

PLAN NO: 30-200

FORM Q  
pg 1 of 2

RECORD OF SUBDIVISION

Name of Subdivision: Whitehall Estates 0573

Owner: Howe Trust, Peter Bowen, Tr. Address P.O. Box 57, Chittenden, VT

Engineer: Colburn Eng Address: P.O. Box 52, Hudson, MA 01749

Subdivision Location: South side of Marse Rd. Near Concord Rd.

Preliminary Plan Filed: \_\_\_\_\_ Definitive Plan Filed: 17 June 1993

Hearing Notice: Dates: 7/29; 8/5 Newspaper: Crier Fee Paid: \$ \_\_\_\_\_

Date and Place of Public Hearing: 9 August 1993 September 13, 1993

Action deadline - 30 Oct. 93  
TOWN AGENCIES: Reports received from:

Board of Health \_\_\_\_\_  
Fire Chief \_\_\_\_\_  
Highway Superintendent \_\_\_\_\_  
Earth Removal Board:  
Permit # \_\_\_\_\_  
Date: \_\_\_\_\_

Town Engineer \_\_\_\_\_  
Sudbury Water District \_\_\_\_\_  
Utility Layout \_\_\_\_\_  
Other: \_\_\_\_\_

SUBDIVISION Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Subdivision submitted to Town Clerk \_\_\_\_\_  
Subdivision Plan signed \_\_\_\_\_

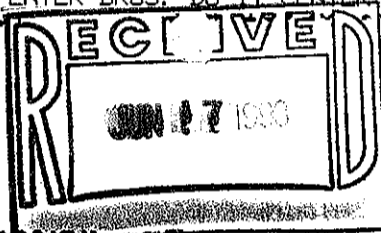
Covenant Received \_\_\_\_\_  
Conservation Restriction Received \_\_\_\_\_  
Walkway Easement Received \_\_\_\_\_  
Drainage Easement Received \_\_\_\_\_  
Fee for Road Received \_\_\_\_\_

Receipt of Recording of Plan: \_\_\_\_\_ Subdivision Plan: Book \_\_\_\_\_ Page \_\_\_\_\_  
Covenant: Book \_\_\_\_\_ Page \_\_\_\_\_

Conservation Order of Conditions Received: \_\_\_\_\_  
Release of Restrictions: \_\_\_\_\_

Release of Covenant \_\_\_\_\_  
Performance Bond \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLAN NO. \_\_\_\_\_



Form C  
pg 1 of 3

TOWN OF SUDBURY

Application for Approval of Definitive Plan

File one copy of this completed form with the Planning Board and one copy with the Town Clerk, in accordance with the requirements of Massachusetts General Laws, Chapter 41. Separate paragraphs are used in indicate alternative provisions.

Date: June 14, \_\_\_\_\_, 1993

TO THE PLANNING BOARD:

- 1. The Undersigned, being the owner or owner-by-agreement of all land included within a proposed subdivision shown on the accompanying plan entitled:

"Whitehall Estates, Sudbury, Mass."

and dated March 31, 1993, submits such plan as a Definitive Plan of the proposed subdivision and makes application to the Board for final approval thereof.

- 2. The land within the proposed subdivision is subject to the following easements and restrictions:

None known affecting this portion of the property

- 3. There are appurtenant to the land within the proposed subdivision the following easements and restrictions over the land of others:

None known affecting this portion of the property

- 4. A Preliminary Plan (optional) of the proposed subdivision ~~(has)~~ (has not) been submitted to the Board.

A Preliminary Plan of the proposed subdivision, to which the accompanying plan conforms, was approved by the Board on \_\_\_\_\_, 19\_\_\_\_.

A Preliminary Plan of the proposed subdivision was approved by the Board on \_\_\_\_\_, 19\_\_\_\_, with modifications, which modifications have been incorporated in the accompanying plan.

5. Number of lots: 10

6. Approximate Length of Roads: 1,108 (feet)(Miles)

7. Approximate area of Subdivision: 17.47 (acres)(square feet)

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pg 2 of 3

8. The applicant agrees, if the Definitive Plan is approved, to perform and complete all work on the ground within the proposed subdivision required by the Rules and Regulations of the Planning Board as in force on the date of this application (or if applicable on the date of an application of a Preliminary Plan) and as modified and supplemented by the work specifications and other requirements of the Board set forth in the statements attached hereto.
9. The applicant further agrees to complete all said required work on the ground within two years from the date of final approval of the Definitive Plan by the Board, unless a new application is filed with, and approved by, the Board extending such time, provided only after review by the Mass. Land Court that this provision is in accordance with M.G.L.
10. The applicant further agrees, if the Definitive Plan is approved, to cause said plan to be recorded or registered in the District Registry of Deeds within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or to offer to sell, any of the lots within the subdivision until said plan is so recorded or registered.
11. This application is accompanied by an original drawing of the proposed Definitive Plan in accordance with the requirements of the Rules and Regulations of the Board, and a Designer's Certificate.
12. The owner's title to the land is derived under deed from National Rockland Bank of Boston, dated December 15, 1944, and recorded in Middlesex South District Registry of Deeds, Book 6823, Page 513, or under Certificate of Title No. -----, registered in ----- Land Registry District, Book -----, Page -----.
13. A. The applicant further agrees, before final approval of the Definitive Plan, to cause to be filed with the Board a bond, in a form satisfactory to the Board, conditioned on the completion of all required work on the ground in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work, and executed by the applicant as principal and an indemnify or surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of case or United States Government Bonds in an amount equal to the penal sum of the bond or other sufficient security; or  
B. The applicant requests the Board to approve the Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required work on the ground necessary to serve such lot adequately has been completed to the satisfaction of the Board.

WITNESS OUR HANDS AND SEALS THIS \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Peter Boury (Trustee)  
Owner\*  
P.O. 57 Chittenden Vt. 05737  
Address

Herbert Moran (1)  
Applicant (if not owner)  
325-1 Boston Post Road  
Address Sudbury, MA 01776

Owner\* \_\_\_\_\_

Address \_\_\_\_\_

Owner\* \_\_\_\_\_

Address \_\_\_\_\_

Owner\* \_\_\_\_\_

Address \_\_\_\_\_

- (1) The application must be signed by the parties submitting it for approval and the owner of the land.
- \* If there is more than one owner, all must sign.

DESIGNER'S CERTIFICATE

Date: June 8, 1993

TO THE PLANNING BOARD:

I hereby certify that the accompanying plan, entitled:

"Whitehall Estates, Sudbury, Mass"

and dated March 31, 1993, is factual, accurate, and complies with

the Rules and Regulations of the Sudbury Planning Board as amended

August 1988, and waivers requested in letter dated

June 14, 1993.

Carlton B. Colburn, Jr., Pres.  
Colburn Engineering, Inc.  
Registered Land Surveyor or  
Registered Professional Engineer

P.O. Box 52, Hudson, MA 01749

Address \_\_\_\_\_



(SEAL)

**TOWN OF SUDBURY PLANNING BOARD  
EVALUATION FORM FOR SUBDIVISIONS**

DATE: July 7, 1993

TO: Planning Board  
FROM: *JAK* Jody A. Kablack, Town Planner  
RE: Whitehall Estates Definitive Subdivision  
Assessor's Map #: G09, 300

1. APPLICATION INFORMATION

- A. Project Title: WHITEHALL ESTATES
- B. Map Prepared By: COLBURN ENGINEERING
- C. Date of Map: MARCH 31, 1993
- D. Date Submitted: JUNE 17, 1993
- E. Street Name: MORSE ROAD
- F. Type of Street: MAJOR THROUGH STREET
- G. Zoning District: C-1 RESIDENTIAL
- H. Was Property Previously Subdivided: NO
- I. If Yes, Date of Subdivision:

2. DESCRIPTION OF PROJECT

- A. Type of Application: Preliminary:  
Definitive: XX
- B. Type of Subdivision: Cluster:  
Conventional: XX
- C. Total Acreage: 17.47 ACRES
- D. Number of Lots: 10
- E. Range of Lot Size: 60,003 SQ. FT. TO 123,946 SQ. FT.
- F. Acres of Open Space: 0
- G. Percent of Open Space: 0
- H. Purpose of Open Space: NA
- I. Type of Access Proposed: DEAD END CUL-DE-SAC
- J. Length of Access: 1108 FEET

3. SUBMISSION REQUIREMENTS PURSUANT TO PLANNING BOARD  
RULES AND REGULATIONS (List items and section number for those items  
not submitted)

- IV,C,1a - Title Abstract
- IV,C,1b - Reproducible copy of the definitive plan
- IV,C,1f - Sketch plan of adjacent subdividable land
- IV,C,3b - Certificate of registration of plan preparer

IV,C,3g - Location, names and widths of streets within 1000' of subdivision  
IV,C,3i - Numbering sequence of lots to be approved by the Planning Board  
IV,C,3o - Location of all water bodies, wetlands and flood plain areas within  
1000' of subdivision  
IV,C,3v - Existing topography at 2' intervals from actual survey  
IV,C,5 - Site evaluation

In addition to the above requirements, the applicant has requested a waiver from the following provisions:

IV,C,3 - Scale of plan to be 1"=100'  
IV,C,3p - Location of trees > 8" in diameter within 10' of road right-of-way  
IV,C,3u - Location of trees > 18" in diameter within the subdivision  
V,B,4a - Length of dead end street  
V,B,3 - Minimum centerline grade  
VI,O,1 - Curbing and guard rails

#### 4. SITE ANALYSIS

- A. Soil Type: MODERATELY WELL DRAINED
- B. Flood Plain Zone: NA
- C. Predominant Vegetation: AGRICULTURAL FIELDS, WETLANDS,  
DECIDUOUS FOREST
- D. Range of Elevations: 172' TO 216'
- E. Nature of Slopes: FLAT ON FIELD, STEEPLY SLOPING AT NE  
CORNER
- F. Name of Abutting Water Body: NA
- G. Are There Wetlands on Site: YES
- H. Approximate Acreage of Wetlands: 1.5 ACRES
- I. Are Wetlands Under the Jurisdiction of ConComm: YES
- J. Are There Trails on Site: RR TRACKS ADJACENT WHICH ARE  
IDENTIFIED AS A TRAIL LINK CORRIDOR IN 1988 TOWN TRAIL  
LINKAGE PLAN (ALSO CART PATHS WITHIN SITE)
- K. Is Project Located in a Water Resource Protection District: NO
- L. Depth to Water Table: UNKNOWN
- M. Source of Water Supply: TOWN WATER
- N. Distance to Town Water: ON MORSE ROAD
- O. Number of Access Points: ONE
- P. Is Sight Distance Acceptable: UNKNOWN
- Q. Is Project Located in an Historical District: NO

#### 5. PERMITS OF REVIEW REQUIRED FROM OTHER AGENCIES

- A. Conservation Commission: XX
- B. Sudbury Board of Health: XX

- C. Sudbury Zoning Board of Appeals:
- D. Fire Chief: XX
- E. Sudbury Water District: XX
- F. Town Engineer: XX
- G. Building Inspector:
- H. Board of Selectmen:
- I. Town Counsel:
- J. Highway Surveyor: XX
- K. Parks and Recreation Commission:
- L. Design Review Board:
- M. Historic Districts Commission:
- N. U.S. Army Corp. of Engineers
- O. Massachusetts Department of Public Works:

## 6. COMMENTS AND RECOMMENDATIONS:

This application proposes a definitive subdivision of approximately 17.47 acres into 10 residential lots. The property is located on Morse Road, in a C-1 Residential zoning district (minimum lot size 60,000 sq. ft.; minimum frontage 210'). Approximately 1108 linear feet of roadway is proposed for access to the lots. This road is a dead end cul-de-sac. One Approval Not Required lot is located on Morse Road, and is not part of this subdivision.

The proposed drainage system consists of the construction of 2 detention basins of approximately one-half acre in size each. These basins are designed to be dry except during a storm event. Additional drainage structures (leaching catch basins) will collect drainage water near the intersection of the subdivision road and Morse Road, and will alleviate an existing ponding problem in this location. The drainage structures are proposed within drainage easements on all affected lots.

I have reviewed the plan, and offer the following comments and recommendations:

1. This property is part of a larger parcel of land under the same ownership which also has access on Concord Road. Division of this the larger parcel must take place either before or concurrently with this subdivision for several reasons:
  - the development of the 17.47 acre parcel cannot occur until it has been formally divided from the entire property.
  - 2 existing houses are located on the larger parcel near the southeastern corner of the property. One house is pre-existing non-conforming (as to frontage) and the other house derives its proper frontage from Morse Road. Division of the 17.47 acres from the original larger parcel will effectively remove the legal frontage for this property. This issue must be resolved prior to the Planning Board granting approval.
  - the larger parcel has been the subject of Town Meeting approval which will enable the owners to swap land with the Town in order to provide adequate frontage for

the existing lot on Concord Road. The actual deed of the property will not be transferred until a comprehensive plan of the entire property is presented to the Town in final form. The applicant is recommended to file the required subdivision application for the southern tract as soon as possible so that comprehensive planning of the entire tract can occur.

2. While the subdivision of the southern tract of land could be made a condition of approval of this subdivision, it is strongly recommended that the comprehensive review of the entire property occur at this time in the process so that problems such as the creation of landlocked, developable property does not occur. The applicant has indicated to the Board what the future uses and development pattern of the balance of the property will be, however without submitted plans it is difficult to assure compliance with the stated intentions.

3. The proposed ANR lot must also be formally created concurrently with this subdivision. It is noted on the plan that Lot 1 (the ANR lot) is the subject of a plan by Colburn Engineering dated 3/19/93, however the Planning Board is not in receipt of such a plan at this date.

An additional note on the plan references a plan prepared by Colburn Engineering dated 10/16/84, and it is questioned what plan this refers to.

4. The length of the proposed subdivision road exceeds the 500 foot limitation currently in the Planning Board rules and regulations. The applicant does show a 10 foot wide grading and planting restriction along lots 1 and 2 (for a length of approximately 300 feet) which may provide additional stable area for passage of emergency vehicles if the roadway is blocked within this area. The applicant should clarify the purpose of this restriction.

5. All wetland areas within the subdivision are proposed to be contained in drainage easements. The purpose of these easements is questioned. Verification of the wetland boundaries by the Conservation Commission is recommended at this time to avoid replatting of lots at a future date.

6. The existing stonewalls around the property are shown on the topographic sheet. Preservation of these features had been a concern of the Planning Board during the preliminary discussions. The applicant should state whether the walls will be preserved, or rebuilt to accommodate the new development. The perimeter walls should be kept intact, as little encroachment should occur in the rear of the lots (especially along lots 1, 8, 9, 10 and 11 since the rear of these lots contain wetlands). The stonewall between lots 9 and 10 may be possible to preserve in its entirety with careful siting of the driveway and landscaping of lot 9. Preservation of the wall on lot 5 will depend on the actual placement of the dwelling and septic system.



7. The Planning Board has knowledge that a portion of the far agricultural field is currently leased to a local farmer. This plan should indicate access to the farmland off the subdivision road in the vicinity of lot 6 or 7. The other alternative accesses to the farmland require either crossing a wetland or crossing onto the Berry property. Access from the subdivision road appears to be the most logical area.

8. Several submission requirements are missing from the application and have not been requested to be waived, as listed in item 4 above. A title abstract is not necessary at this time (however will be necessary prior to final approval), but the applicant is requested to submit the Declaration of Trust for the Janet R. Howe Revocable Trust at this time for review by Town Counsel. The topography on the plan is not from an actual survey, and this should be discussed with the Town Engineer. All other missing items should be submitted prior to the public hearing so that the public can examine a complete application.

9. It is recommended that the numbering sequence of the lots be rearranged so that lots 1 through 10 are the subdivision lots, and lot 11 (or any other number) becomes the ANR lot. This will avoid confusion during the review process and facilitate record keeping in the future.

10. The applicant has requested waivers from several sections of the rules and regulations. The Board should seek guidance from the Town Engineer on the waivers relative to construction of the subdivision road.

It is my opinion that the trees >8" do not need to be located within the roadway since the majority of the road is in an open field. It is recommended that the hedgerow between lots 9 and 10 be preserved within a landscape easement or other documented restriction which prohibits the removal of vegetation to give visual relief from the otherwise treeless landscape. It is further recommended that a similar restricted buffer (minimum of 50 feet wide) be retained along the rear of lots 2, 3, 4, part of 5, 8 and 9 to shield this development from adjacent properties. (Lots 1, 10 and 11 will be naturally protected from encroachment due to the existence of wetlands in the rear of the lots.) The larger trees (>18"), if any, will be found within these preserved areas and therefore may not need to be located on the plan, if the applicant is amenable to these conditions.

An additional recommendation is to move the location of the detention pond on lots 7 and 8 closer to the cul-de-sac by 20 feet. This will allow a minimum 40' natural buffer to remain between this development and the Shedd property. This buffer shall be restricted as recommended above.

The above buffer recommendations were all discussed at the preliminary stage, and the applicant had expressed a willingness to preserve buffer areas around the surrounding properties.

11. An additional notation should be placed on the definitive plan directly adjacent to the Planning Board signature block, as follows: "Subdivision approved subject to conditions contained in the covenant and the decision document, both recorded herewith."

12. A public hearing has been tentatively scheduled for this application on August ~~8~~ 16, 1993.

cc: Town Engineer  
Conservation Commission  
Board of Selectmen  
Ken Moore, applicant  
Peter Bowry, Trustee  
Colburn Engineering



Michael C. Dunne  
Chief of Department

TOWN OF SUDBURY  
Fire Department

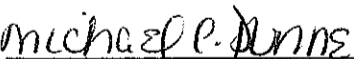
77 Hudson Road  
Sudbury, Massachusetts 01776  
Tel. (508) 443-2239

July 12, 1993

To: Planning Board  
From: Fire Chief  
Re: Whitehall Estates

I have reviewed the Definitive Plan titled Whitehall Estates, prepared for Janet R. Howe Revocable Trust dated March 31, 1993 and find the plan acceptable to the Fire Department.

The Fire Department will not require an extension of the municipal fire alarm system to the subdivision.

  
Michael C. Dunne  
Fire Chief

MCD/1b

PUBLIC HEARING NOTICE  
SUDBURY PLANNING BOARD

In accordance with the provisions of Chapter 40A, Section 81-T and 81-U, M.G.L., the Planning Board will hold a public hearing on Monday, August 16, 1993, at 8:45 p.m. in the Planning Board Office, second floor, Flynn Building on the application of M.C. Moore & Son, Inc. for approval of a Definitive Subdivision Plan, entitled "Whitehall Estates" drawn by Colburn Engineering, Incorporated, Hudson, Massachusetts, dated March 31, 1993, located on the south side of Morse Road and showing 10 lots.

A copy of the plan and application is on file in the Planning Office and may be inspected during regular office hours, Tuesday through Thursday.

Any person interested, or wishing to be heard on the proposed plan, should appear at the time and place designated.

John O. Rhome, Chairman  
Sudbury Planning Board

To be published in the Sudbury Town Crier on July 29 and August 5, 1993.

*Rescheduled to 9/13, see*

*Orin - Aug 24/Sept. 2*

PUBLIC HEARING NOTICE  
SUDBURY PLANNING BOARD

In accordance with the provisions of Chapter 40A, Section 81-T and 81-U, M.G.L., the Planning Board will hold a public hearing on Monday, September 13, 1993, at 8:00 p.m. at the Fairbank Community Center, Fairbank Road, on the application of M.C. Moore & Son, Inc. for approval of a Definitive Subdivision Plan, entitled "Whitehall Estates" drawn by Colburn Engineering, Inc., Hudson, Massachusetts, dated March 31, 1993, located on the south side of Morse Road and showing 10 lots.

A copy of the plan and application is on file in the Planning Office and may be inspected during regular office hours, Tuesday through Thursday.

Any person interested, or wishing to be heard on the proposed plan, should appear at the time and place designated.

John O. Rhome, Chairman  
Sudbury Planning Board

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To be published in the Sudbury Town Crier on August 26 and September 2, 1993.



TOWN OF SUDBURY  
Planning Board

DK 24440PG558

107

Sudbury, Massachusetts 01776  
Tel. (508) 443-8891, ext. 387  
FAX (508) 443-0756

November 1, 1993

RECORDED  
INDEXED  
NOV 11 1993

DEFINITIVE SUBDIVISION DECISION - WHITEHALL ESTATES

DECISION of the Planning Board of the Town of Sudbury, Massachusetts (hereinafter together with any entity succeeding to the powers of said Planning Board referred to as the Board) on the petition of M.C. Moore and Son, Incorporated (to be referred to herein as the Petitioner) for property located in Sudbury, Massachusetts, on the South side of Morse Road. Said property is shown on Town Property Map G09, Lot 300 and proposes the division of approximately 17.47 acres into 10 residential lots. The property is within the C-1 Residential zoning district. Approximately 1108 linear feet of roadway is proposed.

This decision is in response to an application by the Petitioner for approval of a Definitive Subdivision Plan submitted to the Board on June 17, 1993, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, and the Town of Sudbury Planning Board Rules and Regulations Governing the Subdivision of Land.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the petitioner, abutters and other parties in interest, as required by Law, John O. Rhome, Chairman of the Board, called the public hearing to order at 8:00 p.m. on September 13, 1993, at the Planning Board Office, Flynn Building, Sudbury, Massachusetts. Project Coordinator Carmine L. Gentile chaired the public hearing. Board members Richard A. Brooks, Carmine L. Gentile, Ursula Lyons, Lael M. Meixsell and John O. Rhome were present throughout the proceedings. The public hearing was closed at the end of the September 13, 1993 proceedings. The record of the proceedings and submissions upon which this decision is based may be referred to in the office of the Town Clerk or the Planning Board office.

The Board met on November 1, 1993 to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

Exhibit 1: A Plan entitled "Definitive Subdivision of Whitehall Estates, Sudbury, Mass., drawn by Colburn Engineering, Inc., 433 Main Street, Hudson, Massachusetts, dated March 31, 1993. This Plan consisted of the following:

Deed Recorded herewith

RECORDED  
INDEXED  
NOV 11 1993

SEE PLAN IN RECORD BOOK # 318-319  
PAGE 556

MSD 04/08/94 01:22:14 540 16.00

DK 2444016559

Sheet 1 of 4, Definitive Subdivision Plan; Sheet 2 of 4, Existing and Proposed Topography; Sheet 3 of 4, Plan & Profile of Codman Drive; Sheet 4 of 4, Plan of Details.

Exhibit 2: The Application for Approval of a Definitive Subdivision Plan (Form C) and all other documents, forms and data required under the Town of Sudbury, Subdivision Rules and Regulations in effect at the time of the application.

Exhibit 3: Hydrological Study, dated June 14, 1993, prepared by Colburn Engineering, Inc., Hudson, Massachusetts.

Exhibit 4: Memoranda submitted to the Board by: Sudbury Fire Department, dated July 12, 1993; Town Engineer, dated July 14, 1993, Conservation Commission, dated August 17, 1993.

Exhibit 5: Letter from Sudbury resident Gordon D. Henley.

The following was submitted after the close of the public hearing:

Exhibit 6: Letter from the Board of Selectmen, dated September 15, 1993.

Exhibits 1, 2 and 3 are referred to herein as the Plan.

The Planning Board hereby APPROVES the subdivision of Whitehall Estates as shown on the Plan, located in Sudbury, Middlesex County, Massachusetts, to be recorded herewith, subject to and with the benefits of the following restrictions and conditions:

1. The approval herein granted is based on the Plan as described in Exhibits 1, 2 and 3, with modifications as required by this Decision.
2. This subdivision shall be limited to 10 residential building lots. Any further division of said property into more than 10 building lots shall require Planning Board approval pursuant to MGL Chapter 41 and the Town of Sudbury Planning Board Rules and Regulations Governing the Subdivision of Land.
3. The approval and waivers granted herein are based on the following representations, statements, agreements and offers of the owners of the property:
  - a. This property is part of a larger tract of land comprising approximately 80 acres of land under ownership of the Janet R. Howe Revocable Trust (the Trust). The entire tract of land consists of approximately 26 acres of agricultural fields, 12 acres of wetlands, 13 acres of woodlands adjacent to the Town cemetery, 24 acres of woodlands to the west of the Penn Central Railroad tracks, and 2 pre-existing dwellings on approximately 5 acres.

BK 2444016560

- b. This property has been the subject of a negotiated land swap between the Town of Sudbury and the Trust (reference to Plan of Land in Sudbury, Mass prepared by Highland Surveyors, Inc. dated August 27, 1993) which received approval at the 1992 Annual Town Meeting. The subject of the land swap is an exchange of .29 acres of land, including approximately 83 feet of frontage on Concord Road, to be given to the Trust in exchange for 5.125 acres of woodland to be given to the Town for cemetery purposes.
  - c. Wherein the Trust desires to concentrate development in the northern portion of the property, reserving a large portion of the southern property in its natural state with restrictions on future development.
  - d. Wherein the Trust desires to preserve approximately 6 acres of land in active agricultural use.
  - e. Wherein the Town desires to acquire through eminent domain a 24 acre tract of woodland owned by the Trust west of the Penn Central Railroad tracks.
  - f. Wherein the property owned by the Trust contains significant areas of wetlands at both the entrance to the Whitehall Estates subdivision on Morse Road and within the interior of the property.
4. This approval is granted conditioned on the approval and recording of subdivision plans of the balance of the property owned by the Janet R. Howe Revocable Trust, consisting of the Definitive Plan entitled "Howe Estates" and the Approval Not Required Plan showing the aforementioned land swap between the Town of Sudbury and the Trust. Prior to Planning Board endorsement of the plan, the Petitioner shall provide the Planning Board with documentation from the Middlesex Registry of Deeds (instrument number and date) indicating the Definitive Plan of Howe Estates has been recorded. Prior to Planning Board endorsement of the Plan, the Petitioner shall provide the Planning Board with documentation from the Middlesex Registry of Deeds (instrument number and date) indicating the plan of the land swap has been recorded.
5. The Board has waived compliance with the following requirements of the Town of Sudbury Rules and Regulations Governing the Subdivision of Land, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law:
- a. Section IV.C.3 to waive the requirement to prepare the Plan at a scale of 1" = 100', because the Plan has been provided at a scale of 1" = 60', which is clearer and more readable, and because the applicant has agreed to provide the Planning Board with the Plan and associated data on electronic disk media.



BK 24440PG561

- b. Section IV.C.3 to waive the requirement that the Plan be drawn on tracing cloth, provided the Plan is drawn on Mylar, so as to allow utilization of modern drafting techniques in the preparation of the plans as these result in clearer and more readable plans.
  - c. Section IV.C.3.p to waive the requirement to show the location of trees over eight (8) inches in diameter within 10 feet of the right of way.
  - d. Section IV.C.3.u to waive the requirement to show the location of all trees with a diameter in excess of eighteen (18) inches.
  - e. Section V.B.4.a to waive the length of a dead end street in excess of 500 feet. The Board has determined, in this instance, that topography and other local conditions prevail in allowing a length greater than 500 feet. Wetlands exist at the entrance to the subdivision for a distance of approximately 200 feet which prohibit development on one side of the subdivision roadway. This site also contains open fields with minimal grade changes in topography. A requirement of this approval shall require the Petitioner to stabilize an additional 10 feet of width adjacent to the subdivision road (as further provided in paragraph 6.b of this Decision) to allow large emergency vehicles to traverse the property in the event of roadway blockage. This stabilized area shall be restricted from the placement of any obstacles within this area. The Board finds that these circumstances, conditions and the provisions of paragraph 6.g of this Decision reduce the safety concerns of the dead end street in this application.
  - f. Section V.B.3. to waive the requirement that the centerline grade of the street not be less than 1%. The Board finds that the difference between this regulation and the .75% grade proposed by the applicant is negligible.
  - g. Section V.O.1. to waive strict compliance with this section regarding curbing and guardrails. The applicant has proposed providing sloped granite curbing at the intersection and cape cod berm along the entire length of the roadway.
  - h. Section VI.D.2. to waive the requirement that turnarounds be constructed with a minimum paved radius of fifty (50) feet from the center of the layout.
6. The Petitioner shall cause the Definitive Subdivision Plan to be revised to show the following additional or revised information, which shall be subject to review and approval of the Board prior to endorsement of the Plan:

BK 2444076562

- a. A 30 foot wide perimeter buffer easement along the rear of the lots bordering property of Matthew and Carol Shedd, St. Elizabeth's Church of Sudbury, and D. Randolph Berry shall be shown on the Plan. The perimeter buffer easement, favoring the Town of Sudbury, shall be submitted to the Board for review and approval prior to plan endorsement. This easement shall provide for no removal of live vegetation greater than six inches in diameter at breast height and no erection of structures within this area; however the area within the easements on lots 8 and 9 shall provide for no removal of live vegetation with the exception of noxious and injurious vegetation, which may be removed. The area encompassed by the proposed detention basin and associated grading area on these lots shall not be encumbered by this restriction.
- b. The 10 foot wide grading and planting restriction shall be extended to the east of the hedge row on lot 9, approximately 80 feet west of the common lot line of lots 9 and 10. The grading and planting restriction document, favoring the Town of Sudbury, shall be submitted for review and approval of the Planning Board prior to Plan endorsement. The restricted area shall meet full subsurface roadway construction standards and shall prohibit the erection of any structures or woody vegetation over 3 feet in height within the area.
- c. A 20 foot wide access easement to the agricultural land south of this property (labeled Janet R. Howe Revocable Trust on the Plan) shall be shown to provide access for the lessee of the agricultural field. This easement shall be in the vicinity of lots 5, 6 or 7. This access easement document shall be submitted to the Planning Board prior to Plan endorsement. In the event that the agricultural land is owned in common with any adjacent lot created by this subdivision, an access easement shall not be a requirement. However, a note shall be added to the Plan stating such common ownership and a deed restriction shall be placed on the property requiring the granting of an access easement if the agricultural land reverts to separate ownership.
- d. An agricultural restriction favoring the Town of Sudbury acting through its Conservation Commission or the Department of Food and Agriculture, shall be placed on a portion of lots 6 and 7, as represented by the applicant to preserve the integrity of the large field. The area of this restriction shall restrict approximately 66,000 sq. ft. of area on the two lots. The restriction document shall be submitted for review and approval prior to Plan endorsement.
- e. A notation shall be added to the plan in the vicinity of the Planning Board signature block stating "Subdivision approved subject to conditions

8X 2444016563

contained in the covenant and the decision document, both recorded herewith."

- f. A notation shall be added to the plan stating "This Plan approved and waivers granted subject to the endorsement by the Planning Board and filing with the Middlesex Registry of Deeds a Definitive Plan entitled Howe Estates, Subdivision of Land in Sudbury, Mass, prepared by Highland Land Surveyors, Inc. and dated August 30, 1993. Such Plan shall provide legal frontage and adequate access to the pre-existing dwellings located at #377 and #379 Concord Road."
  - g. In consideration for the waiver granted in paragraph 5.e above, a notation shall be added to the plan stating "Front yard setbacks to principal structures shall be no greater than 100 feet from the edge of the subdivision roadway pavement on lots 6, 7 and 8."
  - h. A notation shall be added to the plan stating "This subdivision shall be limited to 10 residential building lots."
  - i. Widths of streets within 1000 feet of the subdivision shall be added to the Locus Plan.
  - j. The depth of cover over the drain pipes is not in accordance with Section IV.D. Street and Roadway Cross Sections. A depth of cover less than two and one-half feet should be Class IV or Class V and designed accordingly. The Plan shall be revised to conform with the above recommendation.
  - k. Oil and grease traps shall be installed in each catch basin within Codman Drive which discharges directly or indirectly into a detention basin or pond. The detail sheet shall be revised to include installation of these structures.
7. The following items shall be submitted to the Planning Board prior to endorsement of the Plan:
- a. A title abstract for the land within the subdivision.
  - b. A Site Evaluation in compliance with section IV.C.5 of the Planning Board Rules and Regulations.
  - c. A Covenant, satisfactory to the Board, guaranteeing the construction of ways and installation of municipal services in the subdivision.
  - d. Drainage and utility easements satisfactory to the Board shall be submitted prior to endorsement of the Plan.

BK 244406564

- e. Perimeter buffer easements, grading and planting easements, access easement and agricultural restrictions satisfactory to the Board shall be submitted for all affected lots.
  - f. An Approval Not Required Plan for the creation of Lot 1 shall be submitted and approved by the Planning Board prior to endorsement of the Plan.
8. Shade trees having a trunk diameter of at least one and one-half inches, properly wrapped and guyed in a manner to ensure their survival, shall be planted not more than forty (40) feet apart along the right of way where, in the opinion of the Board, existing trees are inadequate; except on the side of Codman Drive containing the grading and planting restriction, where street trees shall be planted on private property beyond the restriction area in the manner described above. The Board shall view the subdivision property at or shortly before the time of substantial completion of all construction, services and dwellings for the purpose of making such a determination.
9. All large healthy trees on the site shall be retained and not disturbed or destroyed during the construction of the subdivision except for those trees which must be removed or disturbed for the construction of the proposed way, driveways and dwellings and uses accessory thereto.
10. The stonewall and hedgerow on lots 9 and 10 shall be preserved in their entireties. This area shall be placed in a buffer easement which limits the removal of live vegetation greater than six inches in diameter at breast height and prohibits the erection of any structures.
11. The stonewall along the perimeter of the property shall be preserved in its entirety.
12. Prior to the release of any lots from the covenant, the Petitioner shall submit the following information to the Board:
- a. Submittal of soil type, water elevations and proposed surface treatment in the proposed detention basins for review and approval by the Town Engineer.
  - b. Submittal of soil type and water elevations in and around the proposed leaching basins at the entrance to Codman Drive for review and approval by the Town Engineer.
  - c. A highway inspection fee in conformance with section VI.B. of the Planning Board Rules and Regulations.

BK 24440PG565

13. The paving width of the roadway shall be twenty-four (24) feet. Cape cod berm shall be provided throughout the entire length of the paved roadway, except at street corner roundings along the circumference of the roadway for the full length of the rounded curve plus a straight section of at least six (6) feet, where sloped granite curbing sealed to the roadway pavement shall be provided. The turnaround on Codman Drive shall be constructed with a minimum paved radius of forty (40) feet from the center of the layout. Additionally, a five (5) foot wide walkway shall be constructed along the northerly side of Codman Drive.
14. Prior to paving the roadway, the Petitioner shall submit centerline and gutter profiles for review and approval by the Town Engineer. This condition shall ensure quality control in the construction of the roadway due to the design of the roadway centerline grade at less than 1%. These items shall be included in any performance bond amount if the work has not been performed at the time of release of lots from the covenant.
15. Gravel utilized for roadway foundation shall be of adequate grade and type so as not to require a sealing coat of MC-1 oil during preparation. Said gravel shall be inspected by the Town Highway Surveyor prior to its installation. Written documentation of compliance shall be transmitted from the Highway Surveyor to the Planning Board prior to the final release of the performance bond for this subdivision.
16. Changes which are required to be made to the approved Plan as a result of any Order of Conditions issued by the Sudbury Conservation Commission shall be submitted to the Planning Board. In the event that such changes substantially affect the road drainage or road layout, as determined by the Planning Board, then such changes shall be subject to modification pursuant to Section 81W of Chapter 41 of the Massachusetts General Laws.
17. On each lot approval shall be obtained from the Board of Health for a sewage disposal system. The sewage disposal permit shall be contingent upon the applicant providing engineering data and system plans which are in compliance with the Board of Health Rules and Regulation.
18. In the event removal of earth from the site will be required to complete the roadway and drainage improvements as shown on the Plan, the Petitioner shall comply with the provisions of Article V.A of the Town of Sudbury bylaws regarding earth removal.
19. The oil and grease traps shall be annually inspected and cleaned by the applicant until the streets are accepted by the Town. Any maintenance bond held by the Town shall include the costs to comply with this condition.

BK 24440PG566

20. All required work on the ground shall be completed within two years from the date of endorsement of the Plan, unless a new application is filed with, and approved by, the Board extending such time.
21. The Petitioner or his authorized representative shall present the Plan to the Board for proper endorsement within 90 days of the date of this decision, unless such time period is extended in writing by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. The Petitioner or his authorized representative shall further submit the Plan to the Town Planner within 14 days of this deadline to allow the Town Planner adequate time to review the revised Plan for compliance with the conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Sudbury Subdivision Rules and Regulations. Under the provisions of the Town of Sudbury, Subdivision Rules and Regulations and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Sudbury.

Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Middlesex South Registry of Deeds with the Plan.

BK 244406567

Witness our hands this 1st day of November, 1993.

SUDBURY PLANNING BOARD

John O. Rhome  
John O. Rhome, Chairman

Richard A. Brooks  
Richard A. Brooks

Carmine L. Gentile  
Carmine L. Gentile

Ursula Lyons  
Ursula Lyons

Lael M. Meixsell

93101-2 1110:15  
TOWN CLERK  
SUDBURY, MASS

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

November 1, 1993

Then personally appeared John O. Rhome, one of the members of the Planning Board of the Town of Sudbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Jody Angiulo  
Jody Angiulo, Notary Public  
My commission expires February 22, 1996

10

A TRUE COPY, ATTEST  
Joan M. Mackenzie  
TOWN CLERK

February 25, 1994

This is to certify that no notice of an appeal from the Planning Board's Definitive Subdivision Decision - Whitehall Estates dated November 1, 1993, was filed in this office within 20 days after such decision was filed on November 2, 1993.

Joan M. Mackenzie  
Joan M. Mackenzie, Town Clerk

DEED OF EASEMENT

Matthew D. Shedd and Carol A. Shedd

of Sudbury, Middlesex County, Massachusetts

in consideration of nominal consideration of less than One hundred (\$100.00) dollars

grant to Kenneth Moore

of Sudbury, MA with quitclaim covenants ~~therein~~ an easement for drainage purposes over that land situated in Sudbury, Middlesex County, Massachusetts as described and shown as drainage easement on a plan entitled, "Easement Plan of Land in Sudbury, Mass., owned by: Matthew D. & Carol A. Shedd, Survey By: Colburn Engineering, Inc. 454 Main Street, Hudson, Mass., scale: 1" = 40', January 26, 1994.

Executed as a sealed instrument this

3<sup>rd</sup> day of February 1994  
*Matthew D. Shedd*  
Matthew D. Shedd

*Carol A. Shedd*  
Carol A. Shedd

The Commonwealth of Massachusetts

Middlesex

ss.

February 3, 1994

Then personally appeared the above named Matthew D. Shedd and Carol A. Shedd

and acknowledged the foregoing instrument to be their free act and deed,

Before me,

*Barbara F. Freeman*

Notary Public  
Justice of the Peace

My commission expires

8/25

19 2000

8/25/00



Plan No. 30-200

Form F

RELEASE OF COVENANT

(Not to be used when a waiver has been given.)

The undersigned, being a majority of the members of the Planning Board of Sudbury, Middlesex County, Massachusetts, hereby release from the provisions of paragraphs numbered one (1) and two (2) in the Covenant made by Anthony J Melone, President of J. Melone & Sons, Inc. (Developer)

dated April 8, 1994 and recorded with the Middlesex South District Deeds (Registry District of the Land Court), ~~Book~~ as Instrument, No. 550 of ~~Page~~ 4/8/94, the lots numbered 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 as shown on a plan entitled, Definitive Subdivision of Whitehall Estates (Subdivision name)

Definitive Subdivision Plan of Land in Sudbury Massachusetts, dated March 31, 1993 by Colburn Engineering, Inc. (Engineering company) as Instrument # 539 of 4/8/94 recorded with said Deeds ~~Book~~ 539, ~~Page~~ 539.

This release of covenant is made in consideration of the following:

Certified check from Hudson Savings Bank in the amount of \$436,433

WITNESS OUR HANDS AND SEALS this 21st day of March, 1994.

Richard A. Brewster  
Lael M. Meixsell  
John O. Plona  
SUDBURY PLANNING BOARD

Then personally appeared Lael M. Meixsell, one of the members of the Planning Board of the Town of Sudbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Jody Angiulo  
Notary Public Jody Angiulo  
My commission expires 2/22/96

March 21, 1994.

d 1

AGRICULTURAL PRESERVATION RESTRICTION

J. MELONE & SONS, INC., a Massachusetts Corporation with a principal place of business at White Pond Road, Stow, Massachusetts, grants to the Town of Sudbury, acting through its Conservation Commission, an Agricultural Preservation Restriction in perpetuity, as hereinafter defined, on a portion of a parcel of land located in said town being shown as a "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT 05737, Applicant: M.C. Moore & Son, Inc., 325-1 Boston Post Road, Sudbury, Mass., Plan By: Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993 Revised: 1/31/94", which plan is to be recorded with said deeds herewith.

The terms of this restriction are as follows: that with respect to those portions only of lots 6 and 7 as shown on the above described plan as containing an "agricultural restriction", neither J. Melone Sons, Inc. nor its successors or assigns will perform the following acts or permit others to perform them, hereby granting to the town the right to enforce these restrictions against all persons:

- a. No planting or installing of lawns or landscaping of any kind or nature;
- b. No construction or placing of buildings except for existing structures and those used for agricultural purposes;
- c. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to adversely effect the land's overall future agricultural potential;
- d. No other acts or uses detrimental to such retention of the land for agricultural use.

Notwithstanding anything contained in subparagraphs a through d herein, we reserve to ourselves, our successors and assigns, all other customary rights and privileges of ownership, including the right to privacy and to carry out all regular farming practices.

The restriction hereby conveyed does not grant either the town or the public any right to enter said parcel except, pursuant to the provisions of Massachusetts General Laws Chapter 184 Section 32, representatives of the Town of Sudbury shall be entitled to enter the land in a reasonable manner and at reasonable times to assure compliance herewith.

The foregoing restriction is intended to conform to General Laws Chapter 184 Section 32-33 and is intended to maintain said parcels predominantly in their agricultural farming or forest use. The restriction shall be administered by the Conservation Commission of said town established under General Laws Chapter 40, Section 8.

The grant of this restriction is a gift and therefore no deed and stamps are required.

IN WITNESS THEREOF, I have hereto set my hand and seal this 8<sup>th</sup> day of April, 1994.

J. MELONE & SONS, INC.

By: Anthony J. Melone  
Anthony J. Melone, President and Treasurer

By: William D. Melone  
William D. Melone, Treasurer

Plan No. 318 - 319

SEE PLAN IN RECORD BOOK PAGE 556-557  
24440

541 10.00  
#51 04/29/94 01:22:55

BK. 24 440 PG. 574

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

April 8, 1994

Then personally appeared the above named Anthony J. Melone and acknowledged the foregoing instrument to be his free act and deed, as President and Treasurer of J. Melone & Sons, Inc., before me,

*[Signature]*  
Notary Public  
My Commission Expires: 1-27-96

APPROVAL BY SELECTMEN AND CONSERVATION COMMISSION

We, the undersigned Board of Selectmen and Conservation Commission of the Town of Sudbury, hereby certify that we approve the receipt of the foregoing deed.

*[Signatures]*  
Selectmen of Sudbury

Conservation Commission of  
the Town of Sudbury

APPROVAL BY THE COMMISSIONER

The Commissioner of Food and Agriculture, Commonwealth of Massachusetts, hereby certifies approval of the within Agricultural Preservation Restriction under G.L. c. 184, sec. 32.

Commission of Food and  
Agriculture

BK 24440PG575

14

GRADING AND PLANTING RESTRICTION

J. Melone & Sons, Inc. a Massachusetts Corporation with a principal place of business at White Pond Road, Stow, Massachusetts, hereby places this "Grading and Planting Restriction", as hereinafter defined, on a portion of a parcel of land located in said town being shown as a "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT 05737, Applicant: M.C. Moore & Son, Inc., 325-1 Boston Post Road, Sudbury, Mass., Plan By: Colburn Engineering Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993 Revised: 1/31/94", which plan is to be recorded with said deeds herewith.

PLAN NO # 313 7 319  
SEE PLAN IN RECORD BOOK 2444 PAGE 57

The terms of this restriction are as follows: that with respect to those portions only of lots 9, 10 and 11 as shown on the above described plan and containing an "10' wide grading and plantation restriction", neither it nor its successors and assigns shall cause the erection of any structure or the planting of any woody vegetation over three (3') feet in height within said restricted area. This restriction shall run in perpetuity and shall be enforceable by the Town of Sudbury and/or its appropriate sub-agencies.

Further, the restricted area shall be graded to meet full subsurface roadway construction standards as defined by the Rules and Regulations of the Planning Board for the Town of Sudbury.

The grant of this restriction is a gift and therefore no deed stamps are required.

IN WITNESS THEREOF, I have hereto set my hand and seal this 8<sup>th</sup> day of April, 1994.

J. MELONE & SONS, INC.

By: Anthony J. Melone  
Anthony J. Melone, President & Treasurer  
By: William D. Melone  
William D. Melone, Treasurer

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

April 8, 1994

Then personally appeared the above named ANTHONY J. MELONE, and acknowledged the foregoing instrument to be his free act and deed, as President and Treasurer of J. Melone & Sons, Inc. before me,

Francis E. Jennings  
Notary Public  
My Commission Expires: 10/26/96

BK 24440PG576

PERIMETER BUFFER EASEMENT

J. Melone & Sons, Inc., a Massachusetts Corporation with a principal place of business at White Pond Road, Stow, Massachusetts, grants to the Town of Sudbury, acting through its Board of Selectmen, a Perimeter Buffer Easement, so called, in perpetuity for the purpose of maintaining open space and natural habitat, as hereinafter defined, on portions of a parcel of land located in said Town of Sudbury, being shown as a "Definitive Subdivision of 'Whitehall Estates', Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT. 05737, Applicant: M.C. Moore & Son, Inc., 325-1 Boston Post Rd., Sudbury, Mass., Plan By: Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993 Revised 1/31/94", which plan is to be recorded with said deeds herewith.

The terms of this easement are as follows:

Within a variable distance of the common lot line of Lots 9 and 10 and within a distance of thirty (30') feet running to the rear lot line of lots 2, 3, 4, 9, 10, 11 and portions of Lots 5 and 8 as said lots border land now of Matthew and Carol Shedd, St. Elizabeth's Church of Sudbury and D. Randolph Barry all as shown on said plan, there shall be no removal of live vegetation greater than six inches in diameter at breast height and no erection of structures within this buffer area. Provided further, however, that within this buffer area respecting lots 8 and 9 as shown on said plan there shall be no removal of live vegetation with the exception of noxious and injurious vegetation, which may be removed. The area encompassed by the proposed detention basin and associated grading area on these lots shall not be encumbered by this restriction.

The grant of this easement is a gift and therefore no stamps are required.

IN WITNESS THEREOF, I have hereto set my hand and seal this day of April, 1994.

J. MELONE & SONS, INC.

By: Anthony J. Melone  
Anthony J. Melone, President & Treasurer

By: William D. Melone  
William D. Melone, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

April 8, 1994

Then personally appeared the above named Anthony J. Melone and acknowledge the foregoing instrument to be his free act and deed as President and Treasurer of J. Melone & Sons, Inc., before me,

Francis E. Jorwig  
Notary Public  
My Commission Expires: 10/26/96

Plan No # 318 + 319  
SEE PLAN IN RECORD BOOK 2444 PAGE 556-557

Morse Rd. Sudbury

REC 04/08/94 0112156 547 10.00

BK. 24440 PG. 576 A

Approved By Selectmen

We, the undersigned Board of Selectmen of the Town of Sudbury,  
hereby certify that we approve the receipt of the foregoing deed.

William A. Gm  
Lawrence Blake  
[Signature]

Selectmen of Sudbury

bufreast.re

ACCESS EASEMENT

J. Melone & Sons, Inc., a Massachusetts Corporation, with a principal place of business at White Pond Road, Stow, Massachusetts hereby grants to A. Grant Bowry, Peter Bowry, Darcy E. Howe and William A. Howe as Trustees of Jane R. Howe Revocable Trust u/d/t dated June 20, 1949 recorded with Middlesex South District Registry of Deeds in Book 22162, Page 576 and their successors and assigns as they are current owners of that parcel of land in said Sudbury shown and described as Parcel C on a plan entitled, "Definitive Plan of Howe Estates by Highland Land Engineers, Inc., Scale 1" = 80', Date August 30, 1973" which plan is to be recorded herewith, an easement for purposes of access to the agricultural land situated southerly of lots 5, 6 and 7 (labeled Janet R. Howe Revocable Trust) as shown on plan entitled, "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, Vt. 05737, Applicant: M.C. Moore & Son, Inc., 351-1 Boston Post Road, Sudbury, Mass., Plan By: Colburn Engineering Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993, Revised 1/31/94", which plan is to be recorded herewith.

Said easement is 20' wide and runs over a portion of Lots 5 and 6 as shown on said plan "Whitehall Estates" plan as described above.

Said easement is hereby being made for the benefit of said Parcel C as above described, its current and future owners and shall run with and serve the current future owners of said Parcel C in perpetuity.

Morse Rd, Sudbury

IN WITNESS WHEREOF, I have hereto set my hand and seal this day of April, 1994.

J. Melone, ~~President & Treasurer~~  
J. Melone, ~~President & Treasurer~~

By: Anthony J. Melone  
Anthony J. Melone, President & Treasurer

By: William D. Melone  
William D. Melone, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

April 8, 1994

Then personally appeared the above named ANTHONY J. MELONE, and acknowledge the foregoing instrument to be his free act and deed, as President & Treasurer of J. Melone & Sons, Inc.

Thomas E. Janney  
Notary Public  
My Commission Expires: 10/30/96

BK 24440PG578

1H

**DRAINAGE EASEMENT**

J. Melone & Sons, Inc., a Massachusetts Corporation with a principal place of business at White Pond Road, Stow, Massachusetts, grants to the Town of Sudbury an easement for drainage purposes including an easement to access the drainage easement area as shown on said plan for repair and maintenance, if necessary, on a portion of a parcel of land located in said town being shown as a "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT 05737, Applicant: M.C. Moore & Son, Inc., 351-1 Boston Post Road, Sudbury, Mass., Plan By: Colburn Engineering Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993, Revised: 1/31/94", which plan is to be recorded with said deeds herewith.

Said easement is over portions of Lots 2, 7, 8, 10 and 11 as shown on said plan.

The grant of this easement is a gift and therefore no deed stamps are required.

IN WITNESS THEREOF, I have hereto set my hand and seal this day of April, 1994.

J. MELONE & SONS, INC.

By: Anthony J. Melone  
Anthony J. Melone, President & Treasurer

By: William D. Melone  
William D. Melone, Treasurer

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

April 9, 1994

Then personally appeared the above named Anthony J. Melone, and acknowledged the foregoing instrument to be his free act and deed, as the President & Treasurer of J. Melone & Sons, Inc.

Francis E. Jennings  
Notary Public  
My Commission Expires: 12/31/96

**APPROVAL BY SELECTMEN**

We, the undersigned Board of Selectmen of the Town of Sudbury, hereby certify that we approve the receipt of the foregoing deed.

William J. Coyne  
Robert J. Blake  
[Signature]  
Selectmen of Sudbury

RSD 04/08/94 01:22:38 549 10.00

howedrng.re



UK 244406579

J.H

COVENANT

J. MELONE & SONS, INC., a Massachusetts Corporation with a principal place of business at White Pond Road, Stow, Massachusetts, hereinafter called the developer, does hereby covenant for itself, its successors and assigns and for its successors in title to the land shown on a Definitive Plan entitled, "Definitive Subdivision of 'Whitehall Estates', Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT., 05737, Applicant: M.C. Moore & Son, Inc., 325-1, Boston Post Rd., Sudbury, Mass. Plan By: Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., Scale 1"=60', March 31, 1993, Revised: 1/31/94", to be recorded herewith, pursuant to General Laws, Chapter 41, Section 81-U, as amended, with the Planning Board of the Town of Sudbury as follows:

1. That it is the owner of record of the premises shown on said plan.
2. That the construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of the Sudbury Planning Board before such lot shall be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot. This Covenant shall run with the land.
3. That the owner covenants and agrees within two (2) years of execution of this Covenant, to install municipal services and construct all ways and improvements in accordance with the Definitive Plan and the Rules and Regulations of the Planning Board of the Town of Sudbury. This Covenant shall run with the land.
4. That nothing herein shall be deemed to prohibit a conveyance subject to this Covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services. That in any conveyance of any lot or lots in said subdivision which the Developer shall hereafter make by deed or mortgage it will be by appropriate description in said deed or mortgage convey to the Grantee or Mortgagee title only to the side line of the way abutting said lot or lots shown on the Definitive Subdivision Plan; and that upon completion of said ways in accordance with the Rules and Regulations of said Board, the Developer will convey the fee simple within said ways to the Inhabitants of the Town of Sudbury, together with the title to all sewers and drains in said subdivision and the prescribed easements therefor.
5. That this Covenant shall take effect upon the approval of said plan by the Planning Board of the Town of Sudbury.
6. This Covenant shall be released upon the filing of a Performance Bond, or similar instrument, in an amount consistent with the current bonding policy limits. The amount shall be set by the Planning Board of the Town of Sudbury upon the recommendation of the Sudbury Town Engineer upon request of the developer.

Plan No # 2nd 91c  
318 + 319  
SEE PLAN IN RECORD BOOK  
244406579  
PAGE 557

BOOK 24467-548 p PR Agent

157 04/08/94 01:27:59

EXECUTED AND SEALED THIS 8<sup>th</sup> DAY OF April, 1994.

J. MELONE & SONS, INC.

By: Anthony J. Melone  
Anthony J. Melone, President & Treasurer

By: William D. Melone  
William D. Melone, Treasurer

DK 2444076580

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

April 8, 1994

Then personally appeared the above named Anthony J. Melone and ~~with knowledge~~ the foregoing instrument to be ~~his~~ free act and deed as President and Treasurer of J. Melone & Sons, Inc.

*Francis J. Jeng*  
Notary Public  
My Commission Expires: 12/24/96

howcovn.re

IN OR  
Phen No 318 + 319 556

MSD 04/08/94 21:22:25 551 31.00

Plan No. \_\_\_\_\_

CONFIRMATORY

Form F

RELEASE OF COVENANT

(Not to be used when a waiver has been given.)

The undersigned, being a majority of the members of the Planning Board of Sudbury, Middlesex County, Massachusetts, hereby release from the provisions of paragraphs numbered one (1) and two (2) in the Covenant made by Anthony J. Melone, President of J. Melone & Sons, Inc. (Developer)

dated April 8, 1994 and recorded with the Middlesex South District Deeds (Registry District of the Land Court), Book 24440, Page 579, the lots numbered 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 as shown on a plan entitled, Definitive Subdivision of Whitehall Estates (Subdivision name)

Definitive Subdivision Plan of Land in Sudbury Massachusetts, dated March 31, 1994 by Colburn Engineering, Inc. (Engineering company)

recorded with said Deeds Book 24440, Page 556 & 557

This release of covenant is made in consideration of the following:  
Acceptance of Codman Drive as a public way by the Annual Town Meeting  
of 1996

WITNESS OUR HANDS AND SEALS this 9th day of March, 1999.

Lawrence W. O'Brien  
Elizabeth D. Egglest  
William J. ...  
SUDBURY PLANNING BOARD

Then personally appeared Lawrence W. O'Brien, one of the members of the Planning Board of the Town of Sudbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Jody A. Kablack  
Notary Public Jody A. Kablack

March 9, 1999.

My commission expires 1/31/2003

Plan No. \_\_\_\_\_

Form F

**RELEASE OF COVENANT**

(Not to be used when a waiver has been given.)

The undersigned, being a majority of the members of the Planning Board of Sudbury, Middlesex County, Massachusetts, hereby release from the provisions of paragraphs numbered one (1) and two (2) in the Covenant made by Anthony J. Melone, President of J. Melone & Sons Inc., dated April 8, 1994 and recorded with the Middlesex South District Deeds (Registry District of the Land Court), Book 24440, Page 579, Lot 1 as shown on a plan entitled "Definitive Subdivision of Whitehall Estates" Definitive Subdivision Plan of Land in Sudbury, Massachusetts, dated March 31, 1994, by Colburn Engineering, Inc., with said Deeds Book 24440, Pages 556 & 557.

This Release of Covenant is made in consideration of the following:

Acceptance of Codman Drive as a public way by the Annual Town Meeting of 1996

WITNESS OUR HANDS AND SEALS this 14<sup>th</sup> day of April, 2004.

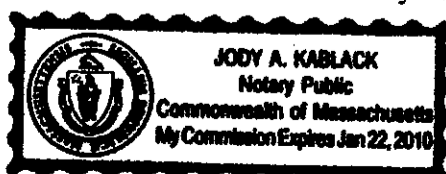
Michael J. Keller  
William J. Keller, Jr.  
Christopher Morley  
\_\_\_\_\_

SUDBURY PLANNING BOARD

Then personally appeared William J. Keller, Jr., one of the members of the Planning Board of the Town of Sudbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Jody A. Kablack  
Notary Public: Jody A. Kablack  
My commission expires January 22, 2010

April 14, 2004



C-3



2006 00210841  
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**AGRICULTURAL PRESERVATION RESTRICTION**

Laura B. Abrams, Trustee of the JRH Trust, under a Declaration of Trust dated December 22, 2005 ~~and recorded at the Middlesex South Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_~~ being successor in title to the CAS Trust Dated December 30, 1986, recorded with Middlesex South District Registry of Deeds in Book 18121, Page 364, as amended, Lida L. Armstrong, Trustee of the Lida L. Armstrong Revocable Trust dated October 15, 1999 and recorded in the Middlesex South Registry of Deeds at Book 30932, Page 181, grant to the Town of Sudbury, acting through its Conservation Commission, an Agricultural Preservation Restriction in perpetuity, as hereinafter defined, on a parcel of land located in said town being shown as Parcel C and Parcel No. 2 on a plan entitled "Definitive Plan of "Howe Estates", by Highland Land Surveyors, Inc., scale 1" = 80 feet, dated August 30, 1993, ~~which plan is to be recorded with said deeds herewith.~~ *AS PLAN 321 OF 1994 IN BOOK 2441 PG 463. JBA*

The terms of this restriction are as follows: that neither we nor our successors or assigns will perform the following acts or permit others to perform them, hereby granting to the Town the right to enforce these restrictions against all persons:

- a. No construction or placing of buildings except for existing structures and those used in agricultural purposes.
- b. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to adversely effect the land's overall future agricultural potential;
- c. No other acts or uses detrimental to such retention of the land for agricultural use.

Notwithstanding anything contained in subparagraphs a through c herein, we reserve to ourselves, our successors and assigns, all other customary rights and privileges of ownership, including the right to privacy and to carry out all regular farming practices.

The restriction hereby conveyed does not grant either the town or the public any right to enter said parcel except, pursuant to the provisions of Massachusetts General Laws Chapter 184, Section 32, representatives of the Town of Sudbury shall be entitled to enter the land in a reasonable manner and at reasonable times to assure compliance herewith.

The foregoing restriction is intended to confirm to General Laws Chapter 184, Section 32-33 and is intended to maintain said parcels predominantly in their agricultural farming or forest use. The restriction shall be administered by the Conservation Commission of said town established under General Laws Chapter 40, Section 8.

The grant of this restriction is by Order of the Land Court, Case No. 268003 and Superior Court Civil Action 01-0027 and therefore no deed and stamps are required.

IN WITNESS THEREOF, we have hereunto set our hands and seals this 14 day of April, 2006.

469111-  
450

RETURN TO:  
Office of Town Counsel  
TOWN OF SUDBURY  
278 Old Sudbury Road  
Sudbury, MA 01776

Address of affected property: Peter's Way, Sudbury, MA 01776

Trustee of JRH Trust

*Laura B. Abrams*  
Laura B. Abrams, Trustee

Lida L. Armstrong Revocable Trust

*Lida Armstrong*  
Lida L. Armstrong, Trustee

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

April 14, 2006

On this 14 day of April Abrams 2006, before me, the undersigned notary public, personally appeared Laura B. McCarthy, Trustee of JRH Trust, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the persons whose names are signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.

*Bonnie J. Kinsman*

Notary Public

My Commission Expires: Bonnie J. Kinsman

Notary Public  
My Commission Expires December 14, 2012  
Commonwealth of Massachusetts



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

April 19, 2006

On this 19<sup>th</sup> day of April 2006, before me, the undersigned notary public, personally appeared Lida L. Armstrong, proved to me through satisfactory evidence of identification, which was a Massachusetts 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.

*Quel A. Wallace*

Notary Public

My Commission Expires: August 16, 2007

APPROVAL BY SELECTMEN AND CONSERVATION COMMISSION

We, the undersigned Board of Selectmen and Conservation Commission of the Town of Sudbury, hereby certify that we approve the receipt of the foregoing deed.

<u>Borrelli Costello</u>	<u>5-22-06</u>	<u>[Signature]</u>	<u>6/20/06</u>
	Date		Date
<u>Richard O. Bell</u>	<u>5-22-06</u>	<u>[Signature]</u>	<u>6/20/06</u>
	Date		Date
<u>Edward W. Pulvering</u>	<u>5-22-06</u>	<u>[Signature]</u>	<u>6/20/06</u>
	Date		Date
<u>John [Signature]</u>	<u>6/15/06</u>	<u>[Signature]</u>	<u>        </u>
	Date		Date

APPROVAL BY THE COMMISSIONER

The Commissioner of Agricultural Resources, Commonwealth of Massachusetts, hereby certifies land relating to the above-restriction satisfies the statutory requirements of an Agricultural Preservation Restriction pursuant to G. L. c.184, § 32.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Douglas Gillispie  
Commissioner for the Department of  
Agricultural Resources

[Signature]  
Attest. Middlesex S. Register

C-1

**TRUSTEE'S CERTIFICATE  
PURSUANT TO M.G.L. CHAPTER 184, SECTION 35**

The undersigned, Laura B. Abrams, Trustee of JRH Trust, under Declaration of Trust dated December 22, 2005 (herein the "Trust"), hereby certify that

1. The Trust remains in full force and effect and has not been amended, revoked, modified or terminated,
2. The Trust provides, inter alia, that the Trustee shall have the power to purchase or otherwise acquire title to any property or rights to property, real or personal, and to own and hold such property, deal in and manage real estate, improved or unimproved, to sell, convey, assign, mortgage, or otherwise dispose of all or any part of the Trust Estate ;
3. The undersigned as Trustee of the Trust has been authorized by the Beneficiaries of the Trust to grant an Agricultural Preservation Restriction to The Town of Sudbury on Parcel C shown on a plan entitled "Definitive Plan of Howe Estates" dated August 30, 1993 and recorded with Middlesex South District Registry of Deeds as plan no.321 of 1994, in Book 24441 , page 463 , and in connection therewith to execute, acknowledge and deliver any and all other documents, instruments, agreements and certificates as the Trustee, in her discretion, shall deem necessary, appropriate, or desirable.
4. I am the sole incumbent Trustee of the Trust,
5. There are no additional facts which constitute a condition precedent to the acts by the undersigned Trustee or which are in any other manner germane to the affairs of the Trust in connection with the authority to purchase and acquire title to the Property.

WITNESS my hand and seal this 3 day of November, 2006.



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*Laura B. Abrams Trustee*  
Laura B. Abrams, Trustee of  
JRH Trust

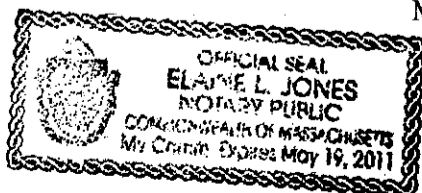
**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this 3<sup>rd</sup> day of November 2005, before me, the undersigned Notary Public, personally appeared Laura B. Abrams, Trustee of JRH Trust, and proved to me through satisfactory evidence of identification, which was personal knowledge/photo ID 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.

{affix notary seal or stamp}

*Elaine L. Jones*  
\_\_\_\_\_  
Notary Public  
My Commission Expires: ...



*Laura C. Brown*  
Attest. Middlesex S. Register