

GRANTEE: Littleton Conservation Trust, Town of Littleton

**ADDRESS OF PREMISES:** Lots 9-11 and Lots 13-14 on the plan entitled "Open Space Development Plan of Land in Littleton, Mass., Prepared for Emily B. Cobb Trust B", as referenced herein

**CONSERVATION RESTRICTION  
(DOCUMENT B-2)  
SECOND AMENDMENT  
And  
EASEMENTS**

**Whereas**, on December 2, 2002, Robert C. Cobb, Jr. and John A. Perkins, as Trustees of the Emily B. Cobb Trust B, and Emily M. Cobb, together with their respective heirs, successors and assigns, (hereinafter collectively referred to as the "Grantor") granted, with quitclaim covenants, to the Littleton Conservation Trust, a Massachusetts charitable corporation, having a mailing address of P.O. Box 594, Littleton, Massachusetts 01460 (the "LCT Grantee") a certain Conservation Restriction, recorded at the Middlesex South District Registry of Deeds (the "Registry") in Book 37573, Page 586 (the "Conservation Restriction Document B-2"), in perpetuity and exclusivity for the purposes set forth therein, over a 45.35 acre portion of Grantor's land located in the Town of Littleton (the "Premises") and more precisely defined as those parcels shown as "Lot 1", "Lot 2", "Lot 3", "Lot 4", "Lot 5", "Lot 6", "Lot 7", "Lot 8", "Lot 9", "Lot 10", "Lot 11", "Lot 12", "Lot 13", "Lot 14", "Lot 15", "Lot 16", "Lot 17", and "Lot 18" (collectively, the "Lots") on the on a plan entitled "Open Space Development Plan of Land in Littleton, Mass., Prepared for Emily B. Cobb Trust B, Scale: 1" = 80", containing six (6) sheets, dated April, 2001 and July, 2001, plan number L-2964, prepared by David E. Ross Associates, Inc., certified by David Edwards Ross on July 31, 2001, and recorded at the Registry as Plan Number 1180 of 2001 (the "Open Space Development Plan"); provided, however, excluded from the Premises are (i) those portions of each of the Lots shown as "Homeowner Use Area" on the Open Space Development Plan, and (ii) those portions of Lots 1, 2, and 3 restricted by the conservation restriction granted to the Town of Littleton dated December, 1978 and recorded at the Registry in Book 13616, Page 365;

**Whereas**, on March 19, 2009, Jane W. Cobb and Robert Cobb Perkins replaced Robert C. Cobb, Jr. and John A. Perkins, respectively, as Trustees of Emily B. Cobb Trust B;

**Whereas**, on February 1, 2011, the Town of Littleton acquired titled to Lots 5, 6, 7, and 9, such deed recorded in the Registry at Book 56399, Page 133;

**Whereas**, on June 26, 2003, the Town of Littleton Select Board took by eminent domain, Lots 10 and 11, recording notice of the taking in the Registry at Book 39698, Page 555, for conservation purposes to be managed and controlled by the Town of Littleton Conservation Commission, and subject to and with the benefit of a water supply easement shown on a plan entitled “Plan of Easements in Littleton, Mass. Prepared for Littleton Water Department”, dated April 2002, plan number L-2964-E, prepared by David E. Ross Associates, Inc, recorded in the Registry as Plan No. 550 of 2003 (the “Water Supply Easement”), to be used for water supply and distribution pursuant to G.L. c.40, §39B, and to be managed and controlled by the Town of Littleton Board of Water Commissioners;

**Whereas**, on June 26, 2020, Mark Fiato and Melissa Fiato, now of 1 Cobb Lane, Littleton, Massachusetts, acquired title to Lot 13, such deed recorded in the Registry at Book 74972, 468

**Whereas**, on January 23, 2019, Natalie Pilon and Michael Pilon, of 62 Harwood Avenue, Littleton, Massachusetts, acquired title to Lot 14, such deed recorded in the Registry at Book 72154, Page 583;

**Whereas**, the Town of Littleton, acting by and through its Board of Water Commissioners seeks to install public water supply wells on Lots 10 and 11 (the “Water Supply Parcels”) in accordance with the Water Supply Easement;

**Whereas**, due to the installation of wells on the Water Supply Parcels, a portion of Lots 9, 10, 11, 13, and 14 will be located in the Massachusetts Department of Environmental Protection approved protection Zone I for public drinking water supplies. These Zones are defined by 310 CMR 22.00 as areas of land which must be protected to ensure public health and is more fully depicted as [REFERENCE TO ZONE I MAP]

**Whereas**, the Grantor agrees to grant certain rights to the Littleton Board of Water Commissioners (the “Town Grantee”) to ensure that the use of the area within the Zone I Area complies with the obligations of 310 CMR 22.21;

**Whereas**, the owners of Lots 9, 10, 11, 13 and 14 agree to grant certain access rights to the Littleton Board of Water Commissioners to permit access to and use of the Zone I Area;

**Whereas**, the Grantor, the LCT Grantee, the Town Grantee, and the Executive Office of Energy and Environmental Affairs have determined that such amendments to the Conservation Restriction will have a positive effect upon the public interest; and

**Now, therefore**, in consideration of the agreements and covenants set forth herein, and other goods and valuable consideration, the receipt and adequacy of which is hereby acknowledge, the Grantor, the LCT Grantee, and the Town Grantee agree as follows:

1. Conservation Restriction Document B-2 is hereby amended as follows:

A. Paragraph I shall be amended by inserting the acronym "LCT" before the word "Grantee" in the first paragraph;

B. Paragraph I shall be amended by adding two new paragraphs to read as follows:

And further, the record owner of Lot 9, Lot 10, and Lot 11, the Town of Littleton, a municipal corporation with an address of 37 Shattuck Street, Littleton, Massachusetts 01460, acting by and through its Conservation Commission, the owner of Lot 13, Mark and Melissa Fiato, now of 1 Cobb Lane, Littleton, Massachusetts, and the owner of Lot 14, Natalie and Michael Pilon, of 62 Harwood Avenue, Littleton, Massachusetts, together with their successors and permitted assigns, grant, with quitclaim covenants to the Town of Littleton, acting by and through its Board of Water Commissioners, with an address of 39 Ayer Road, Littleton, Massachusetts 01460, together with its successors and permitted assigns (the "Town Grantee") in perpetuity and exclusively for the conservation purposes set forth herein, the following described Conservation Restriction on such portions of Lots 9-11 and Lots 13 - 14 located within the Massachusetts Department of

Environmental Protection's approved protection Zone I for public drinking water supplies only, as shown on [PLAN] and attached as Exhibit \_\_\_\_\_ (the "Zone I Area"). For title to Lots 9 – 11 and Lots 13-14 see the Registry at Book 58399, Page 133; Book 39698, Page 555; Book 74972, Page 468; and Book 72154, Page 583.

And further, the owner of Lot 13, Mark and Melissa Fiato, now of 1 Cobb Lane, Littleton, Massachusetts, and the owner of Lot 14, Natalie and Michael Pilon, of 62 Harwood Avenue, Littleton, Massachusetts, together with their successors and permitted assigns, grant, with quitclaim covenants to the Town of Littleton, acting by and through its Board of Water Commissioners, together with its successors and permitted assigns, an Access Easement over Lot 13 and Lot 14, as shown on the Open Space Plan, for the purposes of (1) accessing the Zone I Area, including the crossing of Lot 13 to access the portion of the Zone I Area within Lot 14; (2) constructing, installing, maintaining, and operating monitoring wells only, consistent with the requirements of Massachusetts Drinking Water Regulations 310 CMR 22.00 within the Zone I Area; (3) installing, maintaining, and replacing signs with respect to drinking water supply protection; and (4) performing vegetation maintenance including pruning, trimming, cutting, mowing, and removing brush and non-native, nuisance or invasive species to prevent, control and manage hazards, disease, insect or fire damage, to maintain access to the Zone I Area on Lot 13 and Lot 14, as well as the condition of the Zone I Area.

And further, the owner of Lots 9, 10, and 11, the Town of Littleton, acting by and through its Conservation Commission, together with their successors and permitted assigns, grant, with quitclaim covenants to Board of Water Commissioners, together with its successors and permitted assigns, and Access Easement over the Zone I Area for the

purposes of (1) accessing the Zone I Area, including the Zone I Area located on Lot 13 and Lot 14 and Parcel D, (2) constructing, installing, maintaining, and operating wells and associated infrastructure necessary and incidental to the operation of a public water supply, including monitoring wells, consistent with the requirements of Massachusetts Drinking Water Regulations 310 CMR 22.00 within the Zone I Area only; (3) installing, maintaining, and replacing signs with respect to drinking water supply protection and public access; and (4) performing vegetation maintenance including pruning, trimming, cutting, mowing, and removing brush and non-native, nuisance or invasive species to prevent, control and manage hazards, disease, insect or fire damage, to maintain access to the Zone I Area, as well as the condition of the Zone I Area.

C. Paragraph II shall be amended by adding a new subparagraph G as follows:

A portion of the Premises is located in the MassDEP approved protection Zone I for public drinking water supplies. These Zones are defined by 310 CMR 22.00 as areas of land which must be protected to ensure public health. The portion of the Premises within the Zone I are restricted to protect the groundwater and drinking water quality.

D. Paragraph III.A shall be amended by adding a new subparagraph 10, as follows:

10. In addition to those uses outlined in Paragraphs III.A.1-9, within the Zone I Area, the following acts and uses are prohibited:

- (i) all activities and uses of the Zone I Area, not related to the operation or maintenance of the water supply;
- (ii) Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories;
- (iii) Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats, other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) have a legal right to enter the Zone I Area;
- (iv) Storing or applying fertilizers as defined in Section 64 of Chapter 128 of the Massachusetts General Laws, storing or applying animal manure; and storing or applying pesticides defined by the Federal Insecticide, Fungicide and Rodenticide Act and those listed on the Massachusetts Department of Agriculture's Groundwater Protection List;

- (v) Subdivision of the Zone I Area;
- (vi) Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers; and
- (vii) Any use of the Zone I Area which is inconsistent with the purpose of this Conservation Restriction for public drinking water supply purposes or any activity that would materially impair its Conservation Values.

E. Paragraph III.B shall be amended as follows:

**Exceptions to Otherwise Prohibited Acts and Uses on the Portion of the Premises Located Outside of the Zone I Area.** The following acts and uses otherwise prohibited in Paragraph III.A are permitted in those portions of the Premises outside of the Zone I Area and only if such acts or uses do not materially impair significant conservation interests.

**Commented [IF1]:** EEA: Does this trigger all 18 Lot owners signing on? If so, we can re-draft.

F. Paragraph III.C shall be amended by:

- (i) inserting a new Paragraph III.C to read as follows:

**C. Permitted Acts and Uses in the Zone I.** Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the following activities and uses are permitted in the Zone I Area, but only if such uses and activities do not materially impair the Purposes and/or Conservation Values relative to the Zone I:

1. Activities conducted by the Town of Littleton Board of Water Commissioners or the Town of Littleton Water Department or its designee, which are necessary and incidental to the construction, installation, operation, maintenance, inspection, repair, replacement and protection of wells and associated infrastructure necessary and incidental to the use of a public water supply, including monitoring wells, consistent with the requirements of Massachusetts Drinking Water Regulations 310 CMR 22.00;
2. The installation, maintenance, and replacement of signage with respect to drinking water supply protection and public access;
3. Vegetation maintenance including pruning, trimming, cutting, mowing, and removing brush and non-native, nuisance or invasive species to prevent, control and manage hazards, disease, insect or

fire damage, to maintain and provide access to the Zone I Area;  
and

4. Outdoor passive recreation, as specified in Paragraph IV.D.

(ii) relettering the existing Paragraph III.C to Paragraph III.D

G. Paragraph IV.F shall be amended by inserting a new subparagraph 4, as follows:

4. The Town Grantee and the LCT Grantee shall each have independent enforcement authority to enforce this restriction over the Zone I Area.

H. Paragraph IV.N shall be amended by adding a new subparagraph 9, as follows:

9. Terminology: The term “Grantee” shall mean the LCT Grantee when used in relation to the portion of the Premises located outside of the Zone I Area. The term “Grantee” shall mean the LCT Grantee and the Town Grantee, individually and collectively, when referring to the portion of the Premises located within the Zone I Area, unless otherwise stated. The term “Premises” shall mean the entirety of the Premises subject to the Conservation Restriction, including the land within the Zone I Area, unless otherwise stated.

2. Except as expressly amended by the foregoing, all other provisions contained within Conservation Restriction B-2 shall remain in full force and effect.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022 under seal.

**GRANT OF AMENDMENT**  
**TOWN OF LITTLETON, CONSERVATION COMMISSION**  
**Lot 9, 10, and 11 Owner**

The foregoing Conservation Restriction amendment from the Town of Littleton, acting by and through its Conservation Commission, to the Town of Littleton, acting by and through its Board of Water Commissioners, was approved by the Town of Littleton's Conservation Commission on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chair, Conservation Commission, duly authorized

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_  
County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose on b.

\_\_\_\_\_  
Notary Public

My Commission Expires:

**GRANT OF AMENDMENT  
LOT 13 OWNERS**

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
\_\_\_\_\_, duly authorized

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public

My Commission Expires:

**GRANT OF AMENDMENT  
LOT 14 OWNERS**

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
\_\_\_\_\_, duly authorized

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public

My Commission Expires:

**TOWN OF LITTLETON BOARD OF WATER COMMISSIONERS  
ACCEPTANCE OF GRANT**

The foregoing Conservation Restriction was accepted by the Town of Littleton, Board of Water Commissioners, on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_Chair, Board of Water Commissioners, duly authorized

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that [s/he] signed it voluntarily for its stated purpose.

Notary Public  
My Commission Expires:

**APPROVAL OF TOWN OF LITTLETON SELECT BOARD**

The undersigned, Chair of the Select Board of the Town of Littleton, hereby certifies that at a public meeting duly held on \_\_\_\_\_, the Select Board voted to approve the foregoing Conservation Restriction acting by and through its Board of Water Commissioners in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

\_\_\_\_\_ Select Board \_\_\_\_\_ duly authorized.

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ before me, the undersigned notary public, personally appeared \_\_\_\_\_ and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [s/he] signed it voluntarily for its stated purpose as Select Board [Chairman/Chair].

Notary Public  
My Commission Expires:

**APPROVAL BY THE MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

The undersigned \_\_\_\_\_ of the Massachusetts Department of Environmental Protection, hereby approves the foregoing Conservation Restriction in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ before me, the undersigned notary public, personally appeared \_\_\_\_\_ and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [s/he] signed it voluntarily for its stated purpose.

Notary Public  
My Commission Expires:

**DRAFT**

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OF THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts hereby certifies that the foregoing Conservation Restriction has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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

Secretary of Energy and Environmental Affairs

SUFFOLK, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose Name is signed on the proceeding or attached document, and acknowledged to me that [s/he] signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires: