

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY

LAND COURT DOCKET NO.

TOWN OF SUDBURY,

Plaintiff,

v.

DOROTHY M. BARTLETT,  
LAURA B. MCCARTHY and  
MARTHA J. BARTLETT, as  
they are trustees of JOC TRUST,  
and SUDBURY STATION LLC,

Defendants.

COMPLAINT

NATURE OF ACTION

The Town of Sudbury (the “Town”) seeks to enforce a restriction on the use of a parcel of land that the Town, through its Board of Selectmen (the “Selectmen”), ostensibly conveyed to the defendants (“JOC”) on November 7, 2012. In the alternative, the Town seeks to recover possession of this parcel on the ground the Selectmen were not authorized by the relevant Town Meeting vote to convey the parcel without a legally effective restriction on its future use, as a result of which the Selectmen’s deed passed no title and is void.

The subject conveyance was part of a land swap whereby the Town would convey to JOC for nominal consideration a roughly one-acre strip of Town-owned land (the “Locus”) that would become a subdivision road providing access to one house lot. In exchange, JOC would convey to the Town for nominal consideration about two acres of land adjoining the Locus to be used for cemetery purposes. The relevant warrant article approved by Town Meeting (“Article 27”) identified the Locus as Parcel 3B on a certain definitive subdivision plan (the “Subdivision

Plan”) and added, “said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.”

The Subdivision Plan shows one residential building lot on JOC’s land, accessed by a subdivision road that comprises the Locus. The Subdivision Plan includes a note stating, “This Subdivision Shall Be Limited To One (1) Residential Building Lot. Any Further Division Of Said Property Into More Than One Building Lot 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.” A reduced-size copy of the Subdivision Plan is attached as Exhibit A.

In August 2012 JOC applied to the Sudbury Planning Board (the “Planning Board”) for approval of the Subdivision Plan. In September 2012 the Planning Board voted to approve the Subdivision Plan. The Planning Board’s written decision expressly incorporates, as a condition of its approval, the above-referenced restriction of the subdivision to “one residential building lot.” The decision also grants waivers from several requirements of the Town’s Rules and Regulations Governing the Subdivision of Land “due to the minor nature of this application.”

In November 2012 the Town, through the Selectmen, conveyed the Locus to JOC by a quitclaim deed describing the Locus as Parcel 3B as shown on the Subdivision Plan, which is noted to be “recorded herewith.” The deed also refers to an accompanying, attested copy of the unanimous vote of the Town’s 2011 Annual Town Meeting approving Article 27. Article 27 authorized the Selectmen to convey to JOC Parcel 3B as shown on the Subdivision Plan, in exchange for a deed from JOC of Parcel 1A as shown on the plan.

Instead of developing its land as a subdivision of one house lot, JOC entered into an agreement with a real estate developer who is the manager of Sudbury Station, LLC (“Sudbury Station”). In February, 2016, Sudbury Station applied to the Sudbury Zoning Board of Appeals for a comprehensive permit under G.L. c. 40B authorizing the construction of a 10-building, 250-unit affordable housing development on several parcels of land – principally, the “one residential building lot” created by the Subdivision Plan. One of two means of access to this proposed development is the subdivision road that comprises the Locus, which JOC would not own but for the land swap.

By describing the Locus as Parcel 3B as shown on the Subdivision Plan, and by referencing Article 27, the Selectmen’s November 2012 deed incorporated the restriction noted on the Subdivision Plan and embodied in Article 27: that JOC’s land adjoining the Locus would be developed as a subdivision, that this subdivision would be limited to one residential building lot, and that the Locus would become a subdivision road providing access to one residential building lot. This restriction substantially benefits the adjoining land that the Town received in the land swap and is valid and enforceable, either as an express restriction or an equitable servitude. The Town seeks a judgment to this effect under G.L. c. 184, §§ 27 & 30 and G.L. c. 231A. In the alternative, the Town submits that in voting unanimously in favor of Article 27, the intent of Town Meeting was that the Locus be subject to a legally effective restriction on its future use in accordance with Article 27 and the Subdivision Plan. To the extent the Selectmen’s deed did not create such a restriction, the Selectmen acted in excess of the authority granted by Town Meeting, as a result of which the Selectmen’s deed passed no title and is void. Under this alternative claim the Town is entitled to recover possession of the Locus under G.L. c. 237.

## PARTIES

1. The Town is a duly organized municipal corporation and political subdivision of the Commonwealth of Massachusetts with its principal offices at 322 Concord Road, Sudbury, Massachusetts.

2. On information and belief, defendants Dorothy M. Bartlett, Laura B. McCarthy and Martha J. Bartlett are the trustees of JOC Trust u/d/t dated December 30, 1986, recorded with the Middlesex South District Registry of Deeds (the “Registry”) in Book 18121, Page 73, with an address of 578 Boston Post Road, Sudbury, Massachusetts (JOC).

3. On information and belief, Sudbury Station LLC is a duly organized Massachusetts limited liability company with a local office at 124 Washington Street in Foxboro, Massachusetts.

## JURISDICTION

4. The court’s jurisdiction over this action derives from G.L. c. 185, §§ 1(c) and 1(k), G.L. c. 231A, G.L. c. 184, §§ 27 & 30, and G.L. c. 237.

## FACTS

5. The Town owns several adjoining parcels of land on the north side of Concord Road in Sudbury that the Town uses for cemetery purposes.

6. As of 2010, JOC owned about 10 acres of land located between the Town’s cemetery parcels and a former railroad right of way owned by the Commonwealth of Massachusetts (the “JOC Parcel”). Given its location, the JOC Parcel was essentially landlocked.

7. In 2010, after years of discussion of the possible development of JOC’s land, the Town and JOC reached a tentative agreement under which the Town would convey to JOC for



nominal consideration a 50-foot-wide strip of land (the Locus) across one of the Town's cemetery parcels. At one end this strip would connect with a previously-approved subdivision road called Peter's Way, which in turn connects with Concord Road, a public way. At the other end this strip would connect with and provide access to the JOC Parcel from Concord Road. In exchange for this strip JOC would convey to the Town for nominal consideration a two-acre parcel of land abutting two of the Town's cemetery parcels, which would give the Town additional cemetery capacity. JOC agreed that the development of its newly-accessible land would be limited to one residential building lot.

8. The tentative agreement between the Town and JOC required two approvals: a Town Meeting vote approving the proposed conveyance to JOC, and a vote of the Sudbury Planning Board approving a subdivision plan (the Subdivision Plan) that would create a new subdivision road and several new parcels, including those to be swapped by the Town and JOC. Consistent with the parties' agreement, the Subdivision Plan included a noted reading: "This Subdivision Shall Be Limited To One (1) Residential Building Lot. Any Further Division Of Said Property Into More Than One Building Lot 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." See Exhibit A.

9. In the spring of 2011, the Town circulated the Official Warrant for the 2011 Annual Town Meeting (the "Town Meeting"). A relevant excerpt from the Official Warrant is attached as Exhibit B. Article 27 of the Official Warrant, submitted by the Selectmen, read as follows:

ARTICLE 27. EXCHANGE OF LAND OFF PETER'S WAY WITH ABUTTER

To see if the Town will vote to authorize and direct the Selectmen on behalf of the Town to execute a deed transferring a certain parcel of land owned by the Town,

specifically Parcel - 3B consisting of approximately 45,284 s.f. located off Peter's Way, a private way, as shown on [the Subdivision Plan], in exchange for a deed to the Town of Sudbury of Parcel - 1A on the aforementioned plan consisting of approximately two acres, said land to be used for cemetery purposes; said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.

Exhibit B.

10. In the Official Warrant, Article 27 was immediately followed by a report of the Selectmen (the "Selectmen's Report") unanimously endorsing Article 27. The Selectmen's Report read as follows:

BOARD OF SELECTMEN REPORT: This article, if passed, allows the Town to obtain two acres of land needed for expansion of the existing Town cemetery together with a permanent access easement across Peter's Way, and a landowner to obtain access to a landlocked parcel for the intended development of one house lot. The land transactions will not go forward without approval of the proposed subdivision which will be determined by the Planning Board under its Rules and Regulations for the subdivision of land and any law or bylaw relative thereto. The Board of Selectmen unanimously supports this article.

Exhibit B (emphasis added).

11. The Town Meeting began on May 2, 2011 and continued for two more nights. On May 4, 2011, the Town Meeting addressed Article 27. In moving the passage of Article 27, the then-Chairman of the Selectmen stated that the proposed land swap was the only opportunity the Town would have to obtain the subject land for cemetery use at no cost. He explained that JOC wished to access its landlocked parcel and that the Town's land (the Locus) provided the only access. He also noted that, although JOC's newly-accessible parcel is about 9.5 acres, its development would be limited to one residential lot due to the length of the road and the amount of frontage being created. He emphasized that the approval process for construction of the road leading to the "back parcel" would be overseen by the Town's Planning Board. Following this

presentation, Town Meeting voted unanimously to approve Article 27. A relevant excerpt from the Town's official record of the 2011 Annual Town Meeting is attached as Exhibit C.

12. In August 2012 JOC applied to the Planning Board for approval of the Subdivision Plan. A week later the Planning Board opened the public hearing on JOC's application. In September 2012 the Planning Board closed the public hearing and approved the Subdivision Plan. Consistent with the parties' agreement, the Planning Board's written decision dated September 19, 2012 states that the approval is subject to numerous conditions and restrictions, including that "This subdivision shall be limited to one (1) residential building lot. Any further division of said property into more than one building lot shall require Planning Board approval pursuant to MCL Chapter 41 and the Town of Sudbury Planning Board Rules and Regulations Governing the Subdivision of Land." The Planning Board granted waivers of numerous otherwise applicable rules and regulations, "in consideration of the Petitioner's application to create one building lot on a large parcel of land and the Town's need for additional cemetery space." Some of these waivers were recommended to be granted "due to the minor nature of this application." A copy of the Planning Board's written decision approving the Subdivision Plan is attached as Exhibit D.

13. Consistent with the parties' agreement and the Town Meeting vote, in November, 2012 the Selectmen executed a deed on behalf of the Town conveying the Locus to JOC for nominal consideration (the "Town Deed"). The Town Deed describes the Locus as Parcel 3B as shown on the Subdivision Plan, and notes that the Subdivision Plan is "recorded herewith." A paragraph of the Town Deed addressing the Town's title to the Locus refers to the vote of Town Meeting approving Article 27, an attested copy of which is noted to also be recorded with the Town Deed. A copy of the Town Deed is attached as Exhibit E.



14. Also in November 2012, JOC executed a deed conveying to the Town for nominal consideration Parcel 1A as shown on the Subdivision Plan (the “JOC Deed”). The JOC Deed includes an easement over a portion of the Locus (now owned by JOC) so that the Town can access Parcel 1A from Concord Road via Peter’s Way. A paragraph of the JOC Deed addressing JOC’s title to the Locus refers to the vote of Town Meeting approving Article 27. A copy of the JOC Deed is attached as Exhibit F.

15. Instead of developing its newly-accessible land as a subdivision consisting of one house lot, on information and belief JOC (along with two related trusts) entered into an agreement with real estate developer Christopher G. Claussen, who is the sole manager of Sudbury Station, LLC. In February, 2016, Sudbury Station applied to the Sudbury Zoning Board of Appeals (“Board of Appeals”) for a comprehensive permit under G.L. c. 40B authorizing the construction of a 10-building, 250-unit affordable housing development, most of which is proposed to be built on the “one residential building lot” created by the Planning Board’s approval of the Subdivision Plan. One of the two means of access to this proposed development is the subdivision road (called Peter’s Way Extension) approved by the Planning Board and then conveyed by the Town in the land swap.

16. By a decision dated September 20, 2016, the Board of Appeals approved Sudbury Station’s application for a comprehensive permit, attaching numerous conditions to its approval. That decision has resulted in an appeal to this court, styled Kevin L. Tighe, et al v. Jonathan F.X. O’Brien, et al, Land Court Docket No. 16 MISC 000615 (HPS).

COUNT I  
(G.L. c. 184, §§ 27 & 30 and G.L. c. 231A)

17. The Town repeats the allegations of paragraphs 1-16 above as if set forth at length here.



18. The references in the Town Deed to (a) the Locus being Parcel 3B as shown on the Subdivision Plan, which is recorded with the Town Deed, and (b) Article 27, which is also recorded with the Town Deed, incorporate into the Town Deed the restriction that JOC's land adjoining the Locus would be developed as a subdivision, that this subdivision would be limited to one residential building lot, and that the Locus would be a subdivision road providing access to one residential building lot (hereinafter, the "Restriction"). The Restriction substantially benefits the adjoining land that the Town received in the land swap.

19. The Town entered into the land swap transaction with JOC with the understanding and intention that both the Locus and JOC's adjoining land – which was made accessible by the land swap – would be subject to the Restriction.

20. The Restriction is valid and enforceable against the Locus and JOC's adjoining land, either as an express restriction or an equitable servitude.

21. An actual controversy exists between the Town and JOC concerning the validity and enforceability of the Restriction. A judicial declaration will resolve this controversy.

COUNT II  
(G.L. c. 231A and G.L. c. 237)

22. The Town repeats the allegations of paragraphs 1-16 above as if set forth at length here.

23. In expressing the Selectmen's unanimous support of Article 27, the Selectmen's Report in the Official Warrant stated that, if passed, Article 27 would allow JOC "to obtain access to a landlocked parcel for the intended development of one house lot." Exhibit B (emphasis added). The text of Article 27 authorized the Selectmen to convey the Locus, which was described as "a certain parcel of land owned by the Town, specifically Parcel – 3B . . . as shown on [the Subdivision Plan] . . . ." Id. Article 27 further stated, "said exchange is subject to

subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.” Id.

24. The Subdivision Plan depicts the Locus as a subdivision road that ends in a cul-de-sac providing access to one residential building lot. See Exhibit A. The Subdivision Plan includes a note reading, “This Subdivision Shall Be Limited To One (1) Residential Building Lot. Any Further Division Of Said Property Into More Than One Building Lot 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.” Id.

25. Consistent with the Selectmen’s Report, Article 27, and the Subdivision Plan, at Town Meeting the then-Chairman of the Selectmen stated that the proposed land swap with JOC was the only opportunity the Town would have to obtain the subject land for cemetery use at no cost. He explained that JOC wished to access its landlocked parcel and that the Locus provided the only access. He also noted that, although JOC’s newly-accessible parcel is about 9.5 acres, its development would be limited to one residential lot due to the length of the road and the amount of frontage being created. He emphasized that the approval process for construction of the road leading to the “back parcel” would be overseen by the Town’s Planning Board. See Exhibit C.

26. Following the presentation by the then-Chairman of the Selectmen, Town Meeting voted unanimously in favor of Article 27.

27. Consistent with the parties’ agreement and the Town Meeting vote, in November, 2012 the Selectmen executed the Town Deed conveying the Locus to JOC for nominal consideration. See Exhibit E. The Town Deed describes the Locus as Parcel 3B as shown on the

Subdivision Plan and references Article 27. Id. Both the Subdivision Plan and an attested copy of Article 27 were recorded with the Town Deed.

28. The Selectmen do not have inherent authority to dispose of the Town's real property. The only authority the Selectmen possessed to convey the Locus was the authority granted by Town Meeting.

29. Given the language of Article 27 and the Selectmen's Report, the content of the Subdivision Plan, and the presentation by the then-Chairman of the Selectmen, it was the intent of Town Meeting to authorize the Selectmen to convey the Locus subject to a legally effective restriction that JOC's land adjoining the Locus would be developed as a subdivision, that this subdivision would be limited to one house lot, and that the Locus would become a subdivision road providing access to one house lot (the Restriction).

30. Should the court determine that the Town Deed does not incorporate the Restriction as an express restriction, and that the Restriction is not otherwise enforceable as an equitable servitude, then the Selectmen's acts of signing and delivering the Town Deed were in excess of the authority granted by Town Meeting. As a result, the Town Deed passed no title to the Locus and is void.

31. An actual controversy exists between the Town and JOC concerning the Selectmen's authority to sign and deliver the Town Deed, whether the Town Deed passed any title to the Locus, and whether the Town Deed is void. A judicial declaration will resolve this controversy.

WHEREFORE, the Town respectfully prays that the court enter judgment as follows:

- (1) under Count I, declaring that the Restriction is valid and enforceable against the Locus and JOC's adjoining land, either as an express restriction or an equitable servitude;
- (2) in the alternative, under Count II, declaring that the Selectmen's acts of signing and delivering the Town Deed were in excess of the authority granted by Town Meeting, as a result of which the Town Deed passed no title to the Locus and is void; therefore the Town is entitled to recover possession of the Locus;
- (3) awarding the Town its costs and reasonable attorneys' fees; and
- (4) granting such other relief as the court determines is necessary or appropriate, in the interests of justice.

TOWN OF SUDBURY,

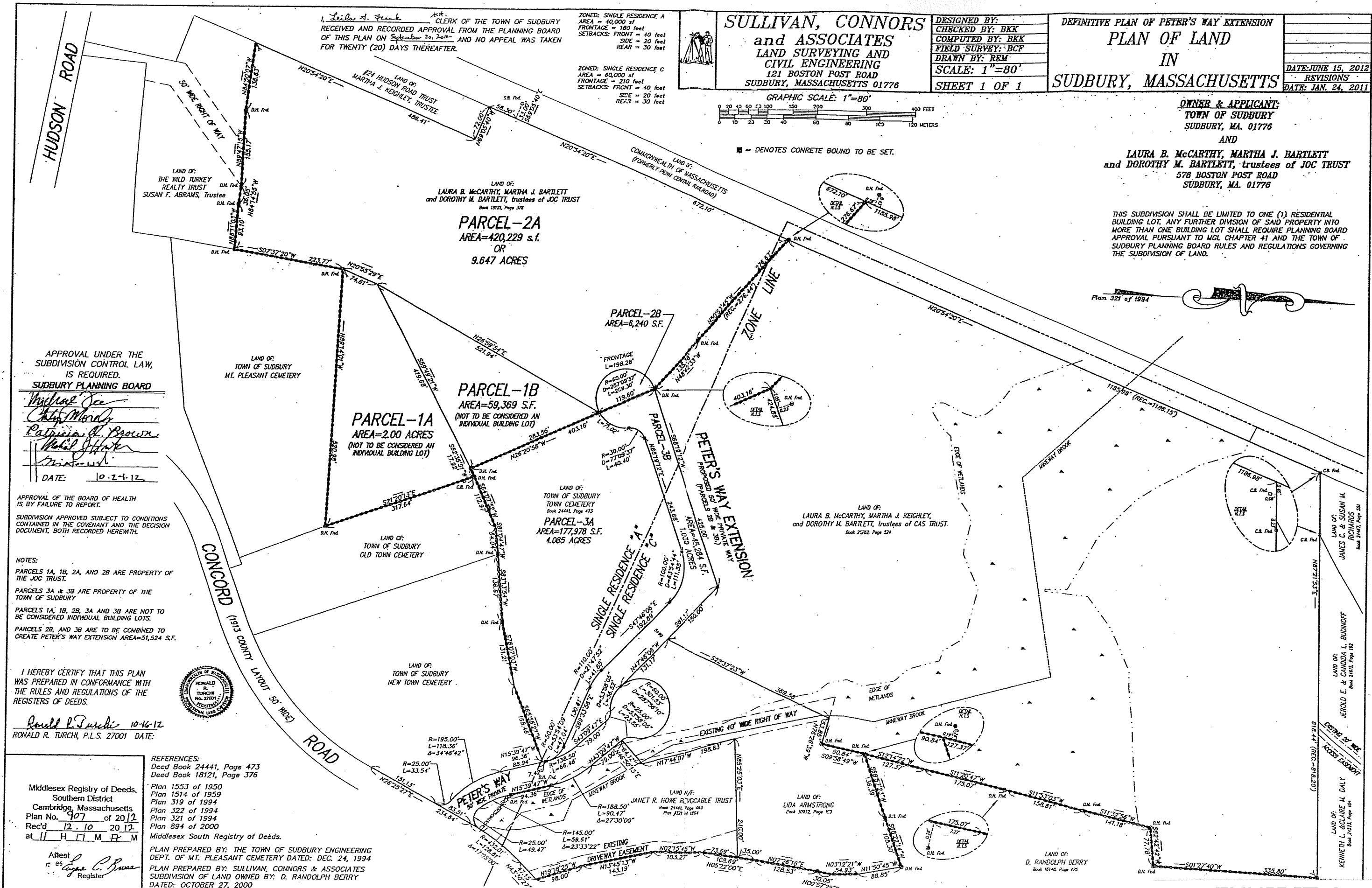
By its attorney,



Donald R. Pinto, Jr., BBO No. 548421  
dpinto@pierceatwood.com  
PIERCE ATWOOD LLP  
100 Summer Street  
Boston, Massachusetts 02110  
(617) 488-8175

Dated: December 8, 2016





**SULLIVAN, CONNORS**  
and ASSOCIATES  
LAND SURVEYING AND  
CIVIL ENGINEERING  
121 BOSTON POST ROAD  
SUDBURY, MASSACHUSETTS 01776

DESIGNED BY:  
CHECKED BY: BKK  
COMPUTED BY: BKK  
FIELD SURVEY: BCF  
DRAWN BY: REM  
SCALE: 1"=80'  
SHEET 1 OF 1

DEFINITIVE PLAN OF PETER'S WAY EXTENSION  
**PLAN OF LAND**  
IN  
**SUDBURY, MASSACHUSETTS**

DATE: JUNE 15, 2012  
REVISIONS  
DATE: JAN. 24, 2011

OWNER & APPLICANT:  
**TOWN OF SUDBURY**  
SUDBURY, MA. 01776  
AND

**LAURA B. MCCARTHY, MARTHA J. BARTLETT**  
and **DOROTHY M. BARTLETT**, trustees of JOC TRUST  
578 BOSTON POST ROAD  
SUDBURY, MA. 01776

THIS SUBDIVISION SHALL BE LIMITED TO ONE (1) RESIDENTIAL  
BUILDING LOT. ANY FURTHER DIVISION OF SAID PROPERTY INTO  
MORE THAN ONE BUILDING LOT 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.

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
**SUDBURY PLANNING BOARD**

*Michael J. ...*  
*Christy Morley*  
*Patricia A. Brown*  
*Michael J. ...*  
DATE: 10-24-12

APPROVAL OF THE BOARD OF HEALTH  
IS BY FAILURE TO REPORT.

SUBDIVISION APPROVED SUBJECT TO CONDITIONS  
CONTAINED IN THE COVENANT AND THE DECISION  
DOCUMENT, BOTH RECORDED HEREWITH.

NOTES:  
PARCELS 1A, 1B, 2A, AND 2B ARE PROPERTY OF  
THE JOC TRUST.  
PARCELS 3A & 3B ARE PROPERTY OF THE  
TOWN OF SUDBURY  
PARCELS 1A, 1B, 2B, 3A AND 3B ARE NOT TO  
BE CONSIDERED INDIVIDUAL BUILDING LOTS.  
PARCELS 2B, AND 3B ARE TO BE COMBINED TO  
CREATE PETER'S WAY EXTENSION AREA=51,524 S.F.

I HEREBY CERTIFY THAT THIS PLAN  
WAS PREPARED IN CONFORMANCE WITH  
THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS.

*Ronald R. Turchi* 10-16-12  
RONALD R. TURCHI, P.L.S. 27001 DATE:

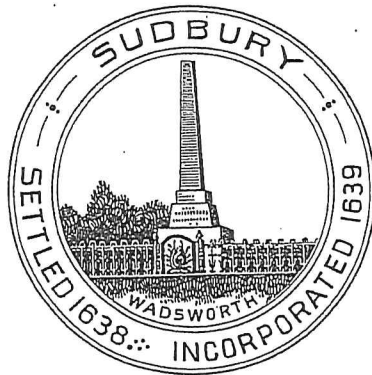
Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 907 of 2012  
Rec'd 12-10-2012  
at 11 H 17 M P M

REFERENCES:  
Deed Book 24441, Page 473  
Deed Book 18121, Page 376  
Plan 1553 of 1950  
Plan 1514 of 1959  
Plan 319 of 1994  
Plan 322 of 1994  
Plan 321 of 1994  
Plan 894 of 2000  
Middlesex South Registry of Deeds.

PLAN PREPARED BY: THE TOWN OF SUDBURY ENGINEERING  
DEPT. OF MT. PLEASANT CEMETERY DATED: DEC. 24, 1994  
PLAN PREPARED BY: SULLIVAN, CONNORS & ASSOCIATES  
SUBDIVISION OF LAND OWNED BY: D. RANDOLPH BERRY  
DATED: OCTOBER 27, 2000

**EXHIBIT A**

**Town of Sudbury  
Massachusetts**



**OFFICIAL WARRANT  
2011**

**ANNUAL TOWN MEETING  
May 2, 2011 7:30 P.M.**

**Lincoln-Sudbury Regional High School Auditorium  
390 Lincoln Road, Sudbury, MA**

**BRING THIS BOOK WITH YOU**



**EXHIBIT B**

**ARTICLE 26. SALE OF LAND – HUDSON ROAD AND PINEWOOD AVENUE**

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying in fee simple the following described lands for a sum of no less than \$3,500, and upon such other terms as the Selectmen shall consider proper:

Land on Hudson Road, shown as Parcel 124 on Town Property Map F04 and containing 0.12 acres according to said Map;

Land on Pinewood Avenue, shown as Parcel 132 on Town Property Map F04 and containing 0.12 acres according to said Map;

or act on anything relative thereto.

Submitted by the Board of Selectmen

(Two-thirds vote required)

BOARD OF SELECTMEN REPORT: Article 26 authorizes the Selectmen to sell two parcels of land on Hudson Road and Pinewood Avenue to the highest bidder. These parcels were the subject of Town Meeting articles in 2009 for transfer of the lots to the Sudbury Housing Trust. The Trust is no longer interested in purchasing the lots, and there is no other municipal purpose identified for them. If this article passes, an Invitation to Bid will be issued setting forth the minimum bid and other conditions determined appropriate by the Selectmen, including no construction of a principal structure on the parcels. It is the intent of this article to convey the parcels to abutters who will add the land to their lots to increase the overall lot size. The parcels will be deeded with a restriction prohibiting the construction of a house, however small accessory structures associated with an abutting lot can be constructed. The acreage of the land will be taxable. The Board of Selectmen supports this article and will report further at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

**ARTICLE 27. EXCHANGE OF LAND OFF PETER'S WAY WITH ABUTTER**

To see if the Town will vote to authorize and direct the Selectmen on behalf of the Town to execute a deed transferring a certain parcel of land owned by the Town, specifically Parcel – 3B consisting of approximately 45,284 s.f. located off Peter's Way, a private way, as shown on "Plan of Land in Sudbury, Massachusetts", last revised January 24, 2011, prepared by Sullivan, Connors and Associates, to Laura B. Abrams f/k/a McCarthy, Martha J. Keighley f/k/a Bartlett, and Dorothy M. Bartlett, Trustees of the JOC Trust, in exchange for a deed to the Town of Sudbury of Parcel – 1A on the aforementioned plan consisting of approximately two acres, said land to be used for cemetery purposes; said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.

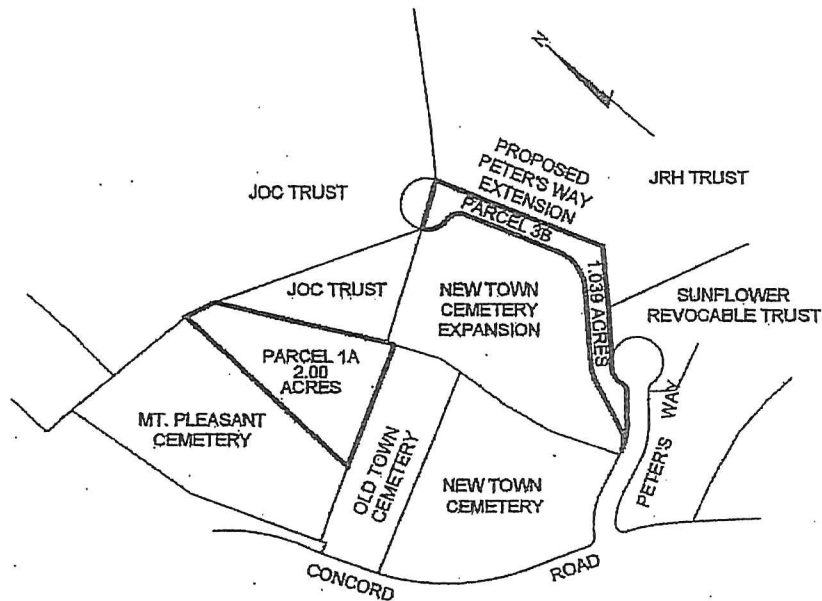
Submitted by the Board of Selectmen

(Two-thirds vote required)

BOARD OF SELECTMEN REPORT: This article, if passed, allows the Town to obtain two acres of land needed for expansion of the existing Town cemetery together with a permanent access easement across Peter's Way, and a landowner to obtain access to a landlocked parcel for the intended development of one house lot. The land transactions will not go forward without approval of the proposed subdivision which will be determined by the Planning Board under its Rules and Regulations for the subdivision of land and any law or bylaw relative thereto. The Board of Selectmen unanimously supports this article.



FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.



**ARTICLE 28. COMMUNITY PRESERVATION FUND –  
CARDING MILL POND HARVESTING**

To see if the Town will vote to appropriate an amount not to exceed \$16,000 from the Community Preservation Funds, as recommended by the Community Preservation Committee, for the purpose of habitat restoration of the Carding Mill Pond over a four (4) year period; or act on anything relative thereto. All appropriations will be allocated to the Open Space category and funded from FY12 Revenue.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to fund the harvest of non-native, invasive aquatic weeds in Carding Mill Pond, a pond largely owned by the Town. As they have in recent years, utilizing their own funds with a contributing appropriation of funds and services from the Town, the Hop Brook Protection Association proposes to perform the annual harvest. The invasive weeds cause birds and waterfowl to relocate, then kill the pond's non-aquatic life, and when it decomposes it produces noxious odors affecting the adjacent Town and Wayside Inn open space lands as well as nearby neighborhoods. If untreated, one of the Town's larger and more scenic ponds will devolve into swampland. The CPC understands that this is a temporary but necessary effort to retain a Town asset and supports this expenditure therefore showing the Town's commitment to ending the pollution of Hop Brook and restoring the sustainability of the Hop Brook waterway system.

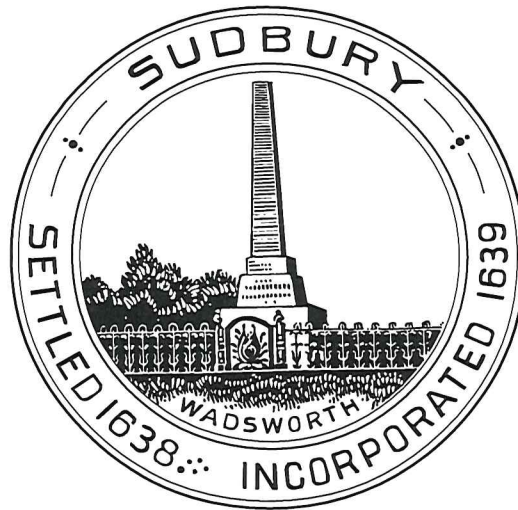
BOARD OF SELECTMEN POSITION: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.



# PROCEEDINGS

**SPECIAL TOWN MEETING, JANUARY 19, 2011**  
**SPECIAL TOWN ELECTION, JANUARY 25, 2011**  
**ANNUAL TOWN ELECTION, MARCH 28, 2011**  
**ANNUAL TOWN MEETING, MAY 2, 3 & 4, 2011**  
**SPECIAL TOWN ELECTION, JUNE 7, 2011**



**TOWN OF SUDBURY**  
**MASSACHUSETTS**  
**2011**

**EXHIBIT C**

May 4, 2011

Rick Johnson, 38 Bent Road, asked how the Selectmen determined the \$3,500 price, since he believes an acre of property in Sudbury is worth approximately \$250,000. Thus, Mr. Johnson believes an 1/8 acre would sell for approximately \$30,000.

Vice-Chairman O'Brien stated that the bid price was based on analysis from the Assessor's Office and analysis of numerous parcels of similar size provided by abutters. He noted the parcels are considered unbuildable lots, and thus do not carry full-sale value.

The motion for Article 26 was VOTED UNANIMOUSLY..

#### ARTICLE 27 - EXCHANGE OF LAND OFF PETER'S WAY WITH ABUTTER

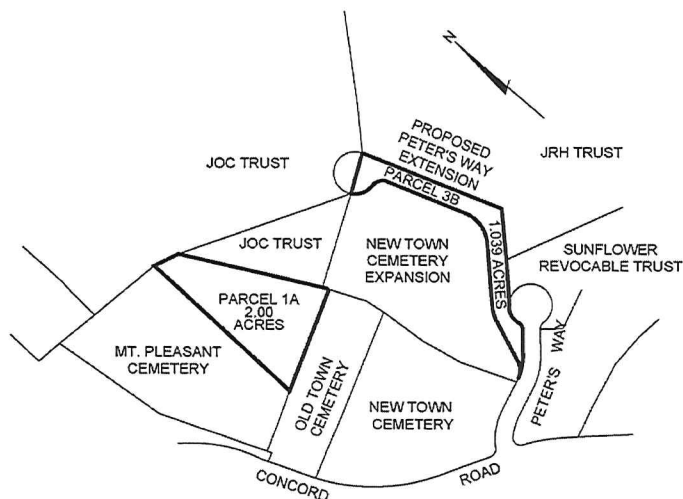
The Moderator recognized Chairman Drobinski, who moved in the words of the article below:

*To see if the Town will vote to authorize and direct the Selectmen on behalf of the Town to execute a deed transferring a certain parcel of land owned by the Town, specifically Parcel – 3B consisting of approximately 45,284 s.f. located off Peter's Way, a private way, as shown on "Plan of Land in Sudbury, Massachusetts", last revised January 24, 2011, prepared by Sullivan, Connors and Associates, to Laura B. Abrams f/k/a McCarthy, Martha J. Keighley f/k/a Bartlett, and Dorothy M. Bartlett, Trustees of the JOC Trust, in exchange for a deed to the Town of Sudbury of Parcel – 1A on the aforementioned plan consisting of approximately two acres, said land to be used for cemetery purposes; said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.*

Submitted by the Board of Selectmen

(Two-thirds vote required)

The motion was seconded.



May 4, 2011

Chairman Drobinski stated that this exchange of land is an opportunity for the Town to increase the size of New Town Cemetery at no cost to the taxpayers. He explained it is a proposal which was initiated conceptually several decades ago. This article allows the Selectmen to swap approximately 1.039 acres of land the Town currently owns along the perimeter of the New Town Cemetery, which contains unusable topography, with two acres of land that is much better suited for cemetery uses. Chairman Drobinski emphasized this would be the only opportunity the Town has to receive this land at no cost. He explained the property owners desire access to their landlocked parcel and the Town's land provides their only access. He further stated that the parcel would be developed as a joint access for both parties, and an access easement would be granted for Town use. The Town would not be required to maintain the access.

Chairman Drobinski briefly described the process for development of the JOC Trust property, which would be subject to receiving subdivision approval by the Planning Board at a future date. He noted this parcel is approximated at 9.5 acres, but would be limited to one residential lot, due to the length of the road and the amount of frontage being created. Chairman Drobinski stated that the Selectmen urge support of the article to complete expansion of the cemetery.

**BOARD OF SELECTMEN: Recommended approval.**

**FINANCE COMMITTEE: Recommended approval.**

Rebecca Chizzo, 21 Whitetail Lane, stated that she passes this area daily. She stated that the area once had aesthetically pleasing ferns, rocks, and wetland areas, which have been destroyed. Ms. Chizzo stated that the area has been torn up, has only a gravel road, and she would rather this area were improved before buying more land.

Chairman Drobinski stated that the Town has a definite need for additional cemetery space. He emphasized the approval process for construction of access to the back parcel would be overseen by the Planning Board, and it would likely require the applicant to upgrade the access road which would provide public and safety-vehicle benefits.

The motion for Article 27 was **VOTED UNANIMOUSLY.**

#### **ARTICLE 28 - COMMUNITY PRESERVATION FUND – CARDING MILL POND HARVESTING**

Since the next several articles have been recommended by the Community Preservation Committee (CPC), the Committee's Chairman Christopher Morely provided the Hall with an overview of the CPC. He first presented the motion for Article 28 as noted below. Mr. Morely noted the CPC has updated its brochure, which is available tonight as a handout and on the Town website. He briefly summarized the history of the development of State Community Preservation Act (CPA) funds, which are available for open space,



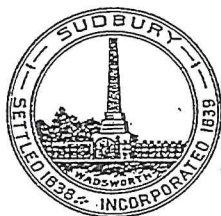
RETURN TO:  
Office of Town Counsel  
TOWN OF SUDBURY  
278 Old Sudbury Rd.  
Sudbury, MA 01776



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Page: 1 of 7 12/10/2012 12:16 PM

TOWN C  
SUDBURY

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# 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

September 19, 2012

### DEFINITIVE SUBDIVISION DECISION PETER'S WAY EXTENSION

DECISION of the Planning Board of the Town of Sudbury, Massachusetts (the "Board") on the application of The Town of Sudbury and JOC Trust (the "Petitioner"), for approval of a Definitive Plan of Land entitled "Peter's Way Extension", property located Concord Road in Sudbury, Massachusetts, drawn by Sullivan, Connors and Associates, dated January 24, 2011, revised June 15, 2012 and showing 1 lot on approximately 9.79 acres. Said property is shown on Property Map G09, Parcels 0018, 0100 (the "Property"). The Property is within the A and C Residential Zoning District.

This decision is in response to an application by the Petitioner for approval of a Definitive Subdivision Plan submitted to the Board on August 14, 2012 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. The application submitted for approval proposes the creation of one building lot on approximately 9.79 acres 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, Michael C. Fee, Chairman of the Board, called the public hearing to order on August 22, 2012. The hearing was continued to September 19, 2012, and was closed at the end of the September 19, 2012 proceedings. Board members Michael Hunter, Christopher Morely and Patricia Brown were present throughout the 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 office.

Submitted to the Board for its consideration was a Plan entitled "Definitive Plan of Peter's Way Extension Plan of Land in Sudbury, MA", prepared by Sullivan, Connors and Associates, Sudbury, MA, dated January 24, 2011, revised June 15, 2012. This Plan consisted of the following: Sheet 1 of 1, Plan of Land; Sheet 1 of 5, Locust Plan; Sheet 2 of 5, Construction Plan; Sheet 3 of 5, Driveway Plan and Profile; Sheet 4 and 5 of 5, Construction Details (the "Plan").

The Planning Board hereby APPROVES the subdivision of Peter's Way Extension 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:

BK 24441 PG 473



1. The approval herein granted is based on the Plan as described, with modifications as required by this decision.
2. This subdivision shall be limited to one (1) residential building lot. Any further division of said property into more than one building lot 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 Board waives compliance with the following requirements of the Town of Sudbury Rules and Regulations Governing the Subdivision of Land, having found that such waivers are in the public interest and not inconsistent with the intent and purposes of the Subdivision Control Law, and are in consideration of the Petitioner's application to create one building lot on a large parcel of land and the Town's need for additional cemetery land:
  - a. IV.C.3.o Wetland areas within the subdivision certified by the Conservation Commission. An NOI will be required for construction of the driveway and stormwater management, and review will occur at that time.
  - b. IV.C.3.p Location of trees >8" within 10 feet of the right-of-way. This waiver is recommended to be granted due to the minor nature of this application.
  - c. IV.C.3.u/V.I.D Construction of the road to the typical street cross section. This waiver is recommended to be granted due to the minor nature of this application.
  - d. IV.C.3.v Location of major site features. This waiver is recommended to be granted due to the minor nature of this application.
  - e. V.B.1.e. 50 foot separation between the edge of the right of way and the exterior lot line of the property. The proposed right of way abuts the adjacent property line of Lida Armstrong for a length of 131 feet, who has indicated support of this application.
  - f. V.B.4.b Cul de sac shall be centered on the street centerline. The dead end street conforms to all other requirements.
  - g. IV.C.1.h Filing fee. The fee is waived due to the Town of Sudbury's involvement in the application.
  - h. VI.N Construction of a walkway along the right of way. This waiver is recommended to be granted due to the minor nature of this application.
4. The Petitioner shall cause the Definitive Subdivision Plan to be revised to show the following information, which shall be subject to review and approval of the Board prior to endorsement of the Plan:
  - a. A notation shall be added stating that all utilities shall be installed underground.
5. The following additional information shall be submitted to the Planning Board prior to endorsement of the Plan:
  - a. A covenant satisfactory to the Board guaranteeing the construction of the driveway and installation of municipal services in the subdivision before any lot is built upon or conveyed to a non-family member.

- b. An access easement granting the Town of Sudbury access over Peter's Way and Peter's Way Extension for cemetery purposes from Peter's Way intersection with Concord Road to Peter's Way Extension at station 5+90.
  - c. Required signature from the Town Clerk shall be obtained prior to endorsement by the Board.
6. The following items shall be submitted to the Planning Board prior to release of lots from the covenant:
  - a. Copies of all recorded documents from the Middlesex South Registry of Deeds, including the plan, covenant, access easement, and subdivision decision.
  - b. Receipt of an Order of Conditions or a Negative Determination from the Conservation Commission for construction of the driveway.
  - c. Receipt of a Stormwater Management Permit for construction of the driveway.
  - d. Construction of the driveway to the specifications shown on the Plan, or submittal of a performance bond securing the completion of construction of the driveway.
7. Access to the residential building lot created by this subdivision shall be via a gravel or paved driveway extending along Peter's Way and Peter's Way Extension from Concord Road. The driveway is proposed to serve the residential building lot, and as access to the Town cemetery land up to station 5+90, as shown on the Plan. This subdivision approval does not approve the construction of said driveway at this time, due to the need for a Stormwater Management Permit. Construction of this driveway shall require a Negative Determination and/or a Notice of Intent from the Sudbury Conservation Commission. Any modification to the location or specification of the driveway serving as access to Parcel 2A shall require the approval of the Planning Board.
8. 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.
9. The Petitioner has represented to the Board that no earth will be removed from the site during construction of the subdivision improvements. In the event removal of earth from the site will be required to complete the roadway and drainage improvements shown on the Plan, the Petitioner or his assigns shall comply with the provisions of Article V.A. of the Town of Sudbury Bylaws regarding earth removal.
10. The removal of large trees within the right of way shall be avoided to the extent possible during construction.
11. All fill used on site to construct the driveway shall be clean fill.
12. Any underground irrigation system installed in this subdivision shall comply with the newly adopted Town Bylaw regulating in-ground irrigation systems.
13. Approval shall be obtained from the Board of Health for a sewage disposal system on Parcel 2A.



14. Town water shall be extended to serve Parcel 2A. Installation of water mains and hydrants shall be under the direction of the Sudbury Water District and the Sudbury Fire Chief.
15. Any signage or decorative monuments proposed at the entrance to the subdivision shall require review and approval of the Planning Board pursuant to section VI.L.2 of the Subdivision Rules and Regulations. No signs or structures (other than street signs) shall be located within the right-of-way.
16. All utilities shall be installed underground, including any extensions from existing service lines or poles.
17. Prior to occupancy of the dwelling on Parcel 2A, the Petitioner shall confirm with the Fire Chief the preferred address for Parcel 2A in the subdivision. If a Peter's Way address is used, the Petitioner shall install a street sign in conformance with Sudbury Highway Department standards at the Peter's Way intersection with Concord Road.
18. The Petitioner agrees as a condition of approval of the Plan that Peter's Way Extension shall be maintained in a good, safe and passable condition, providing access from Parcel 2A to Concord Road, as shown on the Plan, and to provide adequate services to said parcel, all in accordance with these conditions.
19. The Petitioner agrees as a condition of approval of the Plan that all maintenance, snow plowing, repairs and reconstruction required and performed hereunder shall comply with and conform to all requirements of the Town of Sudbury and other requirements imposed by law or governmental authority.
20. The Petitioner agrees as a condition of approval of the Plan that the respective owner of Parcel 2A shall not use nor permit use of Peter's Way Extension for any purpose other than ingress and egress from the parcel by the residents of the parcel and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic, access to abutting agricultural lands by agricultural vehicles and equipment, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery or customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of Peter's Way Extension and services installed thereon, or thereunder, or other uses specifically approved by the Planning Board in this decision. No owner of the parcel shall park or cause to be parked any motor vehicle on the Peter's Way Extension in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on the Private Way.
21. The Petitioner agrees as a condition of approval of the Plan that any and all maintenance, repair or reconstruction work performed on or to Peter's Way Extension or in connection with services installed thereon or thereunder by or at the direction of any owner as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into the public storm drainage system, and soil and other material or debris shall be removed from the site only to the extent necessary in connection with such work.
22. The Petitioner agrees as a condition of approval of the Plan that neither the owner nor any successor owner of Parcel 2A shall at any time request that Peter's Way Extension be laid out or accepted as a public way in the Town of Sudbury unless such owner at its sole

expense, perform and complete such work as necessary to cause the Private Way to comply with all standards and regulations of the Town of Sudbury and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Sudbury as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereafter terminate.

23. The Petitioner agrees as a condition of approval of the Plan that neither the owner nor any successor owner of Parcel 2A shall at any time request or petition that any drainage system, water or sewer pipes or related equipment or any other improvement within the subdivision, for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Sudbury.
24. The Petitioner agrees as a condition of approval of the Plan that the Town of Sudbury and its designees shall have the right to enter upon Peter's Way and Peter's Way Extension for cemetery purposes from its intersection at Concord Road to station 5+90. Signage shall be placed in a visible area along Peter's Way Extension indicating the terminus of the cemetery access at station 5+90, and the beginning of the private portion of the driveway.
25. The Petitioner agrees as a condition of approval of the Plan that in any sale or transfer by the owner or any successor owner of Parcel 2A the deed or other instrument shall refer to and incorporate conditions 18 through 24 inclusive.
26. 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 the 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 Director of Planning and Community Development at least 14 days prior to this deadline to allow adequate time to review the revised Plan for compliance with the conditions of this Decision.
27. All required work on the ground shall be completed before any lot is built upon or conveyed to a non-family member.

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 Property 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 Decision 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

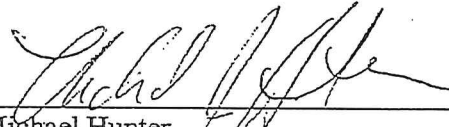


owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Sudbury.

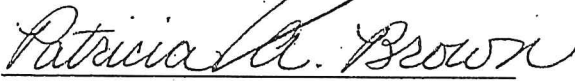
Reference to this Decision shall be entered upon the Plan and this Decision shall be recorded in the Middlesex South Registry of Deeds with the Plan.

Witness our hands this 19th day of September, 2012.

SUDBURY PLANNING BOARD

  
Michael Hunter

  
Christopher Morely

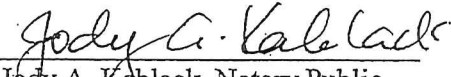
  
Patricia Brown

COMMONWEALTH OF MASSACHUSETTS

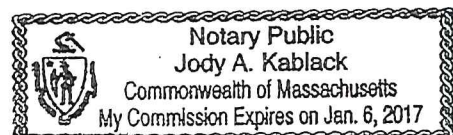
MIDDLESEX, ss

September 19, 2012

On this 19<sup>th</sup> day of September, 2012, before me, the undersigned notary public, personally appeared the above named Michael E. Hunter, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Sudbury Planning Board.

  
Jody A. Kablack, Notary Public  
My commission expires January 6, 2017

cc: -- Town Clerk --  
Board of Health  
DPW Director  
Sudbury Water District  
Building Inspector



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

## QUITCLAIM DEED

2012 00270432  
Bk: 60688 Pg: 158 Doc: DEED  
Page: 1 of 3 12/10/2012 12:16 PM

The TOWN OF SUDBURY, a municipal corporation located in Middlesex County, with the address 322 Concord Rd., Sudbury, Massachusetts 01776, for consideration paid of One Dollar (\$1.00) and other good and valuable consideration, hereby grants to Dorothy M. Bartlett, Laura B. McCarthy (aka Laura B. Abrams) and Martha J. Bartlett (aka Martha J. Keighley), Trustees of JOC Trust, with the address 578 Boston Post Road, Sudbury, MA, u/d/t dated December 30, 1986 and recorded with Middlesex South District Registry of Deeds in Book 18121 at Page 373, with Quitclaim covenants


the land in Sudbury, Middlesex County, Massachusetts, shown as Parcel 3B on plan entitled "Definitive Plan of Peter's Way Extension - Plan of Land in Sudbury, Massachusetts, Sheet 1 of 1, dated January 24, 2011, revised June 15, 2012, prepared by Sullivan, Connors and Associates of Sudbury, Massachusetts, consisting of approximately 45,284 s.f. and located off Peter's Way, a private way owned by JRH Trust, Sudbury, Massachusetts; said plan recorded herewith as Plan 907 OF 2012.

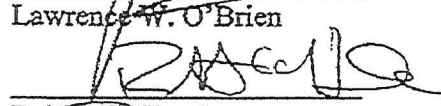
For Grantor's title see Deed recorded with the Middlesex South Registry of Deeds in Book 24441 Page 473. See also vote of the Town of Sudbury 2011 Annual Town Meeting, Article 27, an attested copy of which is recorded herewith.

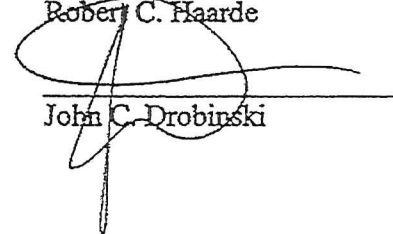
No tax stamps are required under the provisions of M.G.L. c.64D, s.1.

Executed on behalf of the Town of Sudbury by its Board of Selectmen duly authorized and empowered this 7<sup>TH</sup> day of NOVEMBER, 2012.

TOWN OF SUDBURY  
By its Board of Selectmen

  
Lawrence W. O'Brien

  
Robert C. Haarde

  
John C. Drobinski

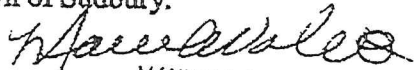
Address of affected property: Off Concord Rd., Sudbury, MA

**EXHIBIT E**

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 7<sup>TH</sup> day of NOVEMBER, 2012, before me, the undersigned notary public, personally appeared LAWRENCE W. O'BRIEN, ROBERT C. HAADE, & JOHN C. DROBINSKI, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person(s) whose name(s) ~~is~~ are signed on the preceding or attached document, and acknowledged to me that ~~he/she~~ they signed it voluntarily for its stated purpose as the free act and deed of the Town of Sudbury.

  
MAUREEN GODSEY-VALENTE  
Notary Public Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
February 18, 2013



03  
RETURN TO:  
Office of Town Counsel  
TOWN OF SUDBURY  
278 Old Sudbury Rd.  
Sudbury, MA 01776

  
2012 00270434  
Bk: 60688 Pg: 163 Doc: DEED  
Page: 1 of 3 12/10/2012 12:16 PM

## QUITCLAIM DEED & ACCESS EASEMENT

We, Dorothy M. Bartlett, Laura B. McCarthy (aka Laura B. Abrams) and Martha J. Bartlett (aka Martha J. Keighley), Trustees of JOC Trust, with the address 578 Boston Post Road, Sudbury, MA, u/d/t dated December 30, 1986 and recorded with Middlesex South District Registry of Deeds in Book 18121 at Page 373, for consideration paid of One Dollar (\$1.00) and other good and valuable consideration grant to the TOWN OF SUDBURY, a municipal corporation located in Middlesex County, with the address 322 Concord Rd., Sudbury, Massachusetts 01776, all of its right, title, and interest with Quitclaim covenants in the parcel of land to be used for cemetery purposes described as

the land in Sudbury, Middlesex County, Massachusetts, shown as Parcel 1A, consisting of 2.00 acres, on plan entitled "Definitive Plan of Peter's Way Extension - Plan of Land in Sudbury, Massachusetts, Sheet 1 of 1, dated January 24, 2011, revised June 15, 2012, prepared by Sullivan, Connors and Associates of Sudbury, Massachusetts, and located adjacent to Town of Sudbury Cemetery land off Concord Road, Sudbury, Massachusetts; said plan recorded herewith as Plan *907 OF 2012*.

The land conveyed is deeded together with an easement and right of way over, across under and through the property hereinafter described for the purpose of gaining access and ingress to the Town of Sudbury Cemetery for all purposes connected therewith, in perpetuity and with Quitclaim covenants, said easement being

a portion of Parcel 3B, Peter's Way Extension up to station 5+90, a private way to be constructed pursuant to "Definitive Subdivision Decision, Peter's Way Extension" dated September 19, 2012, recorded herewith and as shown on plan entitled "Definitive Plan of Peter's Way Extension - Plan of Land in Sudbury, Massachusetts, dated January 24, 2011, revised June 15, 2012, prepared by Sullivan, Connors and Associates of Sudbury, Massachusetts, said plan recorded herewith.

For Grantor's title to Parcel 1A, see deed dated December 30, 1986 and recorded with Middlesex South District Deeds in Book 18121 at Page 376. For Grantor's title to Parcel 3B, see deed dated November 7, 2012, recorded herewith. See also vote of the Town of Sudbury 2011 Annual Town Meeting, Article 27, an attested copy of which is recorded herewith.

**EXHIBIT F**

Address of affected property: off Concord Rd., Sudbury, MA

No tax stamps are required under the provisions of M.G.L. c.64D, s.1.

Executed on behalf of the JOC Trust, duly authorized and empowered this 14<sup>th</sup> day of NOVEMBER, 2012.

Dorothy M. Bartlett, Trustee  
Dorothy M. Bartlett, Trustee

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

Martha J. Keighley, Trustee  
Martha J. Keighley, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 14<sup>th</sup> day of November, 2012, before me, the undersigned notary public, personally appeared the above named

Laura B. Abrams  
Trustee(s) of the JOC Trust, and proved to me through satisfactory evidence of identification, which consisted of

personally known & Mr. Denise L... to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged the foregoing instrument to be the free act and deed of the Trustees duly authorized.

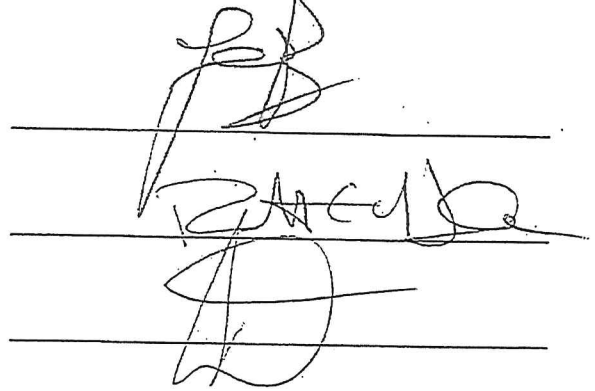


MARY A. MCCORMACK  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
August 3, 2018

Mary A. McCormack  
Notary Public

My commission expires: 8/3/18

ACCEPTED on behalf of the TOWN OF SUDBURY by its BOARD OF SELECTMEN under authority  
of Section 3 of Article XII of the Sudbury Bylaws, and every other authority, this 7<sup>TH</sup> day of  
NOVEMBER, 2012.

Three handwritten signatures are written on three horizontal lines. The first signature is a stylized 'R' with a diagonal slash. The second signature is 'ZACH' followed by a flourish. The third signature is a large, circular 'D' with a diagonal slash.