

J. Raymond Miyares
Thomas J. Harrington

Christopher H. Heep
Jennie M. Merrill
Marguerite D. Reynolds
Brian R. Falk
Jonathan E. Simpson

May 6, 2011

Littleton Planning Board
37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460

**Re: Fifteen Great Road II LLC
Access From Grist Mill Road**

Dear Board Members:

You have asked whether the referenced developer is restricted from accessing its proposed project from Grist Mill Road. The answer is no, any restriction on accessing abutting lots from Grist Mill Road was removed in 2006.

Specifically, in the Board's Certificate of Approval for the Apple D'Or Phase II Definitive Subdivision Plan dated May 22, 1998, and amended August 26, 1999 and January 30, 2003, you included the following condition 10:

No lot on Grist Mill road will be used for access to possible future development on adjacent parcels.... This condition is not meant to impact the proposed Shared Residential Driveway that might serve Lots 17A, 18A, and 19A.

However, in an Agreement for Judgment dated July 7, 2006 (a copy is attached), in the case of *OHC Development LLC and Littleton Land Corp. vs. Littleton Planning Board and the Town of Littleton*, C.A. NO. 2003-0827, the Board's Certificate of Approval for the Apple D'Or Phase II Definitive Subdivision Plan was modified by striking the above quoted condition 10. In all other respects, said Certificate of Approval remains in full force a effect.

Miyares and Harrington LLP

Littleton Planning Board
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Please let me know if I can answer any additional questions.

Sincerely,



Thomas J. Harrington

cc: K. Bergman
enc.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
C.A NO. 2003-0827

OHC DEVELOPMENT LLC and)
LITTLETON LAND CORP.,)
Plaintiff,)
v.)
PLANNING BOARD OF THE TOWN OF)
LITTLETON; MARK JOHANSON,)
DAVID CAMPBELL, STEVEN)
WHEATON, JANET LAVIGNE and)
MARK MONTANARI, as they are)
members of THE PLANNING)
BOARD OF THE TOWN OF LITTLETON,)
Defendants.)

AGREEMENT FOR JUDGMENT

The parties hereby stipulate and agree that judgment shall enter in the above-captioned matter as follows, and that pursuant to Mass. R. Civ. P. 58(a), this Agreement for Judgment shall constitute the final judgment in this action for all purposes:

1. Pursuant to Mass. G.L. c. 41, Section 81U, the Certificate of Approval for the Apple D'Or Phase I Definitive Subdivision Plan (the "Phase I Approval"), dated August 28, 1997, and amended August 26, 1999, and January 30, 2003, is hereby modified to the extent, and only to the extent, of striking its Condition G, which provides as follows:

No lot on Grist Mill Road will be used for access to possible future development on adjacent parcels (Assessor's Map U-1, Parcels 2, 3, 4, 5, 6, 7, 8, and/or 9). This condition is not meant to impact the proposed Shared Residential Driveway that might serve Lots 17A, 18A, and 19A.

An Amendment to the Certificate of Approval for the Apple D'Or Phase I Definitive Subdivision Plan
(the "Amended Phase I Approval"), reflecting the modification to the Phase I Approval set forth

above, is attached hereto as Exhibit A. No further action shall be required to effect this modification, and this Agreement for Judgment may be recorded in the registry of deeds for Middlesex County, in the office of the Town Clerk for the Town of Littleton, and/or with the recorder of the Land Court. Once it has been so recorded, this Agreement for Judgment shall have the full force and effect of, and shall be considered for all purposes, an Amendment to the Certificate of Approval of the Apple D'Or Phase I Subdivision Plan.

2. Pursuant to Mass. G.L. c. 41, Section 81U, the Certificate of Approval for the Apple D'Or Phase II Definitive Subdivision Plan (the "Phase II Approval"), dated May 22, 1998, and amended August 26, 1999, and January 30, 2003, is hereby modified to the extent, and only to the extent, of striking its Condition 10, which provides as follows:

No lot on Grist Mill Road will be used for access to possible future development on adjacent parcels (Assessor's Map U-1, Parcels 2, 3, 4, 5, 6, 7, 8, and/or 9). This condition is not meant to impact the proposed Shared Residential Driveway that might serve Lots 17A, 18A, and 19A.

An Amendment to the Certificate of Approval for the Apple D'Or Phase II Definitive Subdivision Plan (the "Amended Phase II Approval"), reflecting the modification to the Phase II Approval set forth above, is attached hereto as Exhibit B. No further action shall be required to effect this modification, and this Agreement for Judgment may be recorded in the registry of deeds for Middlesex County, in the office of the Town Clerk for the Town of Littleton, and/or with the recorder of the Land Court. Once it has been so recorded, this Agreement for Judgment shall have the full force and effect of, and shall be considered for all purposes, an Amendment to the Certificate of Approval of the Apple D'Or Phase II Subdivision Plan.

3. Nothing herein or in the Amended Phase I Approval or in the Amended Phase II Approval authorizes the use of any lot on Grist Mill Road for access to possible future development on parcels adjacent to the Apple D'Or subdivision.

4. Nothing herein or in the Amended Phase I Approval or in the Amended Phase II Approval limits in any way the obligations of the Plaintiffs or any successor in interest to obtain, from the appropriate governmental authority or authorities, any and all permit(s) and approval(s) required by law for any future proposed use of any lot on Grist Mill Road for access to possible future development on parcels adjacent to the Apple D'Or subdivision.

5. The Planning Board of the Town of Littleton (the "Planning Board") shall issue, within thirty (30) days hereof, an Amendment to the Certificate of Approval for the Apple D'Or Phase I Subdivision Plan (in the form annexed hereto as Exhibit A), and an Amendment to the Certificate of Approval for the Phase II Subdivision Plan (in the form annexed hereto as Exhibit B).

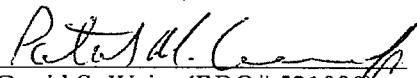
6. The Court retains jurisdiction should any further proceedings be necessary in connection with carrying out the requirements of this Agreement for Judgment.

7. The parties hereby waive any and all rights of appeal.

Respectfully submitted,

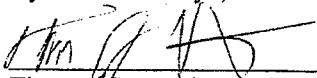
OHC DEVELOPMENT LLC and
LITTLETON LAND CORP.

By their attorneys,


David S. Weiss (BBO# 521090)
Patrick M. Curran, Jr. (BBO# 659322)
Goulston & Storrs, P.C.
400 Atlantic Avenue
Boston, MA 02110-3333
(617) 482-1776

PLANNING BOARD OF THE TOWN OF
LITTLETON; MARK JOHANSON; DAVID
CAMPBELL; STEVEN WHEATON; JANET
LAVIGNE; and MARK MONTANARI

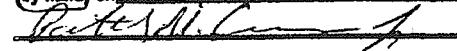
By their attorneys,


Thomas J. Harrington (BBO# 556741)
Christopher H. Heep (BBO# 661618)
Miyares & Harrington, LLP
124 Watertown Street
Watertown, MA 02472
(617) 923-0880

Dated: July 7, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail (by hand) on July 7, 2006





PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

AMENDMENT TO CERTIFICATE OF APPROVAL FOR RED-LINE REVISION OF A DEFINITIVE SUBDIVISION PLAN AUGUST, 2006

Pursuant to G.L. c. 41, Section 81U, the Littleton Planning Board hereby amends its Certificate of Approval dated August 28, 1997, as amended August 26, 1999, and January 30, 2003, for the Apple D'Or Phase 1 Definitive Subdivision Plan as follows:

- The condition of approval set forth in subparagraph G, added by the Amendment to the Certificate of Approval dated January 30, 2003, is hereby stricken from the Approval.
- The conditions of approval previously designated as subparagraphs H through L, added by the Amendment to the Certificate of Approval dated January 3, 2003, are hereby re-designated as subparagraphs G though K.

Majority of the Planning Board of the Town of Littleton

Steven D. Woot
Mark M. M
Janet C. LaVigne
Richard J. Dennis, Jr.



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

AMENDMENT TO CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN AUGUST, 2006

Pursuant to G.L. c. 41, Section 81U, the Littleton Planning Board hereby amends its Certificate of Approval dated May 22, 1998, as amended August 26, 1999, and January 30, 2003, for the Apple D'Or Phase 2 Definitive Subdivision Plan as follows:

- The condition of approval set forth in subparagraph 10, added by the Amendment to the Certificate of Approval dated January 30, 2003, is hereby stricken from the Certificate of Approval.
- The conditions of approval previously designated as subparagraphs 11 through 15, added by the Amendment to the Certificate of Approval dated January 3, 2003, are hereby re-designated as subparagraphs 10 though 14.

Majority of the Planning Board of the Town of Littleton

Mark J. Blat
Mark J. Blat
Janet C. LaVigne
Richard J. Dennis, Jr.