

Kablack, Jody

From: Linda Hawes <Linda_Hawes@lsrhs.net>
Sent: Friday, September 06, 2013 10:23 AM
To: Kablack, Jody
Subject: 233 Concord Rd

Hi Jody - We discussed the Booma extra lot last night at our Historic Districts Commission meeting, and we were divided as to it being an appropriate lot for the Town to preserve, or for a builder to purchase.

I personally feel that new construction in such a significant historic area is risky, no matter how carefully we work with the builders. I hope somehow the property can be left open.

Linda Hawes
Chair, HDC

Kablack, Jody

From: JILL AND STEFAN GROSS <sjgross662@msn.com>
Sent: Sunday, September 08, 2013 1:27 PM
To: Planning Board
Subject: Open land at 233 Concord Rd. Lot B

Planning Board,

This is a plea to request that the Town of Sudbury purchase the land parcel between 233 and 253 Concord Rd. in order to preserve Sudbury's historic nature. I am a citizen of Sudbury and believe it is good use of Preservation funds to purchase this land.

Sincerely,

Jill and Stefan Gross
309 Goodmans Hill Rd.
Sudbury, MA

Kablack, Jody

From: Frances Shashoua <fshashoua@gmail.com>
Sent: Monday, September 09, 2013 9:39 AM
To: Board of Selectmen; Planning Board; Conservation Office; Assessors, Board of;
larc@sudubry.ma.us
Subject: Request for town to purchase land on Concord Rd.

This is a plea to request that the Town of Sudbury purchase the land parcel between 233 and 253 Concord Rd. in order to preserve Sudbury's historic nature and preserve the open meadow. I am a citizen of Sudbury and believe it is good use of Preservation funds to purchase this land.

We are unable to attend the meeting tonight due to high school mandatory meeting this evening and would appreciate if you would pass on our sentiments at the meeting.

Sincerely,

Frances and Edward Shashoua
328 Goodman's Hill Rd
Sudbury, MA 01776

Susan Doherty September 09, 2013 at 12:17 PM

Thank you all for your comments. This morning I met with BOS at their 10:30a.m. meeting to request that this be put on their agenda for next Selectmans meeting. Mr. Simmons, Hardy and O'Brien were in attendance. Mr. Obrien suggested I speak with the secretary in the Town Managers office to request that Lot b is put on upcoming Selectmans agenda. Also, your neighbors in the Historic District and surrounding residents will be drawing up a petition to request a Public Hearing. (which state law permits) on this matter. During last weeks Planning Board meeting, Chris Morley mentioned to his board members that -something to the effect of, when land purchases come up before the Town for Discussion or Vote most residents always it is voted down. In addition to this, I've just discovered that the Historic District Commision met on Sept 5. Lot B 233 Concord Road was not an agenda posted on the Town Website. Evidently, the board spent three minutes discussing Lot B and the decision was split. Its my understanding that all committees are suppose to list items on their agenda at least 2 days in advance-otherwise how would the public participate?. Presently, if you click on the Historic District Commisions agenda for Sept 5th- the link comes up as broken. I called Dev Glaser in the Historic District Commision's office and she confirmed that this "was not" posted on the towns website. Is this illegal??????

Kablack, Jody

From: sherrylw9@verizon.net
Sent: Wednesday, September 11, 2013 2:36 PM
To: Planning Board; Board of Selectmen; Conservation Office; Assessors, Board of; Land Acquisition Review Committee
Subject: open space

Hi,

I am writing regarding the 2.2 acre property in the historic district that is for sale. As a Sudbury resident I am in favor of the town purchasing the land in order to preserve it as open space.

My husband and I moved from Arlington to Sudbury in large part because of the ability to both own more land ourselves, and the greater amount of open space that exists in general. We have both been dismayed at the amount of development that has occurred in the short time we have resided there. If we could choose only one place for our property taxes to be used – it would be for land preservation.

I urge you to help preserve the character of Sudbury by purchasing this land. Please let me know your decision on this issue.

Sincerely,

Sherry Weiland
Homestead Street

Kablack, Jody

From: McShea, Nancy
Sent: Thursday, September 12, 2013 10:04 AM
To: Kablack, Jody
Subject: 233 Concord Road

Hi Jody, the Park and Recreation Commission met last evening and discussed 233 Concord Road. The commission voted unanimously that they had no recreational use for this property. On a side note they did not weigh in on the value of the land nor location ect, only whether they thought it served a purpose for them from a recreation stand point. Thanks
-Nancy

Nancy McShea, CPRE, CPSI
Park and Recreation Director
Park and Recreation/Atkinson Pool - *Something for Everyone!*
40 Fairbank Road
Sudbury, MA 01776
(978) 639-3259

Sudbury Parks and Recreation – seeking national accreditation in 2013!



TOWN OF SUDBURY
Conservation Commission

Sudbury, Massachusetts 01776

To: Board of Selectmen
Maureen Valente, Town Manager
From: Sudbury Conservation Commission
Date: Sept. 17, 2013
Re: Notice of Intent to Sell Land under Chapter 61A
Lot B Concord Rd. (adjacent to 233 Concord Rd.)

At the Conservation Commission meeting held September 9, 2013, the Commission discussed the Town's first option to purchase a 2.2-acre lot on Concord Road in the Sudbury Town Center Historic District for \$325,000. The Commission voted unanimously in favor of recommending that the Selectmen exercise this option.

The cost to exercise this option is relatively the same as the cost to the Town for the recent purchase of 15 Hudson Road. 15 Hudson Road was purchased to expand our park system in the Town Center, remove an eye-sore, and hold the land for further municipal use, especially drainage needs, in the future. The purchase of Lot B can also expand our Town Center park system, and potentially prevent a future eyesore, while preserving the last undeveloped lot in the core area of the Center. Grinnell Park and Heritage Park are located less than 1,000 ft. north of Lot B. Our walkway system, historic stone walls, and mature roadside trees extend to Lot B.

Lot B is currently a meadow that slopes slightly down to a forested wetland toward the west. Several large mature trees that were part of its former agricultural use as a tree farm remain within the meadow. Removal or relocation of several of these planted trees will produce an open, sunny meadow where granite benches and a mowed path during the growing season will welcome residents and visitors with little maintenance on the part of the Town.

Conversely, development of this lot will require the placement of the house and septic system near the street due to the permanent protection of the wetland area in the rear of the lot in a conservation restriction. No meadow will remain.

Lot B is listed on Sudbury's Open Space and Recreation Plan under lands of 61A interest. Chapter 61 recognizes the special roles some lands play in protecting history, natural resources, and agriculture as having benefits beyond those associated with private land ownership. Property that qualifies for Chapter 61 tax treatment has some degree of public benefit that warrants special consideration for preservation in the form of tax breaks and right of first refusal for public purchase to protect those special attributes.

The Conservation Commission is not just about wetlands regulation. The Commission was established for the promotion and development of the natural resources and for the protection of watershed resources. After careful consideration of the role this 2.2-acre property in the overall character and quality of life in Sudbury, the Commission strongly encourages the Board of Selectmen to exercise the town's right of first refusal for the purchase and protection of Lot B Concord Road for public open space, park, and historic purposes. This is a one-time only opportunity at a reasonable cost that will yield priceless long-term benefits for future Sudbury Citizens.

JB

Suzanne E. Kellogg
265 Concord Road
Sudbury MA 01776

September 23, 2013

To Whom It May Concern;

I've known Sudbury since I was a young child. When my family moved to 265 Concord Road (the Noyes House) in 1952, the population was 2,000. My father was the only doctor in town and enjoyed bird-watching in the fields behind our house. The variety of bird life there has probably diminished significantly since then. My brothers and sister and I used to play ball in the road.

I travelled and lived abroad for many years, then lived in Boston and on the North Shore before my husband and I bought our house from my mother, who moved to a house she'd had built in Maine after my father died. Having witnessed the seemingly haphazard over development of this formerly unique New England village over many decades, I now feel a responsibility to participate in an effort to safeguard an area in the center of town where some early settlers established themselves. The land on Lot B, 233 Concord Road, is what Sudbury was like when it was first settled; it is historic in nature or naturally historic and must be preserved in order to serve the townspeople as a reminder of their heritage and as a place to visit. In the 2007 Sudbury Reconnaissance Report, this land was identified as a Heritage Landscape.

Many of the town roads date from colonial times. As you drive along these roads, the picturesque views of woods, fields and meadows, defined by painstakingly constructed stone walls, provide glimpses into Sudbury's rural past.

Unless the people of Sudbury sincerely care about the remaining parcels of pristine land and take measures to protect them and their natural inhabitants indefinitely, the town will look just like any other town, destroyed by tasteless and energy-consuming development and commercial eyesores that are destined to become obsolete.

For the reasons mentioned above, I believe that the town of Sudbury should purchase Lot B. Thanking you in advance for your kind attention to this matter....

Sincerely, Suzanne E. Kellogg

Board of Assessors Town of Sudbury

278 Old Sudbury Road Flynn Building • Sudbury, Massachusetts • 01776
Phone: (978) 639-3395 • Fax: (978) 639-3314 • E-mail: assessors@sudbury.ma.us

MEMORANDUM

TO: Board of Selectmen
FROM: Board of Assessors *CWG*
DATE: September 26, 2013

At the Board of Assessors meetings held on September 10th and 24th 2013 the Assessors reviewed the Booma property "Notice of Intent to Sell Land Classified under M.G.L. Chapter 61" received on August 21, 2013. The Board discussed the location, size and other characteristics of the parcel in question, as well as the price and various communications received from citizens petitioning the Town to exercise its right to purchase.

The Board of Assessors has received, reviewed and considered the e-memoranda from several residents urging that the Town exercise its option to purchase the property "in order to preserve Sudbury's historic nature" by utilizing CPF funds.

While the Assessors take no position recommending in favor or against the Town exercising its option to purchase, the Board considers the accepted offer amount of \$325,000 to be consistent with neighborhood land values, assuming the lot is buildable. The Board will be available for consultation or discussion should any assessment related issues be raised.

Kablack, Jody

Subject: FW: preserving the meadow

-----Original Message-----

From: Beth Whitlock [mailto:bethwhitlock@me.com]
Sent: Thursday, October 03, 2013 6:03 PM
To: Board of Selectmen
Subject: preserving the meadow

Dear Selectmen,

We live on Concord road. We chose to live here because of the beauty of Sudbury in general and our road in particular. Please purchase the meadow parcel to keep the beauty that attracted us and thousands of others to Sudbury.

I not only live here, (my husband and I have two children), but I am also a business owner on Boston Post Road.

Sudbury is such a wonderful town.

We have a duty to protect as much land as we can here and elsewhere in the world to preserve it for our children and our children's children. If we have the power and means to keep a piece of serene beauty instead of filling it with buildings, why wouldn't we do that? Those parcels of beauty are why people come to Sudbury. We will increase and maintain members of our community if we keep the beauty of it in tact.

Thank you.
Sincerely,

Beth Whitlock
83 Concord Road

Kablack, Jody

From: Christa Collins <ccollins@svtweb.org>
Sent: Friday, October 04, 2013 7:45 AM
To: Kablack, Jody
Cc: Laura Mattei
Subject: Fwd: Conservation Restrictions

Hi Jody,

Sincere apologies that I haven't gotten you a formal response about the Concord Road lot yet - I've been flat out lately. But I did speak with Susan Doherty, and explained our situation - namely that because it was such a small lot and was already carved out of the CR as a building lot, it wasn't something that SVT would be likely to put a lot of energy into fundraising around. I also explained that it wasn't a good candidate for grants because of its size, etc. I did say, however, that if she thought there were enough neighbors willing to make a significant contribution, that donations could come through us.

I also explained that if the Town were to purchase the land outright, it might make sense to amend SVT's CR to cover that area, as well. I'm not sure if you were thinking about an outright purchase or a CR, though, and if the latter, who would own the land.

I hope this suffices for your planning board discussion. Our board meets next Wednesday and I will mention this, though I'm not prepared to ask them for a vote on anything. If you need something on letterhead I will get it to you next week.

Thanks,
Christa

----- Forwarded message -----

From: Susan Doherty <truro2001@gmail.com>
Date: Fri, Oct 4, 2013 at 6:02 AM
Subject: Re: Conservation Restrictions
To: Christa Collins <ccollins@svtweb.org>

Dear Christa, You mentioned being able to set up a donation fund for 233 Concord Road, Lot B. We are very much interested in establishing a fund at this time as well as any help SVT can offer in the way of fundraising. On Wednesday October 9th, the Planning Board will be meeting to discuss and make a final recommendation to Board of Selectmen on Lot B.

Your help and guidance is very much appreciated. Recent photo of the land



Thanks, Susan Doherty

On Tue, Oct 1, 2013 at 7:39 PM, Susan Doherty <truro2001@gmail.com> wrote:

Dear Christa, Great talking with you too. Your work is certainly valuable and so much appreciated. We shall keep you in the loop and again thanks for your input and information on original conservation restrictions.

Warm Regards, Susan Doherty

On Tue, Oct 1, 2013 at 1:03 PM, Christa Collins <ccollins@svtweb.org> wrote:

Hi Susan,

It was nice to talk with you this morning, and thank you for your interest in and efforts to protect land in Sudbury's historic center.

As I mentioned, SVT holds a Conservation Restriction (CR) on the land around the building lot on Concord Road. When that CR was originally donated by the Emmons family in 2000, the lot in question was reserved as a building lot. I've attached the original CR here so you can see a) what a CR looks like, and b) so you can see the plan, which shows pretty clearly where the reserved building lots are. This is a public document that is recorded with the Registry of Deeds.

I've also attached our CR information sheet, which describes the basics of how CR's work.

If enough money can be raised privately and the Town is willing to make a substantial contribution, SVT could play a role in facilitating fundraising and holding contributions and/or pledges as they came in. Typically we offer to return money donated if a project is not successful. If enough money could be raised, and Town Meeting approved a Town purchase of the land using Community Preservation funds, SVT could hold a CR on the lot. As I mentioned, we might be able to do that by amending the existing CR to include the extra land area.

I will be following up with Jody Kablack to let her know where we stand on this, as the Town has asked for our input.

Please keep me apprised of your efforts, and if there's a way to help, we will do what we can.

Best,
Christa

--
Christa Hawryluk Collins
Director of Land Protection
Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA 01776
Ph: 978-443-5588 x115
Fax: 978-443-2333

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Christa Hawryluk Collins
Director of Land Protection
Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA 01776
Ph: 978-443-5588 x115
Fax: 978-443-2333

Kablack, Jody

From: Valente, Maureen
Sent: Friday, October 04, 2013 1:56 PM
To: Kablack, Jody
Cc: Golden, Patricia
Subject: FW: Acquisition of land at 233 Concord Road

From: jcaseygreenhill@comcast.net [mailto:jcaseygreenhill@comcast.net]
Sent: Friday, October 04, 2013 1:25 PM
To: Board of Selectmen
Cc: truro2001@gmail.com
Subject: Acquisition of land at 233 Concord Road

Gentlemen:

I wish to go on record in support of the Town of Sudbury acquiring and conserving the 2.2 acre parcel of open land at 233 Concord Road.

I am, and have been since 1995, a resident and voter in Sudbury, residing at 120 Old Lancaster Rd.

During my residence here, I have witnessed the on-going conversion of Sudbury from a placid New England oasis into the crossroads of unbridled metropolitan growth. The result of additional building and consequent traffic on Rt. 20 is typified by aggressive commuters avoiding that state highway and using my "Scenic Road" as a slalom test track. Local car dealers have discovered the Green Hill section and now use this area for demonstration drives, while walkers have no sidewalk.

It seems to me that the Town should act to preserve Sudbury's essential character and history and avoid more building. Several years ago the Town permitted development of what was then described as an 'unbuildable' wetland: now, we have five mega-mansions and the new Plantation Road directly behind where I live.

Sudbury is a great place to live. Let us preserve and restore the serenity of this town.

James J. Casey
120 Old Lancaster Road



Town of Sudbury

Historic Districts Commission

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3389
Fax: 978-443-0756

<http://www.sudbury.ma.us>

To: Board of Selectmen
From: Linda Hawes, Chair, Historic Districts Commission
Date: October 5, 2013
Re: Exercising the Option to Purchase the Land at 233 Concord Rd

The Historic Districts Commission strongly supports the efforts being made to preserve the land at 233 Concord Road. With its position among the most beautiful and historic homes in the Town Center Historic District, this piece of land merits the most careful consideration. If the land is sold to a developer, and new construction is planned, it would be difficult to design a building that is in scale with and appropriate to this historic neighborhood.

The neighbors are united in opposing a plan to build on the land, and we agree with their wish that it be kept as open meadow. Their serious concerns and their strong efforts to find ways to preserve this property, should be strongly considered. They attended our HDC meeting and agreed on ways they could maintain the property themselves, should the Town not wish to take on that responsibility.

At our meeting September 26, 2013, the HDC unanimously voted in favor of the Town exercising its option to purchase and preserve this historic property.

HISTORIC DISTRICTS COMMISSION
MINUTES
September 26, 2013

Present: Linda Hawes, Lee Swanson, Fred Taylor, Frank Riepe

Case No. 13-14: 289 Concord Road; Ramon Llamas

The applicant plans demolition of the garage and mud room, as well as construction of a new garage, mud room and second floor on the house. He will be using the same footprint and replicating all details in effort to restore the appearance of the original home. Siding will be ½ x 6 WRC clapboard, pre-primed and finished to match the existing house, as will be the trim. The new garage door will be custom wood T&G, v-groove or similar; windows wood 2/2 double-hung, simulated divided lights to match the existing. The Commission approved all the plans as presented, with the exception of a door in the new section of the house which should have 4 lights, 2/2, with 2 flat panels below. Lighting is still to be determined – either black lantern or onion style.

Case No. 13-15: 8 Concord Road; Catherine Carchidi

Ms. Carchidi wishes to affix a wooden two-part 71" x 12"/23"x 23" business sign to the face of the building at 8 Concord Road (*You're Home Custom Interiors*). The smaller plaque will have the logo of the business (key with tassel attached) and be situated beside the larger name sign. Colors are dark brown background with light blue lettering. The Commission unanimously approved the plans.

Other business:

Eight abutters participated with the Commission in the discussion re. Notice of Intent to sell 2.2 acres of land under Chapter 61A, Lot B adjacent to 233 Concord Road. If the Town does not exercise the option of purchasing the land, developers will build a house on the lot. Abutters are united in opposing this plan and recommend it be preserved as open space while suggesting a number of uses for it, such as a public garden or an area for nature exploration by school children. The Commission was most concerned that there is a stated purpose to the space and a plan for ownership and stewardship defined by the Town to care for it. Abutters posed the question of whether the usage or the maintenance is most important. Commission members reiterated that if the land were kept as open field it must be cared for. Neighbors stated they would be willing to take that responsibility. Another consideration to be addressed is the fact that there is no walk on that side of the street. There was another question of whether this could be officially declared conservation land. After considerable discussion it was unanimously voted to recommend the Town take ownership with defined responsibility to maintain the lot as an open meadow and certain restrictions on usage, such as no ball field or building for any purpose. Linda Hawes will present this recommendation to the Town in the form of a letter.

Exploratory: Charles Baker, 257 Concord Road came in with his wife for a brief exploratory meeting re. storm windows, concerned primarily about the limitations of materials. He was advised to investigate interior storms, which might be better suited to his needs. Mr. Baker will submit an application and return at a later date.

Sally Hild will be taking over responsibilities for the preparation of meetings hereafter. It is planned to eventually hire a shared secretary to record minutes.

Submitted by: Dev Glaser, Recording Secretary

36
Sobry

Oct. 7, 2013

Dear Sudbury Selectmen,
We strongly urge you to vote
for preservation of "the meadow"
in the town center.

Too much of the town's land
is being taken up with development,
particularly McMansions -

Sincerely,
Holly + Gonzalo Leon
25 Plympton Rd.
Sudbury

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

2013 OCT -9 A 11:45

Kablack, Jody

From: Mike Carney <mikec@michaelcarneyinc.com>
Sent: Tuesday, October 08, 2013 8:54 AM
To: Kablack, Jody
Cc: Jeff Walker
Subject: initial house plans
Attachments: Lot B Concord Rd Sudbury Initial plans.pdf; Lot B Concord Rd Sudbury Initial plans.pdf

Jody,

Good morning.

Please find the initial plans for the house and please note they are not complete. We want to meet with historic obviously to get the required exterior detail additions they would request if the town chooses to not purchase the lot.

For your notes

1. We plan to keep the large oak tree in the front yard
2. We plan to have a circular driveway for egress and guest parking safety.
3. The garages are on the north end of the house
4. We hope historic will want shutters and a front door portico.
5. Other details we will talk about are above window millwork, taller windows first floor, and landscaping need to be discussed with historic prior to any additional design investment on our end.
6. We have talked about placing a barn door façade on the garage facing the street to give a barn look to that part of the building.
7. Finally we hope to have the house lot as flat as possible

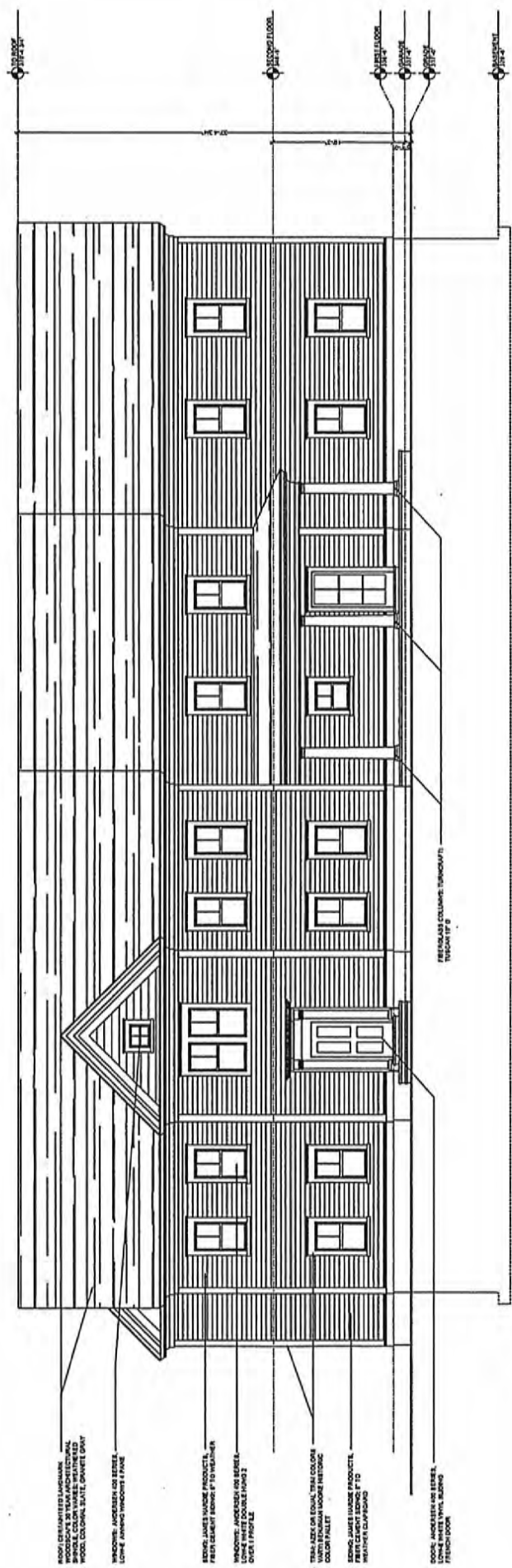
Again this plan is in its initial phase and not complete. We understand that we will be working with historic and others to finalize.

Let me know your thoughts when you get a moment.

Regards,
Mike Carney
Michael Carney Inc.
345 Boston Post Road, Suite F
Sudbury, MA 01776

mikec@michaelcarneyinc.com

P: 978-815-0747
F: 208-460-0948



WOOD CEILING IN LIVING ROOM
 WOOD CEILING IN KITCHEN
 WOOD CEILING IN HALLWAYS
 WOOD CEILING IN BEDROOMS
 WOOD CEILING IN BATHROOMS
 WOOD CEILING IN PORCHES
 WOOD CEILING IN PATIOS
 WOOD CEILING IN GARAGE

WINDOWS AND DOORS ON BESEK
 LOWE ANDERSON WINDOWS & PAVE

SEDS, JAMES WOODS PRODUCTS,
 PRETREATMENT BOND 1" TO 1 1/2" W/INCH

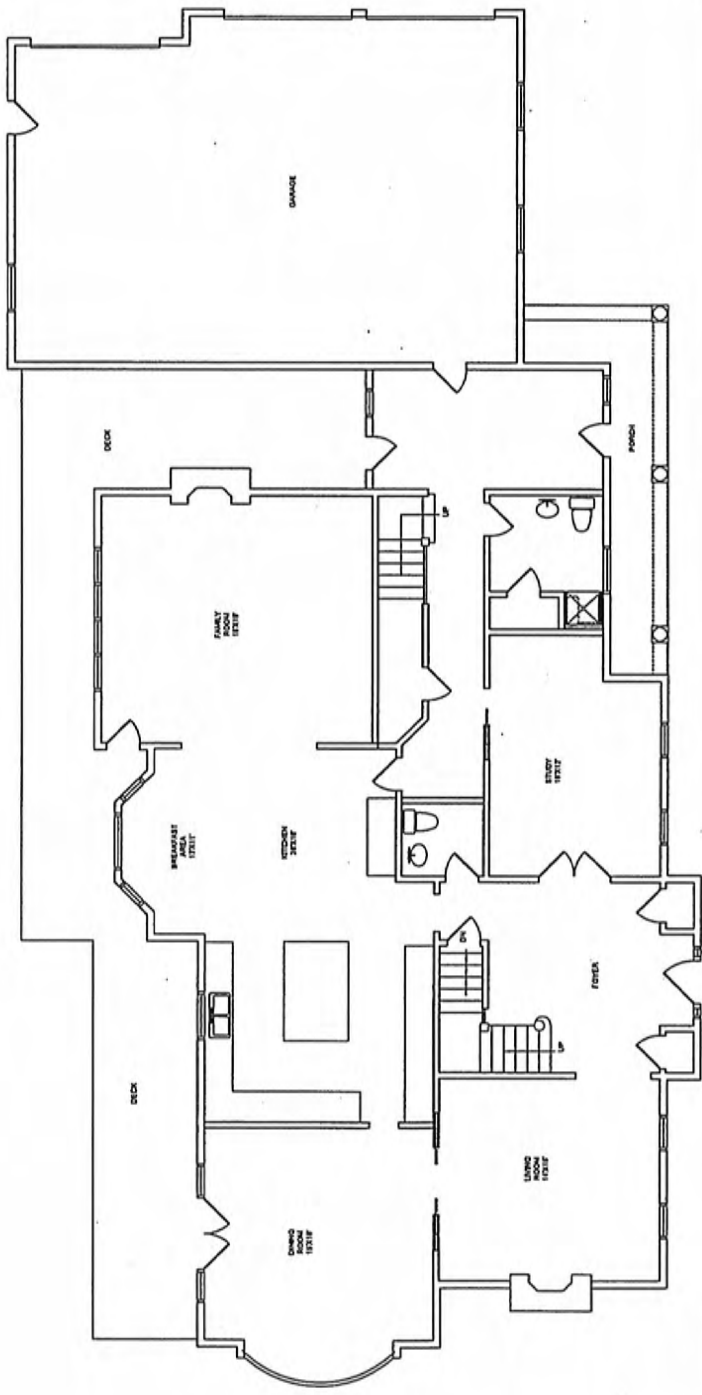
WINDOWS AND DOORS ON BESEK
 LOWE ANDERSON DOUBLE HUNG 2
 SPLIT PROFILE

TRIALS ARE EQUAL, TRAIL COLORE
 COLOR MATCHING
 COLOR MATCHING

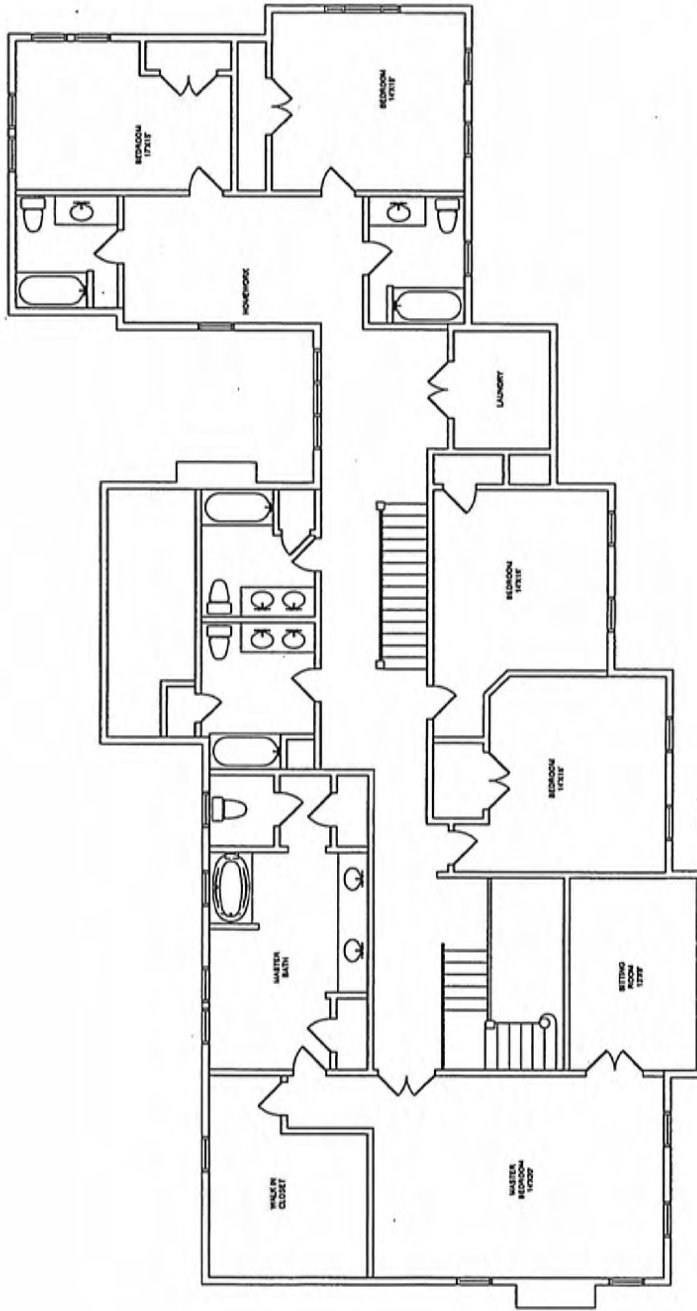
SEDS, JAMES WOODS PRODUCTS,
 PRETREATMENT BOND 1" TO 1 1/2" W/INCH

DOOR AND DOORS ON BESEK
 LOWE ANDERSON PAVE, BURNS
 PRECISION

FRONT ELEVATION 1



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



October 8, 2013

252 Concord Road
Sudbury, MA 01776

Dear Sir/Madam,

I am writing today to express my concerns over "Lot B" at 233 Concord Road. My husband and I have been residents of Sudbury since March 1988. We chose to move to Sudbury for several reasons. We felt it idealic for its rich historic attributes and openness. We found it to be a quaint community, one in which we would like to bring up our children, albeit, at the time we only had one. Since then we have had three more children who have enjoyed growing up and attending some of the best schools in the region. I myself have enjoyed serving on the PTO's in various capacities and even as Co-Chair of the L/S Senior Safe Night over the years. My children are ages 25, 19, 14 and 13 so as you can see we have been in the schools for twenty years and will remain another five years.

Given the above, I have also witnessed the CEO's who move to town due to job transfers. Their wives very generously serve on our Boards. But, what also occurs is they come to town for a short period of time, some for five or fewer years. During this time as residents they get a voice. For many, many years a lot of these transients voted for school overrides on a yearly basis which 1) overrides were not meant as a yearly option, and 2) raised the long term residents taxes.

The above was meant as an example of how our Town is affected by short-term residents. Another is land. Which in the Lot B controversy is a prime example. I was always told by the previous owners that Lot B is considered wetlands and that the two lots were to be sold together. I was upset to learn that the short-term residents were able to split the lots, after enjoying a generous tax break on the lot.

Page 2

Lot B, 233 Concord Road

I think it's a beautiful piece of land considered part of the historic section of Town and one of the few "open spaces" left of town center. This land plays a role in protecting history, natural resources, and agriculture. Is this not what the Conservation Commission and Preservations Commissions were created to accomplish? Save our Town, Save our Resources! It pains me to see how much "housing" has taken over our Town, my Town! Our school's classrooms are becoming more and more overcrowded, just trying to travel from one location to another on Route 20 now takes fifteen or more minutes. I think it is frightening to see all these "complexes" being built which are putting burdens on our town resources.

I strongly feel these Commissions need to step up to the plate to save our open spaces and purchase Lot B.

Sincerely,

Cynthia Rodrigues
252 Concord Road
Sudbury, MA 01776

Kablack, Jody

Subject: FW: town center historic distric-preservation

From: Andrea Jewett [mailto:andrea.jewett@gmail.com]

Sent: Friday, October 11, 2013 11:41 AM

To: Board of Selectmen

Subject: town center historic distric-preservation

Dear Board of Selectmen,

I am writing to to support the preservation of the land between 233 and 253 Concord Rd. As a Sudbury resident who lives in a historic home, 308 Concord Rd, I support any effort to preserve town center historic district's character.

Please let me know if you need anything further.

Andrea Jewett



Town of Sudbury

Planning Board

planningboard@sudbury.ma.us

<http://www.sudbury.ma.us/services/planning>

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756

October 17, 2013

Mr. John Drobinski, Chairman
Board of Selectmen
Sudbury, MA 01776

RE: Notice of Intent to Sell
Lot B, part of 233 Concord Road
Stephen R. Booma and Sharon Booma, Owners

Dear Board members,

At its meeting on October 9, 2013 the Planning Board discussed the above matter, and recommends the Town exercise its right of first refusal for purchase of the above property. The Planning Board took into account recommendations from the Conservation Commission and the Historic Districts Commission, who also recommend purchase of this property. Although the property is not specifically listed on the Town's 2009 Open Space and Recreation Plan, said plan references Chapter 61 properties and the Town's ability to evaluate these parcels for open space and recreation purposes as they are offered to the Town. We believe this parcel merits consideration.

We also heard testimony from several area residents of the importance of this parcel in preserving the historic character of the district, and its relevance to the 2001 Master Plan. These residents pledged their financial support of this project towards restoration of the property to its historical use as a meadow, including continued management as same. The Planning Board strongly recommends that if preservation of this parcel is successful, a perpetual care plan and fund be established, or the important intent of the land purchase will surely be lost sometime in the future.

If we can be of any further assistance, please do not hesitate to ask.

On behalf of the Planning Board,

Michael Hunter, Chairman

cc: Conservation Commission
Historic Districts Commission
Park & Recreation Commission
Board of Assessors
Owners

Sudbury Planning Board Meeting October 9, 2013 Re: 233 Concord Road Lot B Right of First Refusal

Dear Members: Tonight your board is meeting for a second time to discuss and take a vote on whether or not the town should exercise its option to purchase a 2.2 acre parcel known as Lot B located at 233 Concord Road. The purchase price is \$325K.

As I am sure you are all already aware, both the Conservation Commission and Historic Commission have already voted unanimously in favor of purchasing the property. Additionally, the Land Acquisition Review Board, as reflected in their minutes, seems to strongly support the Town purchase of the property and the Board of Assessors recently valued the land and determined its asking price of \$325,000 to be fair market value.

I would like to take a moment to provide you with the opinion letters prepared by the Conservation Commission and Historic Commission and submitted to the Board of Selectman as well as the minutes from the Land Acquisition Review Board. Also, here is a copy of tonight's presentation, the presentation the neighborhood made to the Historic Districts Commission and individual letters of support written by Sudbury citizens who could not be here tonight, all of which represents the collective thoughts of the neighborhood I live in – The Town Center Historic District. We know that you will find these documents to be informative. They are well grounded in the facts.

First and foremost, this is an extraordinary opportunity for the town not only to purchase a piece of historic property but also to adhere to and respect the goals and objectives explicitly stated in the Town of Sudbury's Master Plan published in 2001 and initiated by the Planning Board and the Board of Selectmen.

The Master Plan translates statements of public policy into a comprehensive, long term document, which serves as a ***guide to decision making -- your decision making***. The Master Plan was created in response to the "explosive development of vacant land that was converted into residential use at a rapid rate, with over 1000 acres developed in the last decade" (the 1990's).

The purchase of Lot B is supported by the Master Plan as 2 of its 6 stated fundamental goals are preventing the "erosion" of "community character" and "critical open spaces." The Master Plan explicitly contemplates land acquisition as a method for "preserving community character."

What is community character? As defined in the Master Plan:

We value the town's essentially residential, low-density nature. A significant aspect of Sudbury's charm and character is derived from its rural/suburban feeling. Becoming more like towns nearer Boston would not be considered "progress." This is not to say that the value and convenience of consumer oriented, commercial activity and development is not appreciated. We remain open to positive change, while **zealously safeguarding historical treasures and traditions. High value is placed upon Sudbury's natural resources and beauty, its open spaces, wetlands, forests and wildlife. The opportunities that these resources provide for enjoying and appreciating nature, recreation and escaping from our hectic lives is precious...**We expect that public officials, working in

conjunction with others, will keep the sense of Sudbury's character at the forefront in their decision making process.

The physical and historical environment that the Master Plan describes below is epitomized by Lot B:

...remnants of the past—old farmsteads and stone walls marking the boundaries of adjacent fields, granite road markers along old roadways, historic homes and churches, colonial graveyards, and historical markers denoting points of interest...The colonial flavor of the town center and winding roads bordered by stone walls built by the farmers of yesteryear impart an historic, semi-rural ambience the town cherishes.

The Master Plan described how our neighborhood views the construction of a 5-6 bedroom house (this is a 5,500-7,000 square foot house crowded up on the Concord Road) on the land:

...the development seems out of scale. Many citizens feel that the character of the Town is threatened by the style and size of new residential construction and its displacement of what once was forest and open field.

The Master Plan specifies objectives and implementation strategies for its stated goals:

Objective A: Protect and preserve critical natural resources and wildlife habitat in all land use decisions and policies. As a first priority, the natural environment in Sudbury must be protected...by...: (3) supporting town acquisition of open space based on identified priorities, and (4) exploring means and costs of purchasing development rights and other options for funding open space preservation... Objective B: Maintain the community's traditional, historic character. **In making all land use decisions, preservation and enhancement of the bucolic atmosphere that we cherish must be considered, and we should strive to prevent additional losses of community character.**

The purchase of Lot B is consistent with the objectives stated above and community preservation funds are available for the purchase. In fact, all of the General Criteria, Open Space Criteria and Historical Criteria listed in support of the purchase of 15 Hudson Road are equally present here. I have attached the project submission form to this presentation for your convenience. In fact, the failure to purchase Lot B under minds the goals and objectives stated in the purchase of 15 Hudson Road by eroding the integrity and continuity of the Town Center Historic District.

Although financial considerations are for the Board of Selectmen, not the Planning Board, to consider the Master Plan provides guidance and hard data:

The impacts of land preservation costs versus development costs in terms of services needed must be understood by the community. The American Farmland Trust has concluded that the cost of services on residential land is \$1.13 for every \$1 in tax revenue generated, compared to the cost of maintaining open space which is \$.29 for every \$1. In a separate study conducted by the Southern New*

England Forest Consortium in 1995, it was found that for every dollar of revenue raised, \$1.14 was spent in services for the residential sector, \$0.43 for the commercial/industrial sector, and \$0.42 for forest, farm and open space. Although neither of these scenarios includes the initial purchase costs for land acquisition, these costs are typically dissipated after 10-20 years. Development costs never disappear, as residential development will always have ongoing costs associated with it. We can thus assume that the costs of development of 1000 additional homes in Sudbury will be greater than the tax revenue generated, and that additional capital expenses (possibly new schools) may be necessary...*

You've been asked to write a letter of recommendation to the Board of Selectmen to help them make a decision as to whether the town should or should not purchase this land. At this time, we ask you to please take a moment to read (i) the opinion letters from the Conservation Commission and the Historic Districts Commission, (ii) the meeting minutes of the Land Acquisition Review Board, and (iii) the Project Submission Form from the Town of Sudbury to Purchase 15 Hudson Road, each of which supports the purchase of Lot B. I would also ask you to carefully consider the letters submitted by various Sudbury citizens in support of the purchase of the land. Given all the facts and supporting documentation, we do not see how you can make any decision other than to recommend the purchase of the land.

Respectfully Submitted by

Susan Doherty
Concord Road

Rec. 10/9/13
by Plan Bd

Vegetation inventory and management plan for site at 233 Concord Road, Lot B

Prepared by John Platt, arborist, 2013-10-9, for Fiona Hamersley

Vegetation inventory: Observed on site visit 2013-10-5 were (2) 60-80 year old apple trees and 3 recently planted apples along the front of the site. A large pin oak in the center of the field. Right side of field along stone wall, numerous middle sized white pines, one middle sized sugar maple near road, and one small elm sapling near road. Rear border of meadow: numerous red maples and 4 large mature white pines in center rear. Also in the rear a butternut and hickory tree. Also observed native woodbine vine, milkweed, goldenrod, and autumn aster. Please note that I did not enter property to inventory site so this is not a comprehensive survey.

Recommend removal of smaller coniferous trees in center of meadow and various saplings along currently encroaching on edge of meadow to restore site to the larger and more open meadow that it has traditionally been. Retain larger trees around boundary and large apple and oak in center. Grind stumps low enough to allow mowing. Conservation commission requires reseeding of areas where saplings are removed with a native wildflower and perennial grasses mixture. Remove some lower limbs of pine trees along border to allow mowing into shady areas. No vegetation planting needs are anticipated except for one time reseeding of areas where underbrush was removed and stumps were ground.

Vegetation management for this site would consist primarily of once a year tractor mowing, timed for the late summer or early autumn after ground nesting birds are done breeding and periodic mowing through the season of walking trails. If the small trees are removed and the lower limbs of a few of the larger trees are trimmed, mowing can extend into the shady areas under the large trees and the underbrush that tends to grow on the sunnier edges of fields will not grow and this

will prevent the field from reverting to brush and saplings. These areas under trees would be good areas to route a path to encircle the meadow because they would provide shade for walkers and reduce or eliminate the need for periodic mowing of walking trails. The only other vegetation maintenance anticipated would be once a year weeding of the front stone wall with a string trimmer and monitoring and hand cutting oriental bittersweet vines that may start to climb some of the larger trees. The stone walls on right and left boundary of the site should remain free of vegetation and looking good without maintenance because they are in the shade. The vines do not need to be pulled down from the trees, only cut at the base. It is anticipated that these 3 ordinary maintenance tasks are sufficient to keep the site accessible, attractive, safe, historically congruent, as good habitat for wildlife and to prevent vegetation growth in stone walls and prevent reversion of the meadow to underbrush and forest.

Hazard, invasive and nuisance plant management plan: There does not appear to be any need for any vegetation hazard remediation. All the larger trees appear to be sound. No other hazard pruning appears to be required. All of the large trees are native species. There are no locust, linden, mulberry Norway maple or other large invasive species on the site so no invasive large trees would need to be removed. The site currently harbors bittersweet vines in one of the larger pines in the rear which is simple to control by cutting the vines at the base as part of the normal maintenance tasks described above. Glossy leaf buckthorn is starting to establish in the right rear corner of the field. There is some poison ivy in the right side of the meadow only, not climbing the trees or in the stone walls. It is anticipated that the above maintenance protocol will almost completely eradicate the invasive and nuisance woody vegetation. An inventory of nuisance and invasive herbaceous annual vegetation has not been done but no significant problem is observed or anticipated with these.

Anticipated costs:

Conservation commission requires delineation and marking of

Sudbury Valley Trustees conservation restriction boundary cost to be determined.

Conservation commission requires reseeded of areas where brush has been removed, cost to be determined.

Cost to remove underbrush on edges of field, pine saplings in middle of field, low hanging branches of larger trees along right stone wall boundary and to grind stumps low enough to permit mowing, approx \$3000.

Annual tractor mowing expected to cost \$400 per year.

Cutting vines at base of large pines and string trimming stone wall along front, cost incidental to periodic path mowing, expected to be trivial.

-----JohnPlattCertifiedArborist.com-----

cel 508 733 8733 10 Cart Path, Framingham, Ma. 01701

I listen to your objectives and give advice based on science so you can make informed choices.

I.S.A.certification # NE-1019A Mass. Arborist Assn. cert. #2222 Mass applicators license # 34327

Arborist insurance with Farm Family, policy #2009X0663

Kablack, Jody

Subject: FW: Open space in Sudbury

From: Barbara Clifton [mailto:barbara.clifton3@verizon.net]
Sent: Tuesday, October 29, 2013 4:19 PM
To: Jeff Adair
Cc: Dineen, Deborah; Valente, Maureen
Subject: Open space in Sudbury

Having lived in Sudbury for over 40 years we truly appreciate all the open space available for recreation of all kinds . We have always supported buying open space, however purchasing the plot at 233 Concord rd of 2.2 acres for \$325,000 is not in Sudbury's best interests . It is very small , there is no sidewalk on that side of the street and there is nowhere for parking .Thus the only people to benefit from the purchase would be the immediate neighbors . The town did recently buy a house lot on Hudson rd and we are all the better for it since it abuts Grinell park and thence to the Hosmer house ,Heritage Park and the walk way . It also opens up a vista of Sudbury Centre which is much improved .The property on Concord rd would not achieve that result. . Asking around town no one we have talked to so far even knows the property exists ! Driving down Concord rd it is by in a flash . Once the plot is bought by the town the town then has to maintain it , yet more expense . The asking price of \$325,000 is money that would be better saved to purchase a truly valuable piece of land to benefit all Sudbury residents . Purchasing this lot also opens up the possibility of anyone having a vacant lot next to them can then turn to the town and ask for the town to acquire that property . Thus we could end up with many tiny lots of little use to most people . Furthermore 3 such purchases would be almost \$1,000,000 that could be better used in larger space purchases . I understand that the Historic District Commission is concerned that a house built on that plot would not 'blend in ' with the historic nature of the historic district . This can be solved by their overseeing the plans for any house on this site . We would ask that town officials consider all the negative aspects of this purchase and the almost nonexistent benefits and reject this proposal .

Brian and Barbara Clifton
45 Millpond rd ,
Sudbury.

Received
memo 10/29/13

Sudbury Board of Selectmen
Tuesday, October 29, 2013 8:00a.m Board Meeting
Silva Conference Room
Flynn Building
278 Old Sudbury Road

Re: Vote to authorize submission of CPC Projects-Bookmark 233 Concord Road, Lot B

Selectmen Drobinski, Haarde, O'Brien, Simon, Woodward,

I am writing/here to request this board vote in support of bookmarking the purchase of 233 Concord Road, Lot B for consideration by the Community Preservation Committee. The Town's option to purchase 233 Concord Road, Lot B under M.G.L. 61A "First Right of Refusal" is eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation. The Town's purchase of the land is consistent with the town's Master Plan and Heritage Landscape Inventory. The Town's purchase of the land has been unanimously voted on and endorsed by the Conservation Commission, The Historic Districts Commission, The Planning Board, and favorably supported by the Land Acquisition Review Board. I fully appreciate that CPC funding is limited and there are many competing projects for the limited funding. If, however, our appropriation process is to be inclusive, transparent and truly competitive it is only fair that 233 Concord Road, Lot B be bookmarked for CPC consideration. The process is not complete until the Community Preservation Committee has an opportunity to debate, vote and decide whether or not Lot B is worthy of purchase and preservation.

Submitted by: Susan Doherty 253 Concord Road, Sudbury Ma-Sudbury Neighborhood liason
(978) 443-2776 Email: truro2001@gmail.com

Cynthia and Edward Rodrigues 252 Concord Road, Sudbury, Ma

James and Elizabeth Andrews 293 Concord Road, Sudbury, Ma

Christopher and Suzanne Kellogg Concord Road, Sudbury, Ma

Carl and Leah Scholz 332 Goodman's Hill Road, Sudbury, Ma

Jenny and Matt Reece 315 Goodman's Hill Road, Sudbury, Ma

Amy Mastrobattista 253 Concord Road, Sudbury, Ma

Linda Muri 632 Peakham Road, Sudbury, Ma

Pamela S Kewes-Cox 316 Goodman's Hill Road, Sudbury, Ma

Rachel and Michael Williams 280 Goodman's Hill Road, Sudbury, Ma

Dawn and Jim Dentz 304 Goodman's Hill Road, Sudbury, Ma

Jill and Stefan Gross 309 Goodman's Hill Road, Sudbury, Ma

Alice D. Domar 36 Brewster Road Sudbury, Ma

Frances and Edward Shashoua 328 Goodman's Hill Road, Sudbury, Ma

Gordon and Fiona Hamersley 260 Concord Road, Sudbury, Ma

Grace and Keith Funston 269 Concord Road, Sudbury, Ma

Richard and Carole Wolfe 637 Concord Road, Sudbury, Ma

Jenn and Chip Baker 257 Concord Road, Sudbury, Ma

Gabriel and Amanda Fasca 233 Concord Road, Sudbury, Ma

Kablack, Jody

From: Elizabeth Radoski <radoski@att.net>
Sent: Wednesday, October 30, 2013 3:36 PM
To: Kablack, Jody; MacLean, Lyn
Subject: Fwd: 233 Concord Raod

Sent from my iPod

Begin forwarded message:

From: Lyn Maclean <lyn_m_2000@yahoo.com>
Date: October 29, 2013, 7:54:46 PM EDT
To: Maureen Valente <valentem@town.sudbury.ma.us>
Subject: 233 Concord Raod
Reply-To: Lyn Maclean <lyn_m_2000@yahoo.com>

Hi Maureen,

Jody asked me to send the Selectmen an e-mail on the decision the Sudbury Historical Commission made on the property at 233 Concord Road.

The majority of the SHC felt that the town has more pressing needs to spend CPC money towards like historic preservation projects such as the Town Hall and a museum. We support open space but felt it should be a larger area that had a beautiful scenic view and the public could use.

Lyn MacLean
Chairman

RECEIVED

OCT 31 2013

OCT 31, 2013

ATIN Planning Board

in Regard to Right of First Refusal
Purchase of
#233 Concord Road,

I know that Properly and Do Not
Believe it would make a good
Conservation Parcel.

There is no Sidewalk + no parking

and it is not adjacent to any
other Conservation Land, ^{would be better} used to Build
a home on.

The long time owners, Dorothy + Howard

Emmons were friends of ours.

Marion Trautner

#176 Concord Rd

Sudbury MA. 01776

978-443 6847

marion476@hotmail.com

Town of Sudbury, MA
HISTORIC DISTRICTS COMMISSION
GUIDELINES

The Commission will review all proposed alterations, additions, and new construction. Demolition proposals must be reviewed by the Historical Commission as well as the HDC. Following are guidelines; each individual situation needs to be reviewed.

- Windows and Doors: windows should be wood. Window and door openings must remain the same size, unless approved by the HDC. Doors (including garage doors) must be wood. Muntins in windows may only be authentic divided light. Any exceptions must be reviewed by the HDC.
- Siding: neither vinyl nor aluminum siding is allowed.
- Shutters: all shutters must be made of wood, hung on working hinges, proportioned to the window and, if louvered, hung so as to shed water when closed.
- Chimneys: must be constructed of either brick, stone or stucco.
- Colors: exterior paint can be white or a historically-appropriate color approved by the HDC.
- Moldings and Trim: must be wood, proportioned to the scale and period of the house.
- Brick: must be water-struck, sand-struck or wire cut, in colors ranging through oranges, reds and browns.
- Steps and Porches: materials and scale should be appropriate to the age of the structure. If pressure-treated wood is used, it must be concealed. Open porches and entrance porticos should not be enclosed.
- Gutters: must be wood or half-round metal.
- Skylights: should not be visible from a public way.
- Dormers and cupolas: must be proportioned to the structure and period. Generally the width of a cupola should be 1/12 of the length of the ridge beam.
- Indigenous Stone Walls: must be preserved.
- Bituminous paving: must be minimized.
- Fences: must be of natural wood, stone, or other period-appropriate materials. Vinyl and other synthetics are not allowed.
- Landscaping: preservation of mature trees is encouraged. All changes to the landscape need to be reviewed by the HDC.
- Dormers and Cupolas: must be proportioned to the structure and period. Generally the width of a cupola should be 1/12 of the length of the ridge beam.
- Lighting: should be appropriate to the period style and in scale.
- New construction: should be sympathetic to the pre-twentieth century local vernacular in line, detail, and scale.

In general, materials should be genuine and historic. All substitutions must be approved by the HDC.

SUDBURY HISTORIC DISTRICTS COMMISSION
278 Old Sudbury Road
978-639-3399, x3399
Sudbury, Massachusetts 01776

Application for: CERTIFICATE OF APPROPRIATENESS
 PERMIT FOR DEMOLITION OR REMOVAL

Date: _____

Pursuant to Section 7 of Chapter 40 of the Acts and Resolves of Massachusetts, 1963, application is hereby made for issuance of: a Certificate of Appropriateness for Construction Reconstruction Alteration Painting of a building or structure, or Addition to Rearrangement of landscaping; or a Permit for Demolition or Removal at the location and as described below:

Location: _____

Description of Work Proposed: _____

Name of Applicant: _____

Address: _____

Telephone No: _____ E-Mail: _____

NOTE: This application should include a plot plan showing the location of any proposed work, appropriate photos, three (3) copies of each building elevation, and information about materials: catalog cut or product specifications, paint samples, detailed drawings, or samples of product. Complete plans and materials must be delivered to the Historic Districts Commission office by one week prior to the scheduled meeting.

Any changes in the physical characteristics of the lot, such as changes of grades, removal of trees and/or shrubbery necessitated by action of the Board of Health, or for any other reason, shall be referred back to the Historic Districts Commission before construction takes place. For new construction or when making changes, please refer to the H. D. C. Guidelines.

Applications for Certificates of Appropriateness/Permits for Demolition or Removal should be accompanied with cash or a check made payable to the Town of Sudbury for \$20.00.

A hearing will be scheduled generally within four weeks from time of receipt. Plans/materials and application with check should be mailed or delivered to the Historic Districts Commission one week prior to meeting.

Date application received: _____ By whom: _____

Fee received: _____ Case No: _____

CONSERVATION RESTRICTION

To

Sudbury Valley Trustees, Inc.

Emmons Property, Sudbury

214
/

Grantor Clause.

Beverly Emmons Simon, individually and as Executor of the Will of Howard W. Emmons (Middlesex Probate No. 98P6066EP) of Brooklyn, New York, and **Scott W. Emmons**, of New York, New York and **Keith H. Emmons** of Las Gatos, California, both individually (the "Grantors"), hereby grant for no monetary consideration but as a gift, with quitclaim covenants, to **Sudbury Valley Trustees, Inc.**, a Massachusetts non-profit corporation, with a principal place of business at 2 Clock Tower Place, Suite 500, Maynard, Massachusetts 01754, its successors and permitted assigns ("Grantee"), in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on two parcels of land containing approximately 17.42 acres located in the Town of Sudbury, Massachusetts, said parcels being shown on a plan (the "Plan") attached hereto as Exhibit A (the "Premises").

For title, see deed from Howard W. Emmons and Dorothy A. Emmons dated August 25, 1986 and recorded with the Middlesex South Registry of Decds in Book 17366, Page 470. See also Estate of Dorothy A. Emmons (Middlesex County Probate No. 90P5314E) and Estate of Howard W. Emmons (Middlesex County Probate No. 98P6066EP).

Purposes.

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. Its purpose is to prevent any use of the Premises that would significantly impair or interfere with the conservation values of the Premises so that they are preserved for present and future generations. The conservation of the Premises will yield significant public benefit for the following reasons:

1. The Premises contains substantial wetland and forest resources, which, if retained in their predominantly natural condition in perpetuity, will continue to provide a diversity of wildlife habitat and contribute to watershed protection, groundwater recharge, flood prevention and pollution mitigation. Preserving the Premises' natural resources will help to address the Town of Sudbury 1997-2002 Open Space and Recreation Plan's stated goals of maintaining natural features, preserving wildlife habitat, and protecting water quality and quantity.
2. The Premises is partially located within the Sudbury Town Centre Historic District, which, along with the rest of the Town, is subject to increasing development pressure. This Restriction imposes reasonable limits on the number and placement of new homes that can be developed on the Premises.

CONCORD RD, SUDBURY

MSD 12/01/00 05:01:54 95 50.50

3. The Premises contains the remnants of a small family farm. Permitting continued use of a limited portion of the property for orchard, garden, grazing pasture and/or timber production will encourage the maintenance of a use that is integral to the history of the property and of the Town.

Prohibited Acts and Uses, Exceptions thereto and Permitted Uses.

A. Prohibited Uses. Subject to the exceptions set forth in paragraph B below, the following actions and uses are prohibited on the Premises:

- 1) Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or below the Premises;
- 2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
- 3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- 4) Cutting, removing or otherwise destroying trees, grasses or other vegetation, including leaf litter, except that, in conjunction with a conservation management plan approved by the Grantee, Grantee may permit cutting to maintain wildlife habitat, or to remove and control invasive exotic plant species;
- 5) Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, erosion control or soil conservation;
- 6) The use of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as reasonably necessary in exercising any of the reserved rights in paragraph B, or as required by the police, firemen or other governmental agents in carrying out their lawful duties; and
- 7) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction.

B. Reserved Rights. Notwithstanding the provisions of paragraph A, the following acts and uses are permitted but only if such uses and activities do not materially impair the purpose of this Conservation Restriction or other significant conservation interests:

- 1) Hunting, hiking, horseback riding, cross-country skiing, and other non-commercial, non-motorized, passive outdoor recreational activities.
- 2) Exclusively within the Designated Field Area, bounded by the stone wall, and shown on the attached Plan, and within the Agricultural/Building Areas described in Section

III B (11) hereunder, agricultural, horticultural, and animal husbandry operations, including but not limited to the cultivation of crops, mowing and grazing, clearing of fields and/or meadows and the planting and maintenance of fruit or nut-bearing trees, providing such operations are carried out in a manner consistent with conservation of wetlands and other conservation values of the Premises.

- 3) In accordance with generally accepted forestry management practices, (a) selective pruning, cutting and mowing to prevent, control or remove hazards, disease or insect damage, fire, or to preserve the present condition of the Premises, including vistas, and trails; (b) harvesting trees to provide firewood for use on the Premises or on other adjacent lands of Grantors; and (c) the cutting of trees and activities incidental thereto for commercial timber production, but only in accordance with a plan prepared by a professional forester and approved by Grantee, that is designed to protect the conservation values of the Premises, including without limitation, scenic and wildlife habitat values and to ensure compliance with the provisions of Massachusetts General Laws Chapter 132..
- 4) The piling and composting of trees and brush limbs and similar biodegradable materials, but not stumps, originating on the Premises or on property adjacent to the Premises and owned by the donor of this Conservation Restriction on the date of this instrument, provided such piles are not unduly conspicuous from any public way or placed in any wetland or otherwise have a deleterious impact on the purposes (including scenic values) of this Conservation Restriction.
- 5) Consistent with sound agricultural and forest management practices, use of motorized vehicles necessary to agricultural or forestry activities and the construction, use, maintenance and repair of unpaved roads for such purposes.
- 6) The maintenance and, following written notice to the Grantee, the construction of drilled or driven wells for use as a water supply for any of the Permitted Uses on the Premises, and the installation of underground utility lines running between said wells and said property. Any above-ground well structure shall be kept to the minimum size necessary for well operation, and any topsoil excavated in the course of such activities must remain on the Premises.
- 7) The maintenance and, following written notice to Grantee, the installation and replacement of underground utility lines, provided that, following any such activity, the Premises are restored as nearly as practical to their condition prior to such activity, and any topsoil excavated in the course of such activities remains on the Premises.
- 8) Following written notice to the Grantee, subdivision of the Premises, in which case the Grantors shall make reference to this restriction in the deeds, and providing that such subdivision shall not cause the total number of parcels in that portion of the Premises lying west of Concord Road to exceed two (2), nor the total number of parcels in that portion of the Premises lying East of Concord Road to exceed two (2).
- 9) Following written notice to the Grantee, the construction within each of Agricultural/Building Areas A, B and C as shown on the attached Plan of one (1)

single family residence with appurtenant structures, including but not limited to garages, tool sheds, fences, tennis courts and swimming pool, as well as gardening and landscaping appropriate to such use, together with the construction, use, maintenance, repair and replacement of one (1) paved or unpaved driveway, septic system, and utilities to serve any or all of the foregoing uses and structures, provided that all such structures and appurtenant uses are in conformity with Town of Sudbury building and zoning by-laws. Within Agricultural/Building Area A only, use of such residence and appurtenant structures for such business and professional purposes as may be permitted by the Town of Sudbury, shall also be permitted by this Conservation Restriction.

- 10) Erection of signs by the Grantors or Grantee with respect to hunting, trespass, identity and address of occupants and sale of property and signs by the Grantors or Grantee identifying the Grantees as holders of the Conservation Restriction and Grantors as owners of the Property and to educate the public about the conservation values protected and any limitations relating to public access.

C. Permitted Acts and Uses. All acts and uses not prohibited by subparagraphs A and B are permissible but only if such acts and uses do not materially impair the Purposes of this Conservation Restriction.

The exercise of any right reserved by Grantors under paragraphs B and C shall be in compliance with the then-current Zoning By-Law of the Town of Sudbury, the Wetlands Protection Act (General Laws Chapter 131, Section 40), the Sudbury Wetlands By-Law and all other applicable federal, state and local law. The inclusion of any reserved right in this paragraph B requiring a permit from a public agency does not imply that Grantee takes any position on whether such permit should be issued.

Notice and Approval.

Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantors shall notify Grantee in writing not less than sixty (60) days prior to the date Grantors 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 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 its approval in writing within sixty (60) days of receipt of Grantors' written request there for. Such approval shall not be unreasonably or arbitrarily withheld. Failure of response within sixty (60) days shall be deemed to indicate approval.

Proceeds from Extinguishment.

The Grantors and the Grantee agree that the donation of this Conservation Restriction gives rise for purposes of this paragraph 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, determined at the time of the gift, bears to the value of the unrestricted Premises at that time, and represents all development rights associated with the Premises (minus

any increase in value attributable to improvements made after the date of this grant). Such proportionate value of Grantee's property right shall remain constant. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then 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. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain, or if all or any part of this Conservation Restriction is otherwise extinguished by act of public authority, then Grantors and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Grantors and Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between Grantors and Grantee in shares equal to such proportionate value. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

Access.

The Conservation Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows: There is hereby granted to Grantee and its representatives the right to enter the Premises (a) at reasonable times and in a reasonable manner and with reasonable prior notice to Grantors for the purpose of inspecting the same to determine compliance herewith.

Legal Remedies of 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 at the time of this grant (it being agreed that Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee. Grantors, and thereafter the successors and assigns of the Grantors, covenants and agrees to reimburse Grantee all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof. By its acceptance, Grantee does not undertake any liability or obligation relating to the condition of the Premises. Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

B. Hold Harmless Clause Grantors hereby release and agree to hold harmless, and indemnify Grantee and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from: (1)

injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Premises, except to the extent caused by the actions of any of the Indemnified Parties; (2) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law, regulation, or requirement, by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Premises; (3) the presence or release in, on, from, or about the Premises, at any time, of any substance now or hereafter defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused solely by any of the Indemnified Parties. By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations.

Acts Beyond Grantors' Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including, but not limited to, fire, flood, storm, earth movement, and acts caused by trespass on the Premises not contributed to by acts or omissions of Grantors, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

Duration and Assignability.

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against Grantors for such periods of time as Grantors own any portion of the Premises and thereafter shall be enforceable against the successors and assigns of the Grantors holding any interest in the Premises. Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; and Grantors on behalf of themselves and their successors and assigns appoints Grantee as their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, Grantors agree to execute any such instrument upon request. The benefits of this Conservation Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances and from time to time: (i) as a condition of any assignment, Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and (ii) 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. This Conservation Restriction shall be effective when the Grantors 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.

Subsequent Transfers.

Grantors and their successors and assigns agree to incorporate the terms of this Conservation Restriction in any deed or other legal instrument by which they convey any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantors further agree 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 Grantors to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way.

Estoppel Certificates.

Upon request by Grantors, Grantee shall within twenty (20) days execute and deliver to Grantors any document, including an estoppel certificate, which certifies Grantors' compliance with any obligation of Grantors contained in this Conservation Restriction, and which otherwise evidences the status of this Conservation Restriction as may be requested by Grantors.

Effective Date.

This Conservation Restriction shall be effective when the Grantors 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, or if registered land, it has been registered.

Recordation.

The Grantors shall record this instrument in a timely fashion with the Middlesex South Registry of Deeds.

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 transfer of that party's 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.

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 Restrictions 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 provisions 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. Compliance with Applicable Law

The exercise of any right reserved by the Grantors, their successors and assigns of this Conservation Restriction shall be in compliance with the then-current Zoning By-Law of the Town of Sudbury, the state Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) and all other applicable federal, state, and local law.

G. 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 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 Property, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

H. 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 Grantors: Beverly Emmons Simon
287 Adelphi Street
Brooklyn, NY 11205

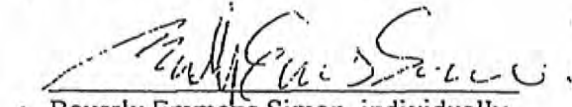
With a copy to: Mary S. Tracy, Esq.
Palmer & Dodge, LLP
One Beacon Street
Boston, MA 02108

To Grantee: Sudbury Valley Trustees, Inc.
P.O. Box 7
Wayland, MA 01778

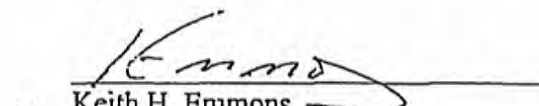
With a copy to: Jonathan Book, Esq. or Charles Beard, Esq.
Foley, Hoag & Eliot LLP
1 Post Office Square
Boston, MA 02109

This instrument is exempt from documentary stamp excise taxes pursuant to Section 1 of Chapter 64D of the General Laws..

Executed under seal this 7 day of August, 2000.


Beverly Emmons Simon, individually
and as Executor of the Will of
Howard W. Emmons


Scott W. Emmons

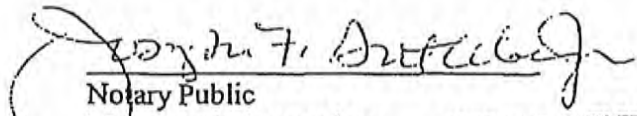

Keith H. Emmons

STATE OF NEW YORK

August
~~July~~ 7, 2000

Court of Kings ss.

Then personally appeared the above-named Beverly Emmons Simon, individually and as Executor of the Will of Howard W. Emmons, and acknowledged the foregoing instrument to be her free act and deed, as Executor as aforesaid, before me.


Notary Public

My commission expires:

9

JOSEPH F. GUTLEBER JR.
Notary Public, State of New York
No. 24-4784416
Qualified in Kings County
Commission Expires Nov. 30, 2001

STATE OF NEW YORK

County of King ss.

August 7, 2000

Then personally appeared the above-named Scott W. Emmons, and acknowledged the foregoing instrument to be his free act and deed, before me.

Joseph F. Gutleber Jr
Notary Public
My commission expires:

JOSEPH F. GUTLEBER JR.
Notary Public, State of New York
No. 24-4784416
Qualified in Kings County
Commission Expires Nov. 30, 2001

STATE OF CALIFORNIA

Santa Clara
County, ss.

8/13, 2000

Then personally appeared the above-named Keith H. Emmons, and acknowledged the foregoing instrument to be his free act and deed, before me.

Donielle N. De Chaine
Notary Public
My commission expires: June 10, 2004



ACCEPTANCE OF GRANT

The above Conservation Restriction is accepted this 14th day of August, 2000.

SUDBURY VALLEY TRUSTEES, INC.

By: [Signature]
Its: Sudbury Valley Trustees, Inc.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX ss. AUGUST 14, 2000

Then personally appeared the above-named STEPHEN T. THOMPSON and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of Sudbury Valley Trustees, Inc., before me.

[Signature]
Notary Public
My commission expires: SEPT. 8, 2000
ROBERT A. LEVITE

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Sudbury, Massachusetts, hereby certify that at a meeting duly held on August 14, 2000, the Selectmen voted to approve the foregoing Conservation Restriction to Sudbury Valley Trustees, Inc. pursuant to M.G.L. Chapter 184, Section 32.

Selectmen

Kristen D. Roopian
Robert W. Blum
[Signature]

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

August 14, 2000

Then personally appeared the above-named KIRSTEN D. ROOPENIAN and acknowledged the foregoing instrument to be his or her free act and deed as a member of the Sudbury Board of Selectmen, before me.

Janet Silva
Notary Public
My commission expires: July 9, 2004

APPROVAL BY SECRETARY OF ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to Sudbury Valley Trustees, Inc. has been approved in the public interest pursuant to M.G.L. Ch. 184, §32.

Date: 11/24/00, 2000

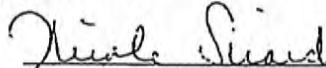

Secretary of Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Sutton, ss.

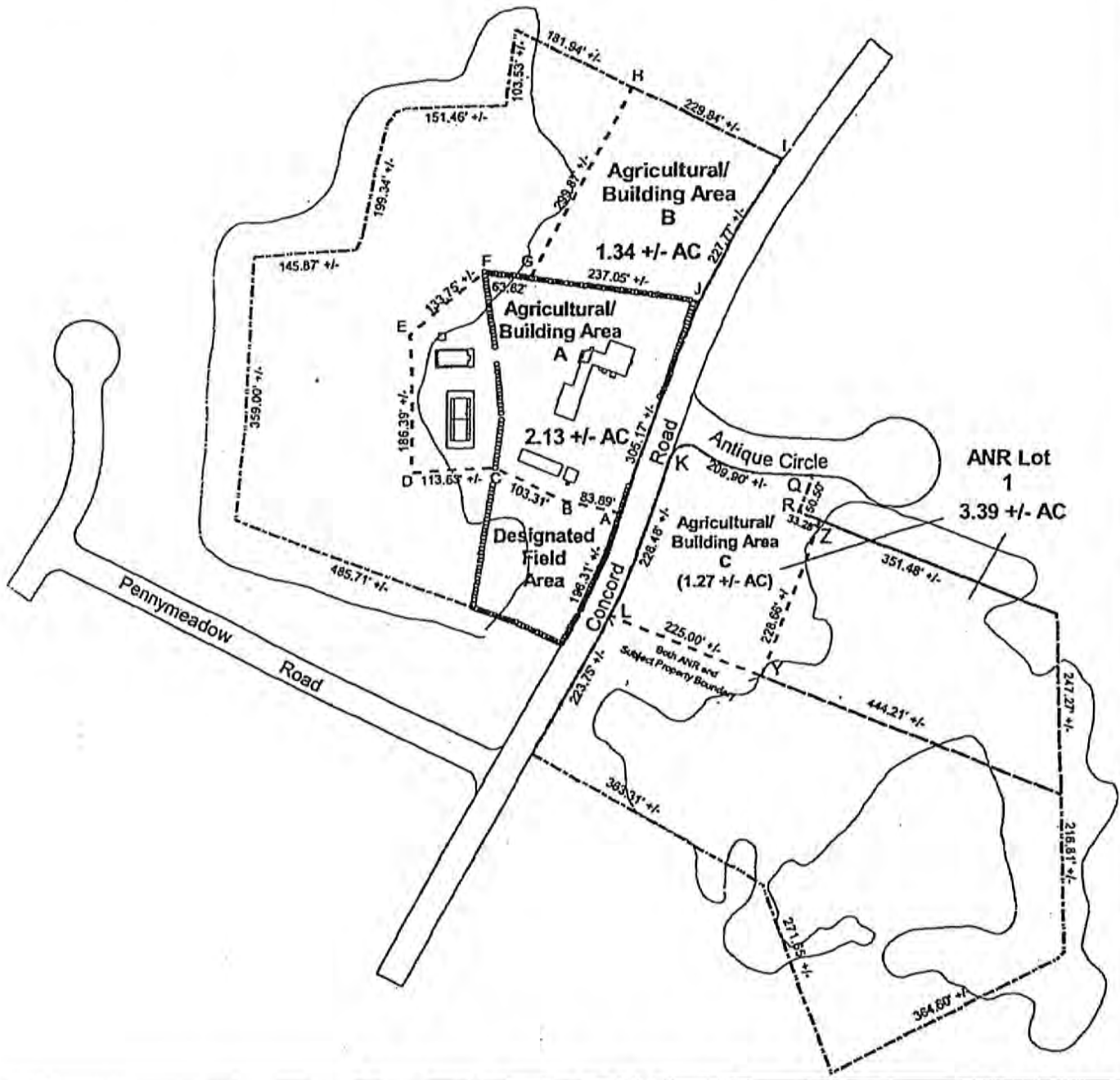
11/24, 2000

Then personally appeared the above-named Bob Demand and acknowledged the foregoing to be his ~~or her~~ free act and deed, before me.


Notary Public
My commission expires:







NICOLE SICARD
Notary Public
My Commission Expires December 31, 2004

Exhibit A



Conservation Restriction Plan

Legend

-  Subject Property Boundary
-  Building Area Boundary
-  Roads
-  Buildings
-  Approximate wetlands
-  Stonewall

Project Number: 3069

Date: May 17, 2000

This plan is conceptual only and is not represented as an engineered plan.



Scale 1" = 150'
50 0 50 100 150 Feet

Emmons Property
233 Concord Road,
Sudbury, MA

Notes:

Building envelope boundaries will be staked with iron pipes corresponding to the letters on this plan.

LandVest

Ten Post Office Square, Boston, MA 02109