone wall along wall looking east. Estimated location by GPS.
5	DSC00528	97	Property boundary corner. Taken at CB/DH.
6	DSC00529	9	Property boundary corner. Taken at CB/DH.
7	DSC00530	82	Property boundary corner. Taken at CB/DH. Looking into interior at culvert.
8	DSC00531	0	Interior panorama on hilltop.
9	DSC00532	90	Interior panorama on hilltop.
10	DSC00533	180	Interior panorama on hilltop.
11	DSC00534	270	Interior panorama on hilltop.
12	DSC00535	67	Interior panorama on hilltop. Taken of stone pile.
13	DSC00536	0	Interior panorama on boulder.
14	DSC00537	90	Interior panorama on boulder.
15	DSC00538	180	Interior panorama on boulder.
16	DSC00539	270	Interior panorama on boulder.
17	DSC00540	100	Interior panorama on boulder. Taken of boulder.
18	DSC00541	0	Interior panorama at wetland boundary.
19	DSC00542	90	Interior panorama at wetland boundary.
20	DSC00543	180	Interior panorama at wetland boundary.
21	DSC00544	270	Interior panorama at wetland boundary.
22	DSC00814	277	Property boundary. Taken at split red oak with rock on one stump.
23	DSC00815	97	Property boundary. Taken at split red oak with rock on one stump.
24	DSC00816	277	Property boundary corner. Taken at pink survey flag. North of wooden spike.
25	DSC00817	186	Property boundary corner. Taken at pink survey flag. North of wooden spike.
26	DSC00818	115	Property boundary. Taken at old cart road from house into property.

Photo #	Jpeg #	Description
27	DSC00819	6 Property boundary corner. Taken at pink flag and red stake 33 feet from end of stone wall.
28	DSC00820	97 Property boundary corner. Taken at pink flag and red stake 33 feet from end of stone wall.
29	DSC00821	277 Property boundary. Taken along surveyor's trail.
30	DSC00822	97 Property boundary. Taken along surveyor's trail.
31	DSC00823	277 Property boundary. Taken at IP.
32	DSC00824	19 Property boundary. Taken at IP.
33	DSC00825	199 Property boundary. Taken at rock pile.
34	DSC00826	19 Property boundary. Taken at rock pile.
35	DSC00827	199 Property boundary corner. Taken at IP.
36	DSC00828	95 Property boundary corner. Taken at IP.
37	DSC00829	274 Property boundary corner. Taken at IP.
38	DSC00830	94 Property boundary. Near wetlands boundary and glacial erratic.
39	DSC00831	274 Property boundary. Near wetlands boundary and glacial erratic.
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SUDBURY
VALLEY
TRUSTEES

CONSERVATION RESTRICTION PHOTOGRAPHY AFFIDAVIT

I, Thai Ha-Ngoc, hereby certify that:

I am employed by Sudbury Valley Trustees, Inc. ("SVT") as an AmeriCorps Land Steward and that one of my responsibilities is the compilation of baseline documentation and data and the monitoring of properties;

That on April 14 and August 2, 2011, I inspected the Groener CR property located off Nagog Hill Road in Acton, MA and took 39 photographs ("the photographs"), numbered 1 through 39, which were marked with the number, location, date, and photographer's name; and

That the photographs fairly and accurately depict the property as it appeared on the date the photographs were taken; and

That, in addition to printed versions signed by me, the photographs were recorded on a non-rewriteable compact disc signed by me and titled Groener CR Baseline Photos April 14 and August 2, 2011 under the files names on the attached sheet, "Exhibit A", and that the photographs are original and have not been altered in any way.

Thai Ha-Ngoc
Title AmeriCorps Land Steward
Date 8/16/11

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 16th day of August 2011, before me, the undersigned notary public, personally appeared Thai Ha-Ngoc, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, 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 as AmeriCorps of Sudbury Valley Trustees, Inc.
(official seal) Land Steward

May R. Hall
Notary Public
MY COMMISSION EXPIRES: _____

MY COMMISSION
EXPIRES ON
JULY 15, 2016

Exhibit A, Contents of CD titled "Groener CR Baseline Photos April 14 and August 2"

Name	Date modified	Type	Size
DSC00524.JPG	4/14/2011 1:55 PM	JPEG image	4,479 KB
DSC00525.JPG	4/14/2011 2:00 PM	JPEG image	4,442 KB
DSC00526.JPG	4/14/2011 2:15 PM	JPEG image	4,371 KB
DSC00527.JPG	4/14/2011 2:16 PM	JPEG image	4,392 KB
DSC00528.JPG	4/14/2011 2:27 PM	JPEG image	4,389 KB
DSC00529.JPG	4/14/2011 2:28 PM	JPEG image	4,421 KB
DSC00530.JPG	4/14/2011 2:28 PM	JPEG image	4,395 KB
DSC00531.JPG	4/14/2011 3:22 PM	JPEG image	4,414 KB
DSC00532.JPG	4/14/2011 3:23 PM	JPEG image	4,379 KB
DSC00533.JPG	4/14/2011 3:23 PM	JPEG image	4,496 KB
DSC00534.JPG	4/14/2011 3:23 PM	JPEG image	4,343 KB
DSC00535.JPG	4/14/2011 3:24 PM	JPEG image	4,341 KB
DSC00536.JPG	4/14/2011 3:30 PM	JPEG image	4,496 KB
DSC00537.JPG	4/14/2011 3:31 PM	JPEG image	4,349 KB
DSC00538.JPG	4/14/2011 3:31 PM	JPEG image	4,366 KB
DSC00539.JPG	4/14/2011 3:31 PM	JPEG image	4,463 KB
DSC00540.JPG	4/14/2011 3:32 PM	JPEG image	4,435 KB
DSC00541.JPG	4/14/2011 3:43 PM	JPEG image	4,449 KB
DSC00542.JPG	4/14/2011 3:43 PM	JPEG image	4,397 KB
DSC00543.JPG	4/14/2011 3:44 PM	JPEG image	4,369 KB
DSC00544.JPG	4/14/2011 3:44 PM	JPEG image	4,444 KB

Name	Date modified	Type	Size
DSC00814.JPG	8/2/2011 10:35 AM	JPEG image	4,373 KB
DSC00815.JPG	8/2/2011 10:36 AM	JPEG image	4,380 KB
DSC00816.JPG	8/2/2011 10:44 AM	JPEG image	4,387 KB
DSC00817.JPG	8/2/2011 10:47 AM	JPEG image	4,343 KB
DSC00818.JPG	8/2/2011 10:51 AM	JPEG image	4,405 KB
DSC00819.JPG	8/2/2011 10:56 AM	JPEG image	4,397 KB
DSC00820.JPG	8/2/2011 10:56 AM	JPEG image	4,404 KB
DSC00821.JPG	8/2/2011 11:04 AM	JPEG image	4,393 KB
DSC00822.JPG	8/2/2011 11:04 AM	JPEG image	4,365 KB
DSC00823.JPG	8/2/2011 11:09 AM	JPEG image	4,354 KB
DSC00824.JPG	8/2/2011 11:11 AM	JPEG image	4,397 KB
DSC00825.JPG	8/2/2011 11:17 AM	JPEG image	4,460 KB
DSC00826.JPG	8/2/2011 11:17 AM	JPEG image	4,364 KB
DSC00827.JPG	8/2/2011 11:23 AM	JPEG image	4,416 KB
DSC00828.JPG	8/2/2011 11:24 AM	JPEG image	4,340 KB
DSC00829.JPG	8/2/2011 11:31 AM	JPEG image	4,406 KB
DSC00830.JPG	8/2/2011 11:37 AM	JPEG image	4,405 KB
DSC00831.JPG	8/2/2011 11:38 AM	JPEG image	4,368 KB



**Digital Photographic Images; Chain of Custody Record
(to accompany photo affidavit)**

Property: Groener CR
 Address: 193 Nagog Hill Road
 Town: Acton, MA
 File Names: see attached list "Exhibit A"

Name	Procedure	Date	Location	Signature
Thai Ha-Ngoc	Photography	4/14/2011 and 8/2/2011	Groener CR	<i>[Handwritten Signature]</i>
Thai Ha-Ngoc	Write CD	8/16/2011	18 Wolbach Rd., Sudbury, MA 01776	<i>[Handwritten Signature]</i>

Section 5

Additional Contents

ACTON CONSERVATION TRUST
Pre- CR MONITORING REPORT
11/19/2012

1. Property name: Groener land (prior to CR completion)
2. Location (street address): 193 Nagog Hill Road, Acton
3. Date of inspection: 11/19/ 2012
4. Date of last inspection: January 13, 2012 (to resolve boundary discrepancy issue)
5. Size in acres: 12.506 acres
6. Year conservation restriction recorded:
7. Owner name: Town of Acton
8. Owner address: 472 Main St., Acton, MA 01720
9. Length of present ownership (years, months): 5 years ago in Sept. 2012.
10. Is owner the grantor?: Yes
11. Did the owner of the property accompany you on the inspection? No, neither the Director of Natural Resources nor his assistant were available at that time.

- Identify how notice of visit was given or permission obtained:

Susan Mitchell-Hardt, Acton Conservation Trust (ACT), on behalf of the inspection team of Susan Mitchell-Hardt and Jim Snyder-Grant, Acton Conservation Trust (ACT), emailed and called ahead to Tom Tidman, Town of Acton Director of Natural Resources (cc to his Assistant, Bettina Abe) to schedule the walk on the property for a mutually convenient time. Neither one was available. (Bettina had joined us previously).

Describe the details of your inspection (where you walked, etc.)

We proceeded east down the driveway at 191 Nagog Hill Road to the concrete bound with drill hole denoting the eastern boundary of the CR on the boundary of the house lot at 191 Nagog Hill Rd. and the CR.

From there we continued east to the two iron rebars along the property line near the house and pool house. (The wetlands on this boundary were dry). The first iron rebar is behind the tree with the stump. It's not painted orange like the second one; it has a blue flag attached. This one was opposite the house. We walked 57' east to the second rebar which stands out as it's painted orange and has a blue

flag. It's opposite the pool house. Photos of both rebars were taken looking south.

Continued east uphill through the oak/pine forest to the interior corner of the CR and found the granite bound with drill hole set. It was about 175' away and near the split oak tree. A photo was taken facing south with the house in the background.

We turned south, walked toward the OLD CART PATH marked by a 3 1/2' wood stake. A photo was taken facing south with the house in the background. We continued south as far as the stone wall (almost perpendicular) where we found the red stake and pink flag.

We continued east to the iron pipe at the corner. There was orange flagging above and to the interior (north) were about 4 glacial erratics.

Then walked Northeast (20 degrees east of North) to the corner with the iron pipe (stone bound with drill hole, pink flags) walking past the glacial erratic (boulder). Then we walked west of north by 20 degrees toward the iron pipe and the wetlands ahead (approx. 50'). We observed the erratic rock pile. We continued through the wetlands and associated red maple hardwoods. The water level in the wetlands was ankle deep or higher, so we walked north to the upland conservation land and back south to the northern CR boundary returning approximately at the old stone bound with drill hole (tombstone marker with orange flag); a photo was taken looking north (old stone bound with drill hole).

We continued west to the stone wall. (We measured 120' from the end of the stone wall; it turned out to be 125' west of the opening of the stone wall. When we were opposite the concrete bound with drill hole, we walked south across the wetlands to the end of the driveway and the concrete bound with drill hole.

12. Present use of restricted property: Conservation, passive recreation.

13. Note any possible violations of the terms of the conservation restriction (be as specific as possible): None.

14. Present use of abutting properties (including the owner's unrestricted lands): Conservation, passive recreation, residential, privately held in Forestry.

15. Describe examples of uses permitted by the terms of the restriction which have taken place since the last inspection: Passive recreation.

16. Describe any rare or unusual plant or sign thereof: None noted.

17. Additional remarks (particularly as to the present condition of the property).

18. Names of monitoring team members:

Susan Mitchell-Hardt (ACT) and Jim Snyder-Grant (ACT)

Time spent on property: 2 hour 15 min.

Inspection team leader: Susan Mitchell-Hardt

A handwritten signature in cursive script that reads "Susan Mitchell-Hardt". The signature is written in black ink and is positioned above a horizontal line.

(Signature)

Date sent: December 10, 2012

Groener Trial-CR Monitoring Report

ACTON CONSERVATION TRUST AND TRIAL CR MONITORING REPORT

1. Property name: Groener land (prior to CR completion)
2. Location (street address): 193 Nagog Hill Road, Acton
3. Date of inspection: October 10, 2013
4. Date of last inspection: November 19, 2012 (to confirm the correct placement of 3 new bounds)
5. Size in acres: 12.506 acres
6. Year conservation restriction recorded:
7. Owner name: Town of Acton
8. Owner address: 472 Main St., Acton, MA 01720
9. Length of present ownership (years, months): 6 years ago as of Sept. 2013.
10. Is owner the grantor?: Yes
11. Did the owner of the property accompany you on the inspection? Yes, the Assistant the Director of Natural Resources, accompanied us.
 - Identify how notice of visit was given or permission obtained:

Susan Mitchell-Hardt, Acton Conservation Trust (ACT), on behalf of the inspection team of Susan Mitchell-Hardt and David Hardt, Acton Conservation Trust (ACT), emailed and called ahead to Tom Tidman, Town of Acton Director of Natural Resources and to Bettina Abe, the Assistant to the Director of Natural Resources to schedule the walk on the property for a mutually convenient time.

Describe the details of your inspection (where you walked, etc.)

We decided to inspect only the boundaries with privately owned land.

We proceeded east down the driveway at 191 Nagog Hill Road to the concrete bound with drill hole at the boundary with the house lot at 191 Nagog Hill Rd. and the CR. We observed a pink and blue flag on a tree near the concrete bound.

From there we continued east through a bit of dry wetlands, bushwhacking our way to the two iron rebars along the property line. The first iron rebar is opposite the house and the second is opposite the pool house and behind the tree with the stump. The first iron

rebar lost its blue flag; we replaced it with an orange one. The second iron rebar is painted orange and has a blue flag attached. It is approx. 57' east of the first rebar.

We continued east uphill through the oak/pine forest to the interior corner of the CR and found the granite bound with drill hole set.

We turned south, walked toward the old cart path marked by a 3 1/2' wood stake. We continued south as far as the stone wall (almost perpendicular) where we found the red stake and pink survey flag.

We continued east along a surveyors trail heading down slope to the iron pipe at the southeast corner. There was orange flagging above and to the interior (north) were about 4 glacial erratics.

We continued along the eastern boundary not quite to the corner with the iron pipe (at the northeast corner) walking past the glacial erratic (boulder). It was felt that the boundary on the north side of the CR with Nagog Hill Conservation Area, and east of the tomb stone bound was the least likely to be encroached upon as there are no abutters, no trails, and extensive wetlands. Having inspected all the boundaries with privately owned land we headed in approximately a straight line back to the starting point.

Present use of restricted property: Conservation, passive recreation.

12. Note any possible violations of the terms of the conservation restriction (be as specific as possible): None.

13. Present use of abutting properties (including the owner's unrestricted lands): Conservation, passive recreation, residential.

14. Describe examples of uses permitted by the terms of the restriction which have taken place since the last inspection: Passive recreation.

15. Describe any rare or unusual plant or sign thereof: None noted.

16. Additional remarks (particularly as to the present condition of the property).

17. Names of monitoring team members:

Susan Mitchell-Hardt (ACT) and David Hardt (ACT), Bettina Abe, Assistant to Director of Natural Resources

Time spent on property: 55 min.

Inspection team leader: Susan Mitchell-Hardt

Notes from Inspection Walk of Groener Land, 10/10/13, 8 AM - 8:55 AM

Parking:

- Park on Long Ridge Road, opposite Partridge Hollow, the common driveway access to the CR'd land.
- Park at Nagog Hill Conservation Area Parking lot on Nagog Hill Road.

This was our second unofficial (CR not completed) inspection walk and the first since the new home at 191 Nagog Hill Road was completed. Next year ACT will contact the Mark and Claire McCarthy, the new home owners, to let them know when we will be monitoring the Groener CR. It is a courtesy in case they notice people entering the CR'd land from their common driveway. It also gives us a good excuse for keeping in touch.

ACT initiated contact with the McCarthy's by letter in March 2011 shortly after they purchased the property. We welcomed them to one of the most special areas of Acton and explained what our role would be with respect to the neighboring property to their north and east boundaries. We invited them to contact us if they had any questions.

We bushwacked from the concrete bound near the driveway and beginning of the CR'd property east toward the two rebar. On the way, we came across a very large fallen tree with a huge root ball.



Respectfully submitted:
Susan Mitchell-Hardt
October 10, 2013

Section 6

Conservation Restriction Document As Executed February 12, 2014

18



2014 00018204
Bk: 63269 Pg: 471 Doc: REST
Page: 1 of 18 02/12/2014 03:05 PM

Grantor: Town of Acton Conservation Commission
Grantee: Acton Conservation Trust
Address: 193 Nagog Hill Road, Acton, MA 01720
For Title See: Book 50251 at Page 161

Conservation Restriction

TOWN OF ACTON, CONSERVATION COMMISSION

CONSERVATION RESTRICTION

**ON "THE GROENER LAND"
TO
ACTON CONSERVATION TRUST**

I. GRANTOR CLAUSE:

We, the Town of Acton Conservation Commission, by authority of M.G.L. Chapter 40 section 8C and M.G.L. Chapter 44B ("Grantor"), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws, grant, with quitclaim covenants for nominal consideration, to the Acton Conservation Trust, a Massachusetts non-profit land trust having an address of P.O. Box 658, Acton, Massachusetts 01720 and its permitted assigns ("Grantee"), in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on a parcel of land located in the Town of Acton, Massachusetts, constituting approximately 12.506 acres, said parcel being described in a deed recorded in the Middlesex Registry of Deeds (the "Registry") in Book 50251 at Page 161 and shown as Lot 3B on a plan of land entitled "Plan of Land in Acton, Mass. Owned by E. John & Jill Groener" dated May 18, 2007, recorded in the Registry as Plan 1136 of 2007, a copy of which is attached hereto as Exhibit A (hereinafter referred to as the "Premises").

II. PURPOSES:

The acquisition and protection of the Premises has been made possible by funds generated in accordance with the Community Preservation Act (M.G.L. Chapter 44B) ("CPA"), and said act requires the Premises to be protected with a perpetual conservation restriction. The purposes of this Conservation Restriction, given in compliance with the CPA requirements, are (a) to assure that while permitting certain acts and uses described in Section III.B herein, the Premises will be subject to the prohibitions described in Section III.A hereof so that the Premises are retained in perpetuity in a natural, scenic, and open condition for wildlife conservation, native habitat protection, associated public recreation and other conservation uses consistent with and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and (b) to prevent any use of the Premises that will materially impair or

Property Address: 193 Nagog Hill Road, Acton, MA 01720

interfere with the conservation values thereof. The conservation and permanent protection of the Premises will yield a significant public benefit, including the following:

1. The Premises contain unusual, unique or outstanding qualities, the protection of which in their predominately natural, vegetated or open condition will be of benefit to the public. The Premises are comprised of approximately twelve and one-half (12.5) acres and consist of approximately eight (8) acres of oak and maple upland forest and four (4) acres of red maple forested wetlands.
2. Protection of the Premises will permit maintenance of crucial wildlife habitat, wetlands and other important ecosystems. The Premises are located within a prime biodiversity area identified in the 2000 *SuAsCo Biodiversity Protection and Stewardship Plan* (Francis H. Clark).
3. Lying within the watershed of Nashoba Brook, the largest tributary of the Assabet River, the Premises provide protection for ground and surface waters.
4. The Premises abut the Town of Acton's Nagog Hill Conservation Area, making the Premises part of a network of over 500 acres of protected land including land owned by the water departments of the Towns of Acton and Concord that protect Nagog Pond, an important drinking water source.
5. The Premises will provide opportunities for passive recreation for the general public.
6. The Premises, with its stone walls and glacial erratics, will preserve a site of potentially historic value for direct preservation of historic or archeological resources.

A conservation restriction on the Premises is consistent with the goals and objectives set forth in the Town of Acton 2002-2007 Open Space and Recreation Plan, Section 12(a) of the CPA, and the Acton Annual Town Meeting vote on April 10, 2007. A copy of the Town Meeting vote approving the purchase and preservation of the Premises has been recorded at the Registry in Book 50251, Page 161.

III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES:

- A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph B below, the Grantor will neither perform nor allow others to perform the following acts and uses which are prohibited on, above and under the Premises:
 1. Constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, septic systems, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antennas, utility poles, towers,

windmills, solar panels, conduits, lines or other temporary or permanent structures, utilities, or facilities, or improvements of any kind, except for constructing, repairing or maintaining boardwalks, bridges or other trail related structures deemed necessary or desirable in Grantor's reasonable discretion;

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit except as necessary for proper soil conservation and then only in a manner which does not impair the purposes of this Conservation Restriction and after consultation with and approval by the Grantee;
3. Placing, filling, storing or dumping on the Premises of soil, grass clippings, compost, yard debris or other substances on the ground or dumping or placing of vehicle bodies or parts, junk, trash, refuse, solid or chemical waste, or any materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing, harvesting or otherwise destroying trees, shrubs, grasses or other vegetation, including leaf litter, unless otherwise permitted in Paragraph B below;
5. The conveyance of a part or portion of the Premises alone, or the division or subdivision of the Premises (as compared to the conveyance of the Premises in its entirety which shall be permitted) without the prior written consent of Grantee, but in no event shall any portion of the Premises be used towards building requirements on this or any other parcel;
6. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, archeological conservation, erosion control or soil conservation;
7. The use, temporary or permanent parking, or storage of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as necessary for fire, police, ambulance or other governmental agents to carry out their lawful duties, as necessary for the mobility of persons with disabilities and as reasonably necessary in exercising any of the reserved rights in Section III.B;
8. In no event shall the Premises be used for commercial recreational activities in compliance with I.R.C. Section 2031(8)(B) or any successor statute or regulation; or,
9. Any other activity on or use of the Premises that is inconsistent with the purposes of this Conservation Restriction or which would

materially impair other significant conservation values unless such use or activity is necessary in an emergency for the protection of the conservation values that are subject to this Conservation Restriction.

- B. Reserved Rights. All acts and uses not prohibited in Section III.A. are permissible, provided that such acts and uses do not materially impair the purposes of this Conservation Restriction or other significant conservation interests. The following acts and uses, otherwise prohibited in Section III. A., are permitted, but only if such uses and activities do not materially impair the Purposes of this Conservation Restriction.
1. Recreational Activities. Hiking, horseback riding, cross-country skiing and other non-motorized outdoor recreational activities that do not materially alter the landscape and do not degrade environmental quality.
 2. Vegetation Management. In accordance with generally accepted land conservation and management practices, removing of brush, selective *de minimis* pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage.
 3. Public Access/Trails. The maintenance for public use purposes of (a) the presently existing unpaved trails located on the Premises substantially in their present location and condition, as shown on Exhibit X, or (b) new trails, including without limitation boardwalks, bridges and other trail-related structures when necessary or desirable in Grantor's reasonable discretion, as reasonably necessary for the uses permitted herein as further described and in accordance with the terms hereof. All new trails shall be subject to the approval of Grantee as provided in Section III (D) hereof.
 4. Non-native or nuisance species. The removal of non-native or invasive species, the planting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.
 5. Composting. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values) of this Conservation Restriction.
 6. Wildlife Habitat Improvement. Subject to the approval of Grantee as provided in Section III.D, measures designed to restore native

biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species.

7. Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, and other related activities, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
 8. Signs. The erection, maintenance and replacement of signs by the Grantor or Grantee identifying Grantee as holder of the Conservation Restriction and Grantor as owner of the Premises and educating the public about the conservation values protected and uses allowed.
 9. Permitted Vehicles. Use of vehicles necessary for public safety (i.e., fire, police, ambulance, other government agents) in carrying out their lawful duties and vehicles used for activities permitted by this Conservation Restriction.
- C. Governmental Permits. The exercise of any right reserved or permitted under this Paragraph B shall be in compliance with the then-current Zoning Bylaw of the Town of Acton, the Wetlands Protection Act (M.G.L. Ch. 131, Sec. 40), and all other applicable federal, state and local laws. The inclusion of any reserved or permitted right in this Paragraph B that requires approval from a public agency does not imply that the Grantor or the Commonwealth of Massachusetts takes any position on whether such permit should be issued.
- D. Notice and Approval. Whenever notice to or approval by Grantee is required under the provisions of Paragraphs II.A or B, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction.

IV. LEGAL REMEDIES OF THE GRANTEE:

- A. Legal and Injunctive Relief. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.
- B. Reimbursement of Costs of Enforcement. The Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel and survey fees) incurred in good faith enforcement of this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof; provided, however, that Grantor shall not be obligated to reimburse Grantee for costs and expenses related to any such enforcement that Grantor successfully challenges as evidenced by a final, unappealed determination of a court of competent jurisdiction.
- C. Disclaimer of Liability. By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws, and regulations, or acts not caused by the Grantee or its agents.
- D. Acts Beyond the Grantor's Control. Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. If the parties determine in their reasonable discretion that restoration of the Premises is feasible, the parties will cooperate to restore the Premises.

V. **ACCESS:**

The Grantee and its representatives are hereby granted the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith. The Grantor also grants to the Grantee, after thirty (30) days written notice of a violation from Grantee to Grantor and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy, abate or enforce any violation hereof, including but not limited to the right to perform a survey of boundary lines and to take enforcement actions against third party violations of the provisions of this Restriction.

The Grantor will be granting to the Grantee in a separate easement a right of access across Grantor's land lying northerly and adjacent to the Premises and Nagog Hill Road.

VI. EXTINGUISHMENT:

- A. Grantee's Receipt of Property and Development Rights. The Grantor(s) and the Grantee agree that the granting of this Conservation Restriction gives rise for all purposes to a real property right immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises.
- B. Right of Grantee to Recover Proportional Value at Disposition. If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds, and only after complying with the terms of any gift, grant, or funding requirements, including MGL c. 44B (CPA statute).
- C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor(s) and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.
- D. Allocation of Expenses upon Disposition. All related expenses incurred by the Grantor(s) and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor(s) and Grantee in shares equal to such proportionate value, subject, however to any applicable law which expressly provides for a different disposition after complying with the terms of any gift, grant, or funding requirements including MGL c. 44B.
- E. Continuing Trust of Grantee's Share of Proceeds of Conservation Restriction Disposition. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes of this grant.

VII. ASSIGNABILITY:

- A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against

the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

- B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. Without limiting the foregoing, the Grantor agrees to execute any such instruments reasonably requested by the Grantee.
- C. Running of the Benefit. The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances and from time to time:
 - 1. As a condition of any assignment, the Grantee requires that the purpose of this Conservation Restriction continue to be carried out; and
 - 2. The assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly; and
 - 3. Grantee complies with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS:

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which the Grantor divests itself of any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. Failure of the Grantor to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way.

IX. ESTOPPEL CERTIFICATES:

Upon a reasonable request by the Grantor, the Grantee shall, within thirty (30) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction or otherwise evidences the status of this Conservation Restriction.

X. AMENDMENT:

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South District Registry of Deeds.

XI. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantor(s) and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Middlesex South Registry of Deeds.

XII. RECORDATION:

The Grantor shall record this instrument in timely fashion in the Middlesex South Registry of Deeds.

XIII. TERMINATION OF RIGHTS AND OBLIGATIONS:

Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Premises terminate upon and to the extent of such party's transfer of its interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Conservation Restriction, shall survive the transfer.

XIV. MISCELLANEOUS:

- A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the Purposes of this Conservation Restriction and the policy and purpose of Mass. Gen. Laws Chapter 184, Sections 31-

33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

- C. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.
- D. Joint Obligation. The obligations imposed by this Conservation Restriction upon the parties that together comprise "Grantors" shall be joint and several.
- E. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
- F. Pre-existing Rights of the Public. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- G. Counterparts. This Conservation Restriction may be executed in counterparts and shall constitute a single agreement.
- H. Severability Clause. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.
- I. Non-Waiver. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- J. Boundary Dispute. In the event of a dispute over the boundaries of the Premises, Grantor shall be responsible for a survey and placing permanent boundary markers.
- K. No Merger. The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take, title to any part of the Premises without having first assigned this Conservation Restriction in accordance with Paragraph VII above (if necessary to avoid merger), to ensure that merger does not occur.

L. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor: Town of Acton
 Conservation Commission
 472 Main Street
 Acton, MA 01720

With a copy to: Town Manager
 472 Main Street
 Acton, MA 01720

To Grantee: Acton Conservation Trust
 P.O. Box 658
 Acton, MA 01720

[SIGNATURES FOLLOW ON NEXT PAGE]

Executed under seal this 15th day of January, 2014.

TOWN OF ACTON
CONSERVATION COMMISSION

Terry Mattland
Terry Mattland, Chair

William Froberg
William Froberg

Theresa Portante-Lyle
Theresa Portante-Lyle

James C. Colman
James Colman

Thomas B. Arnold

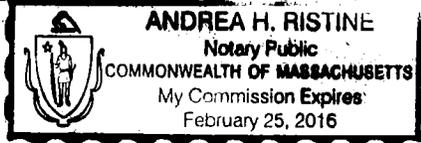
Andy Magee

Amy Green
Amy Green

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On Jan 15, 2014, before me, the undersigned notary public, personally appeared Terry Maiffard, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.

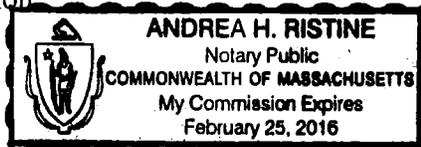


Andrea H. Ristine
Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On Jan. 15, 2014, before me, the undersigned notary public, personally appeared William Frisberg, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.



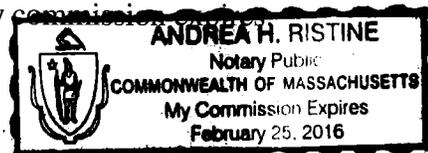
Andrea H. Ristine
Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On Jan 15, 2014, before me, the undersigned notary public, personally appeared T. Lytle-Portante, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.

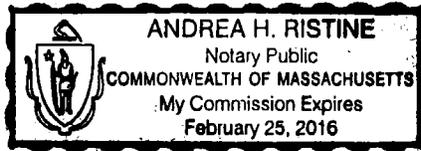
Andrea H. Ristine
Notary Public
My commission expires:



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On Jan 15, 2014, before me, the undersigned notary public, personally appeared James Colman, proved to me through satisfactory evidence of identification, which was known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.

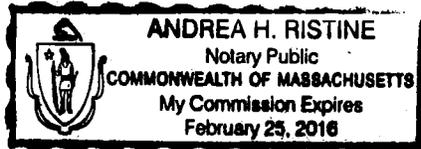


Andrea H. Ristine
Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On Jan 15, 2014, before me, the undersigned notary public, personally appeared Amy Green, proved to me through satisfactory evidence of identification, which was known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.



Andrea H. Ristine
Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a Member of the Town of Acton Conservation Commission.

Notary Public

My commission expires:

ACCEPTANCE OF GRANT

The above Conservation Restriction is accepted this 26th day of DECEMBER, 2013.

Acton Conservation Trust

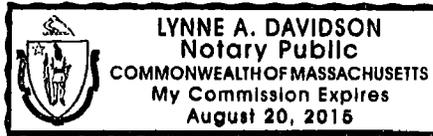
Susan Mitchell-Hardt President
Susan Mitchell-Hardt, President
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 26th day of December, 2013, before me, the undersigned notary public personally appeared Susan Mitchell-Hardt, President of the Acton Conservation Trust, proved to me through satisfactory evidence of identification, which was drives license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

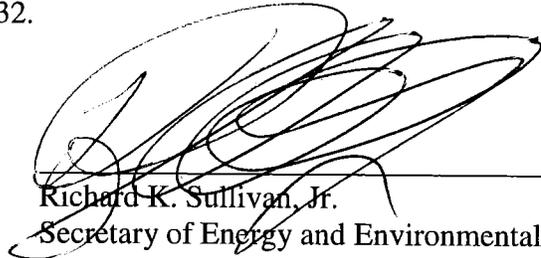
Lynne A. Davidson
Notary Public
My commission expires: 8-20-15



APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Trustees of the Acton Conservation Trust has been approved in the public interest pursuant to M.G.L. Ch. 184, Sec. 32.

Date: Feb 11, 2014

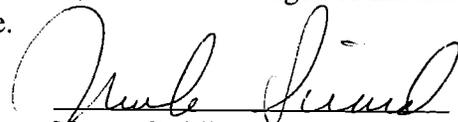


Richard K. Sullivan, Jr.
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 11th day of Feb, 2014, before me, the undersigned notary public, personally appeared Richard K. Sullivan, Jr., Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, proved to me through satisfactory evidence of identification, personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Notary Public
My commission expires: 12/7/2018

Plan # 136 of 2007 10-18-2007 1:23 PM

Middlesex Register of Deeds,
 Southern District
 Cambridge, Massachusetts
 Plan No. 136 of 2007
 Filed 10/18/07
 David F. Adams, Clerk
 David F. Adams, Clerk

GENERAL NOTES:

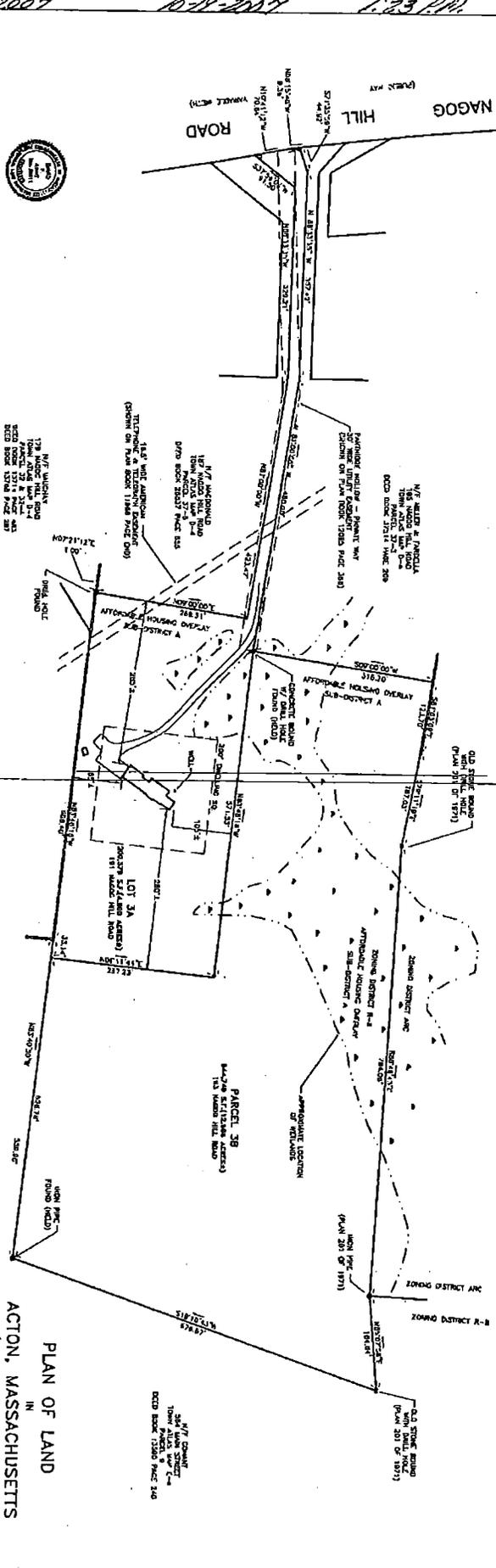
ZONING DISTRICT - RESIDENCE B (R-3)
 (CONFORM MAP - AMENDED APRIL 2005)

MINIMUM LOT SIZE	REQUIRED	8,000 S.F.
MINIMUM FRONTING	REQUIRED	75 FEET
MINIMUM LOT WIDTH	REQUIRED	30 FEET

TOWN ATLAS REFERENCE TOWN ATLAS MAP D-4 PARCEL 37
 (TOWN ASSESSOR'S MAPS - AMENDED JANUARY 1, 2008)
 DEVELOPER PROTECTION MAP - FIGURE NO. 1 - JANUARY 1989
 F.E.L.A. FLOOD PLAIN DISTRICT - ZONE X
 (FLOOD INSURANCE RATE MAP - MAPLE NO. 20078-0004 - REVISED JANUARY 4, 1988)
 PARCEL 38 WAS APPROVED FOR PURCHASE BY THE TOWN OF ACTON UNDER ARTICLE 20-1 OF THE 2007 ANNUAL TOWN MEETING AS OPEN SPACE
 PARCEL 38 IS A HAMMOCKED LOT AND SHALL NOT BE FURTHER DIVIDED TO REDUCE ITS AREA OR TO CREATE ADDITIONAL BUILDING LOTS

DEED REFERENCES:

DEED BOOK 19750 PAGE 438 - 181 MAGOG HILL ROAD - LOT 3
 PLAN REFERENCES:
 SEE THE FOLLOWING PLANS RECORDED IN THE MIDDLESEX SOUTH DISTRICT REGISTER OF DEEDS:
 1. BOOK 11864 PAGE 610 - PLAN 204 OF 1971
 2. BOOK 11864 PAGE 588 - PLAN 1524 OF 1971
 3. BOOK 11758 PAGE 377 - PLAN 1154 OF 1968
 SEE ALSO THE FOLLOWING PLAN IN THE TOWN OF ACTON ENGINEERING DEPARTMENT FILES:
 SUBMIT WORKSHEET ENTITLED "MAGOG HILL ROAD - ACTON, MASS" - ENG PLAN 81845



PLAN OF LAND
 IN
 ACTON, MASSACHUSETTS
 (MIDDLESEX COUNTY)
 OWNED BY E. JOHN & JILL GROENER
 191 MAGOG HILL ROAD
 SCALE: 1" = 80'
 MAY 18, 2007

GRAPHIC SCALE
 (IN FEET)
 1" = 80' ft.

ACTION PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 David F. Adams, Clerk
 DATE: July 19, 2007

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
 David F. Adams, Clerk
 DATE: July 18, 2007

ACTION ENGINEERING DEPT. - FILENAME: MAGOG HILL ROAD - HOUSE 191.DWG - 2007 - PREPARED BY: C. YORK

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