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DETAILS REPORT

**Note: Report is Sorted in Ascending Order by Office, Recorded Date, Document Number

Doc#	Document Type	Town	Book/Page	File Date	Consideration
118739	DECISION	BOLTON	41767/165	09/06/2007	

Street	Street Name	Description
86	CENTURY MILL RD	

Grantors	Grantees	Street	Property Description
BOLTON TOWN PLANNING , CENTURY MILL LP , BONAZZOLI PRINO EST, RINA BONAZZOLI TRUST , BONAZZOLI PIERINO A TR, DIXON ERNEST G JR TR, BONAZZOLI FAMILY TRUST , LARKIN LUMBER CO , DAVIS FARMS TRUST , DAVIS ROBERT S TR, OTOOLE SARAH TR, WARE STEPHEN A TR, DAVIS SANDRA J TR, LAMSON DAVID F, BENDETSON ANDREW P, BONAZZOLI PIERINO A, BONAZZOLI RINA EST		CENTURY MILL RD	

References Book/Pg	Description	Recorded year
41767/165	DECISION	2005

References Certificate

2007 00118739
Bk: 41767 Pg: 165
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TOWN OF BOLTON, MASSACHUSETTS
CERTIFICATE OF APPROVAL OF
AMENDMENT OF DEFINITIVE SUBDIVISION APPROVAL

Rec'd
2007 JUN 19 PM 2:
Betsy G. Aussen
Town Clerk

Town of Bolton
663 Main Street
Bolton, Worcester County, Massachusetts

It is hereby certified by the Planning Board (the "Board") of the Town of Bolton (the "Town") that at a duly called and properly posted meeting of the Board held on June 13, 2007, after opening the hearing on February 28, 2007, which hearing was properly continued to March 28, 2007, April 11, 2007, April 25, 2007, May 9, 2007 and May 23, 2007, the Board voted unanimously to approve an amendment to a Definitive Subdivision of Land dated May 25, 2005. The amendment is entitled "Plans for a Definitive Subdivision of Land in Bolton, Century Mill Estates, Bolton, Massachusetts", dated January 26, 2007, as revised through April 3, 2007 (the "Amended Plan"), prepared by GCG Associates, Inc., submitted by Century Mill Limited Partnership (the "Applicant") as the representative for the property owners listed in Exhibit "A" attached hereto and incorporated herein (hereinafter, the "Property Owners"), filed with the Board on September 18, 2006, with supplemental information filed on February 1, 2007 (the "Application"), encompassing the land located between 86 and 132 Century Mill Road, off of and between Century Mill Road and Spectacle Hill Road, as shown on Town of Bolton Assessor's Map 2.C, Parcels 25.4 and 29; Map 2.D, Parcels 4, 7, 13, and 14; and Map 3.D, Parcel 1 (the "Property"), and showing a total of seventy-one (71) residentially zoned lots.

FINDINGS

The Board, with four (4) members present, unanimously made the following findings:

1. On or about May 1, 2003, the Applicant, as representative for the Property Owners, filed a Preliminary Subdivision Plan of Land (the "Preliminary Plan") for the Property, and the Board approved the Preliminary Plan on or about October 22, 2003.

2. On or about May 25, 2005, the Board voted to approve the original Definitive Subdivision of Land for the Property (the "Original Plan").

3. The Applicant, as representative for the Property Owners, obtained a Special Permit pursuant to Section 2.3.6 *et. seq.*, "Farmland and Open Space Planned Residential Development" and Section 2.3.7 *et. seq.*, "Major Residential Development" (the "FOSPRD Special Permit") of the Zoning By-law on June 29, 2005.

4. On September 18, 2006, the Applicant filed an Application to amend the Original Plan with the Planning Board, Town Clerk, Board of Health and Conservation Commission and supplemented that filing on February 1, 2007. Together, those submittals were a complete and proper submission for approval of a modification of a definitive subdivision plan.

M.R.B. 37173 P.331

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5. By agreement between the Board and the Applicant, the Applicant confirmed in the supplemental filing that the 90 day period for the Board to render its decision pursuant to MGL Chapter 41, Section 81U began to run on February 1, 2007.

6. By agreement between the Board and the Applicant, the 90 day period for the Board to render its decision pursuant to M.G.L. Chapter 41, Section 81U was extended through June 1, 2007. By letter dated May 24, 2007, the applicant and the Board agreed to further continue said ninety (90) day deadline to and until June 15, 2007.

7. The hearing regarding the Application was properly noticed and opened at a properly posted meeting on February 28, 2007, which hearing was properly continued to March 28, 2007, April 11, 2007, April 25, 2007, May 9, 2007 and May 23, 2007.

8. Except as noted in this Certificate of Approval, the Amended Plan complies with the Town's Zoning Bylaw and with the Planning Board's Rules and Regulations for the Subdivision of Land.

9. The Amended Plan fully complies with all of the conditions contained in the Certificate of Approval for the Original Plan and with all conditions concerning the design and layout of the subdivision, Area A and Area B as defined in and contained in the Certificate of Decision for the FOSPRD Special Permit (all of the fulfilled conditions are collectively referred to hereinafter as the "Fulfilled Conditions") (Certificate of Approval for the Original Plan and the Certificate of Decision for the FOSPRD Special Permit are collectively referred to hereinafter as the "Prior Permits").

10. To the extent that any condition(s) and/ or plan(s), or portion(s) thereof, referenced and/or incorporated in any of the Fulfilled Conditions or in the Prior Permits conflicts with any condition(s) and/or plan(s) referenced and/or incorporated in this Certificate of Approval for the Amended Plan; the condition(s) and/or plan(s) referenced herein are approved as minor modifications not requiring any amendment of the FOSPRD Special Permit. Any minor variations in the open space parcels on the Amended Plan as compared with plans approved under the FOSPRD Special Permit are approved as minor modifications not requiring an amendment of the FOSPRD Special Permit.

11. On June 13, 2007, the Board voted to approve the Amended Plan as an amendment of definitive subdivision approval of the Original Plan, subject to the conditions set forth hereafter. The approval of the Amended Plan is subject to the requirement that plan modifications required under the conditions of approval set forth hereinafter be made to the plans and reviewed and approved by the Board prior to endorsement of the Amended Plan.

12. As set forth in Section 2.3.5.7(b)(3) (Lot Shape) of the Town's Zoning Bylaws, the Board finds that a less stringent requirement will result in a better potential house siting, less environmental damage to the site and better land use; and thus the Board approved a

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waiver from the requirements of Section 2.3.5.7(a) for Lot 35 as shown on the Amended Plan

WAIVERS

1. As part of this Certificate of Approval, the Board grants the following waivers from the Town of Bolton Planning Board's Rules and Regulations for the Subdivision of Land. The Planning Board finds that the following waivers are in the public interest and are not inconsistent with the intent and purpose of the Subdivision Control Law:

   a. Section 4230 (Benchmark Elevations)

      The Subdivision Regulations require benchmark elevations be based on NGVD 1929. **The Board approved a waiver to allow the benchmark elevations to be based on NAVD 1988.**

   b. Section 4240 (Contour Intervals)

      The Subdivision Regulations require existing and proposed topography be shown at a one foot contour interval. **The Board approved a waiver to allow existing and proposed topography to be shown at two foot contour intervals.**

   c. Section 5222(e) (Rounded Property Lines)

      The Subdivision Regulations require that the distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets, and that property lines at street intersections shall be rounded (or cut back). **The Board approved a waiver of this Subdivision Regulation for the intersection of Spectacle Hill Road and Road A.**

   d. Section 5223 (Width)

      For a minor street and lanes, a twenty-four (24') foot pavement width is required. **The Board approved a waiver of this Subdivision Regulation to allow the respective traveled ways of Road A, Road B and Road C to be twenty-two (22') feet wide as shown on the Amended Plan.**

   e. Section 5225 (Dead End Street)

      The Subdivision Regulations require that dead end streets shall not be longer than five hundred (500') feet. **The Board approved a waiver of this Subdivision Regulation as the Amended Plan advances the purposes of the FOSPRD Bylaw as detailed in the FOSPRD Special Permit.**

f. Section 4230(b) (Information Table)

The Subdivision Regulations require that a table shall list structure inverts, rim elevations, station numbers, sizes and slopes of pipes. **The Board approved a waiver from this Subdivision Regulation as this information is provided in a satisfactory manner on the Amended Plan.**

g. Section 5226 (Setback)

The Subdivision Regulations require that at no point shall the centerline of a proposed subdivision road be less than seventy-five (75') feet from any lot line not part of the proposed subdivision. **The Board approved a waiver from this Subdivision Regulation as shown on the Amended Plan for the 700 hundred foot section of Road A beginning at the intersection of Spectacle Hill Road to allow a greater setback from abutting wetlands.**

h. Section 5222(a) (Pavement Centerline)

The Subdivision Regulations require that the centerline of the pavement shall coincide with the centerline of the way. **The Board approved a waiver from this Subdivision Regulation as shown on the Amended Plan for the 700 hundred foot section of Road A beginning at the intersection of Spectacle Hill Road to allow a greater setback from abutting wetlands.**

i. Section 6241 (Embankments)

Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than 4:1 (H:V) horizontal to vertical. **The Board approved a waiver from this Subdivision Regulation to allow for reduced cutting and filling.**

j. Section 6252 (Grass Strips)

A grass plot (or shoulder) five (5') feet wide (minimum) shall be provided between the curbing and sidewalk areas for street which require sidewalks or along each side of the road. **The Board approved a waiver from this Subdivision Regulation to allow for a three (3') foot grass plot (or shoulder) along Road B and Road C.**

k. Section 5210 (Classification of Streets)

The Board approved the street classifications as originally set forth in the FOSPRD Special Permit. **This waiver includes all design requirements that would otherwise be applicable to the streets depicted on the Amended Plan but for the designations of those streets approved under the FOSPRD Special**

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Permits. The streets are required to be constructed as depicted on the Amended Plan.

CONDITIONS

This Certificate of Approval is subject to the following conditions.

1. The term "Applicant" as set forth herein shall mean the Applicant, its successors and assigns.

2. The names of the roads shown as Road A, Road B and Road C on the Amended Plan shall be as follows:

   a. Road A shall be named Mill Pond Road;

   b. Road B shall be named Cider Circle; and

   c. Road C shall be named Old Stone Circle.

3. Prior to the endorsement of the Amended Plan, the Applicant must submit a Performance Guarantee as contemplated by the Rules and Regulations or otherwise satisfactory to the Board and Town Counsel as outlined in the Town of Bolton Subdivision Rules and Regulations, Section 4340. This Performance Guarantee, if in the form of a covenant shall be recorded with the Worcester Registry of Deeds prior to the commencement of any of the improvements approved in the Amended Plan, and a copy of the recorded Performance Guarantee shall be delivered to the Board. The form of the Performance Guarantee may be varied from time to time by the Applicant as provided in the Rules and Regulations and the Subdivision Control Law.

4. The improvements depicted on the Amended Plan may be constructed in phases as follows:

   a. Phase 1: lots 1 – 7 & 64 -71

   b. Phase 2: lots 16 – 24 & 45 - 49, & 56-57

   c. Phase 3: lots 8 – 15 & 58 – 63

   d. Phase 4: lots 25 – 44, 50-55

   Construction of improvements may begin with either Phase 1 or 2. Subsequent phases may be constructed in any order that provides access to the lots contained therein. If constructed in phases, temporary cul-de-sacs will be provided with storm water drainage systems in compliance with the Massachusetts Storm Water Policy Manual.

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5. The ways and municipal services for each phase will be completed within two years from commencement of construction of the improvements in that phase, except that the top coat of required road paving need not be completed until two years after commencement of construction of the final phase of the project. All ways and municipal services will be complete within six (6) years of commencement of construction, or as may be reasonably extended by the Board. As provided in the Rules and Regulations, security may be phased so that security for certain lots will be by covenant, while other lots will be secured by bond or tri-party agreement. If lot releases are sought for individual lots, the bond amount required to obtain such release will be based upon the total bond amount required for all remaining work in the phase in which such lot is located, divided by the total number of lots in that phase. The amount of the bond will be determined by the Planning Board subject to its standard practices.

6. The project will also require the issuance of an order of conditions ("OC") or superseding order of conditions ("SOC"), which will in turn likely require a bond to be posted with the Bolton Conservation Commission. To the extent any work required under an OC or SOC is also to be completed pursuant to this decision and the plan approved hereunder, the Board and the Conservation Commission shall coordinate the amounts of their respective bonds so that the same work is bonded only once, to the extent practicable.

7. A building permit shall not issue for a lot until a source of potable water which complies with all applicable state and/or local requirements is provided for said lot. The Town shall not be responsible for the maintenance of any equipment and/or water lines associated with the supply and/or delivery of said potable water.

8. Construction vehicles associated with the improvements approved in the Amended Plan are prohibited from traveling on Spectacle Hill Road south of the entrance to the subdivision. The applicant shall post appropriate signage consistent with this condition.

9. Prior to commencement of construction of road improvements, the Applicant shall submit Five Thousand Dollars ($5,000.00) to the Board to be held in escrow for payment of construction inspections. The Applicant shall replenish said escrow account as reasonably requested by the Board.

10. The Applicant shall comply with all applicable state and local laws and regulations related to blasting.

11. Within ninety (90) days after final approval of this Certificate of Approval, the Applicant shall submit, for the Board's reasonable approval, forms of the proposed easement language for the types of easements as shown on the Amended Plan.

12. Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife ("Natural Heritage") has issued a "no take" letter dated March 26, 2007, in which Natural Heritage has required that certain open space parcels be placed under a conservation restriction. Under that letter, Natural Heritage must approve the

form of the conservation restriction. Under the FOSPRD Special Permit, the town has the right to develop an active recreation area on a portion of Area A. The suitable portion of Area A has not yet been identified. If the Board has not designated the location for the 10% active recreation area, the initial draft conservation restriction to be submitted to Natural Heritage shall include a proposed provision that identifies the requirement of the FOSPRD Special Permit concerning 10% active recreation areas on a portion of Area A and provide for the Town to designate such area in the future, subject to all applicable environmental, health, wetland and similar regulations, by-laws and statutes. Any such provision is subject to approval by all applicable public authorities.

13. This approval is subject to and in compliance with all of the conditions and requirements of the FOSPRD Special Permit.

14. A landscape buffer providing an effective visual buffer of the Road A for the benefit of the Goddard property located adjacent to the intersection of Road A and Spectacle Hill Road will be provided by the Applicant prior to the issuance of any occupancy permits for lots in Phase 2. Prior to the installation of landscaping, the Applicant shall submit a landscaping plan to the Board for discussion and approval.

15. The Amended Plan must be modified as follows:

    a. Lot Shape waiver language needs to be modified to only include Lot 35.

    b. The temporary slope easements shown on the grading plans need to be added to the Lot Layout plans per Rob Oliva's comments.

    c. The access easement to Lots 10 and 11 needs to be removed from the plans.

    d. A note needs to be added to the wall and culvert details indicating that the bottom of the structures need to be at least 4' below finished ground.

    e. Site distance easement needs to be added to the west side of Lot 1 at the Road A & Century Mill Road intersection.

    f. Waterlines that will be located with road layouts must be depicted.

    g. The approximate location of the public water supply and road access to the Public Water Supply must be depicted.

    h. The Board will consider whether any changes necessitated by the requirements of the Bolton Conservation Commission, if any, are minor modifications or if such changes require amendment.

    i. No less than three parking spaces at the end of Road B and no less than two parking spaces on Road A at Lot 60 for public access to the Open Space.

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16. During construction, the Applicant shall conform to all local, state and federal laws including but not limited to those regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence before 7:00 a.m on Monday through Friday, and shall not commence before 8:00 a.m. on Saturdays, Sundays, or holidays, and shall not create a nuisance, as reasonably defined by the Board, beyond 5:00pm. For this condition, construction activities shall include, but not be limited to: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; demolition of existing structures; removal of stumps and debris; and erection of new structures.

17. Speed limit signs shall be placed on the roads within the subdivision at such locations as are selected by the Bolton Police Department.

18. The project will be served by (i) a public water supply ("PWS") that will be licensed by DEP, (ii) a combination of private wells and a PWS, or (iii) individual wells. The wells or well fields for a PWS would likely be located on the OS – 2 open space parcel because under DEP regulations the area surrounding a PWS must be made subject to significant use restrictions so as to limit the possibility of contamination from anthropogenic sources. That area is referred to as the "Zone I." The size of the Zone I is determined based upon the yield of the wells or well field. DEP regulations require that the entity operating the PWS control the ZONE I through ownership or easement. Further, the Zone I must be placed under a Conservation Restriction. Although DEP regulations allow limited, passive recreational use of the Zone I, an area of approximately 10,000 square feet of land at the center of the Zone I where the wells or well field is located must be exclusively for the use of the PWS, or may even need to be owned by the PWS. The Applicant has represented that the amount of land required for the Zone I has not been determined or located because the well yield is not yet known and because that area is subject to DEP review and approval. As such, the future conveyance of the OS-2 open space parcel to the Town will be subject to the conservation restrictions, use restrictions, easements, and ownership requirements of DEP pursuant to all of its applicable regulations and any permit issued to the PWS by DEP.

19. If and when the ways in the subdivision are accepted by the Town as public ways, in addition to conveying said ways, or a public way easement there over, the then owner of the property shall also convey drainage easements to the Town of Bolton allowing the construction, maintenance and repair of all storm water drainage structures and systems depicted on the Amended Plan, as finally endorsed by the Board.

20. The Applicant will donate three lots of land to the Bolton Affordable Housing Trust Fund on the following schedule:

    a) Not later than the issuance of the 20th occupancy permit for the project;
    b) Not later than the issuance of the 40th occupancy permit for the project;

c) Not later than the issuance of the 60th occupancy permit for the project.

These lots must be located in three noncontiguous locations on the property. On mutual agreement between the developer and the Planning Board the developer may donate the fair market value of the undeveloped lots following the same schedule in lieu of the land. The appraised value will be determined by an independent appraisal done by an appraiser acceptable to both parties based upon the standard set forth in paragraph 6i of the FOSPRD Special Permit.

21. Applicant shall make a $15,000 donation to the Town in lieu of condition 6ii of the FOSPRD special permit for purposes of a traffic study by an independent traffic engineer chosen by the town for mitigating impacts to adjacent roads and/or intersections.

22. Applicant shall submit a lighting plan to the Board. Such lighting plan shall incorporate techniques, such as shielding, that are consistent with standards for roadway lighting set forth by the International Dark Sky Association.

All capitalized terms not defined herein shall have definitions ascribed to them, if any, in the Prior Permits.

The Board may consider whether or not any subsequent proposed changes to the plans approved hereunder require an application to amend the approved subdivision plan, or rather are minor modifications not requiring an application to amend.

NOTE TO BOARD: Conditions should be written on the endorsed plan which is to be recorded or should be set forth in a separate instrument, which could be a copy of the approval vote and which should be referenced on the endorsed and recorded plan.

NOTICE TO CLERK: The Board should be notified immediately of any appeal to the Superior Court or the Land Court of this Subdivision Approval made within the statutory twenty (20) day appeal period. If no appeal is filed with your office, the Board should be notified at the end of the twenty (20) day appeal period in order that the plans may be endorsed.

Century Mill Estates
Planning Board
June 13, 2007

DATE of MOTION: June 13, 2007

MOTION MADE by Frank Lazgin to approve the Amendment to the Century Mill Estates Definitive Subdivision Plan with the findings and conditions as outlined above.

MOTION SECONDED by John Karlon.

MOTION CARRIED 4 yeas, 0 nays, and 0 abstain.

Town of Bolton Planning Board

Lawrence Delaney, Chairman

Douglas Storey

Frank Lazgin

John Karlon

The undersigned, being the Town Clerk of the Town of Bolton, hereby certifies that the above decision was filed with the Town Clerk on June 19, 2007, that twenty (20) days have elapsed after the filing of the decision, and that no notice of any action appealing the decision has been filed with the office of the Town Clerk during this twenty (20) day period.

Certified this 21st day of August, 2007

Betsy C. Cussen
Town Clerk

Century Mill Estates
Planning Board
June 13, 2007

Certified copies sent to:

Andrew P. Bendetson
Century Mill Limited Partnership
209 Central Street, Suite 218
Natick, Massachusetts 01760

Meredith K. West, Esq.
Freeman, Davis & Stearns, LLP
236 Lewis Wharf
Boston, Massachusetts 02110

J. Gavin Cockfield, Esq.
Davis, Malm & D'Agostine, P.C.
One Boston Place
Boston, Massachusetts 02180

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Exhibit A

PROPERTY OWNERS

Century Mill Limited Partnership
Andrew P. Bendetson, President of Century Mill, Inc.
General Partner of Century Mill Limited Partnership
209 Central Street, Suite 218, Natick, Mass. 01760

Estate of Prino Bonazzoli
Rina Bonazzoli Trust
Pierino A. Bonazzoli, Trustee of Rina Bonazzoli Trust
Ernest G. Dixon, Jr., Trustee of Rina Bonazzoli Trust
Bonazzoli Family Trust
Pierino A. Bonazzoli, Trustee of Bonazzoli Family Trust
Ernest G. Dixon, Jr., Trustee of Bonazzoli Family Trust
111 Hudson Street, Bolton, Mass. 01740

Estate of Rina Bonazzoli
Pierino A. Bonazzoli
111 Hudson Street, Bolton, Mass. 01740

Larkin Lumber Company
Robert E. Brissette, President of Larkin Lumber Company
Brian A. Parker, Treasurer of Larkin Lumber Company
136 Main Street, Hudson, Mass. 01749

Davis Farms Trust
Robert S. Davis, Trustee of Davis Farms Trust
Sarah O'Toole, Trustee of Davis Farms Trust
Stephen A. Ware, Trustee of Davis Farms Trust
Sandra J. Davis, Trustee of Davis Farms Trust
P.O. Box 305, Bolton, Mass. 01740

David F. Lamson
29 Lake Street, Hudson, Massachusetts 01749

 BC

ATTEST: WORC. Anthony J. Vigliotti, Register