

General Information

What authority does the Board of Appeals have?

The Board of Appeals obtains its authority under the Massachusetts General Laws Chapter 40A § 4 and the Town of Littleton's Zoning By-Law 73-6 to hear and decide appeals; to hear and decide applications for Chapter 40A special permits; and to hear and decide petitions for variances. The Board of Appeals also hears and decides applications for special permits for low and medium density housing under Massachusetts General Laws Chapter 40B Sections 10, 21, 22, and 23.

What is an Appeal?

Pursuant to Massachusetts General Laws Chapter 40A § 8 and Littleton Zoning By-Law 173-6 (B)3 and 173-6 (B)5 the Board of Appeals hears and decides appeals by any person aggrieved by any written order or decision of the Zoning Enforcement Officer or other administrative official in violation of any provision of Massachusetts General Laws Chapter 40A, or the Littleton Zoning By-Laws. Building permits withheld by the Building Commissioner acting under MGL C 41, § 81Y as a means of enforcing the Subdivision Control Law may also be issued by the Board of Appeals. Action taken by the Building Commissioner acting under the Code of Littleton Chapter 153 will also be heard by the Board of Appeals. If the Zoning Enforcement Officer or other administrative official does not issue a written order or decision, the Board of Appeals will not hear the appeal. Appeals from the written decisions of the Zoning Enforcement Officer or other administrative official must be filed with the Office of the Town Clerk pursuant to Massachusetts General Laws Chapter 40A Section 5, within thirty (30) days from the date of the written order or decision which is being appealed. Failure to file a timely appeal is final.

What is a Chapter 40A Special Permit?

Certain uses of property are permitted as a matter of right. However, the Littleton Zoning By-Laws provide that other uses are not allowed in certain zoning districts, and that specific types of uses shall only be permitted in specified zoning districts upon the issuance of a Special Permit from the Board of Appeals pursuant to Massachusetts General Laws Chapter 40A § 9, 9A, and 9B. Special Permits may be issued only for uses which are in harmony with the general purpose and intent of the By-Laws, and may be subject to general or specific provisions set forth therein, and such permits may also impose conditions, safeguards and limitations on time or use. A Special Permit, unlike a Variance, may be conditioned by limiting its duration to the term of ownership or use by the Applicant. When a Special Permit application is accompanied by plans or specifications detailing the work to be undertaken, the plans and specifications require a prerequisite, modification of the permit. Therefore, once a Special Permit is granted, modification of the plans or specifications permit may be issued by the Building Commissioner for a use or structure that requires a Special Permit until 31 a Special Permit has been granted by the Board of Appeals. 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Special Permit has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. No party is entitled to a matter of right to a Special Permit. The Board of Appeals, in the proper exercise of its discretion, is free to deny a Special Permit even if the Board shows that such a permit could be lawfully granted. Special Permits 40A shall expire 24 months following the granting unless substantially use or construction has commenced.

What is a Chapter 40B Special Permit?

Chapter 40B is a state statute, which enables local Boards of Appeals to approve affordable housing developments under flexible rules if at least 35% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the shortage of affordable housing statewide by reducing unnecessary barriers created by local approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. Special Permits 40B shall expire 3 years from the date the permit becomes final unless continuation authorized by a comprehensive permit has begun, or unless specifically noted otherwise in the permit by the Board of Appeals.

What is a Variance?

A Variance is a waiver of the zoning rules adopted by the Citizens of Littleton at Town Meeting. A Variance may be granted pursuant to the Littleton Zoning By-Laws and Massachusetts General Laws Chapter 40A Section 10. Accordingly, it is only in rare instances and under exceptional circumstances that relaxation of the general restrictions established by the Zoning By-Laws are permitted. A Variance is distinguished from a Special Permit. The Variance is used to authorize an established use or to loosen dimensional requirements otherwise applicable to a structure. No person has a right to a Variance. Variances of the "rare occasions" type are never granted by the Board of Appeals. Variance of "diminution of requirements" is granted in rare occasions. The Board of Appeals has no discretion to grant a Variance unless the petitioner provides evidence, and that the Board of Appeals does make such a finding, that the applicant is entitled to a Variance under the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or applicant, and that desirable relief may be granted with no substantial detriment to the public good and without maintaining or substantially derogating from the intent or purpose of such ordinance or by-law. Even if the Board of Appeals find that such hardship exists, it may exercise its discretion and not grant a Variance. No building permit may be issued by the Building Commissioner for a use or structure that requires a Variance until 1) a Variance has been granted by the Board of Appeals, 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Variance has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. Rights authorized by a Variance must be exercised within 1 year of its granting, or said variance shall expire.

TOWN OF LITTLETON
BOARD OF APPEALS

37 State Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-540-2420

APPLICATION FOR PUBLIC HEARING
Pursuant to MGL Chapter 40A, 40B and §1 and the Littleton Zoning By-Laws

TOWN USE ONLY
Received by the Town Clerk, Office

The filing is not official until stamped by the Town Clerk
Filing Fee paid: \$ 315 Check # 2853

ZBA Case No: 946A Address 41120 92nd Ave
Submitted by [Signature]

Pursuant to the provisions of Chapter 40A, § 51 of the Massachusetts General Laws as adopted by Town Meeting 2013, this document must be signed by the Tax collector verifying payment of taxes.

Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- Appeal or Decision of Building Inspector or other administrative official (see page 2)
- Special Permit (40A) (see page 2)
- Variance (see page 3)
- Comprehensive Permit (40B) (complete additional application (see page 3))

PETITIONER: Signature [Signature] Date: 4/17/00
M + H Realty Trust
 978-337-6375
 411 King Street
 Address: Heeh MA 01460
 Town, State, Zip
 Declarative Owner: [Signature] Date: same
 Declarative Owner: [Signature] Date: same
 Declarative Owner: [Signature] Date: same
 Declarative Owner: [Signature] Date: same

ASSASSOR MAP & PARCEL NUMBER U43-3-C
 ZONING DISTRICT R VC B LA IB (Circle if that apply)
 Check box if [] ACQUFER DISTRICT
 [] WATER RESOURCE DISTRICT

ASSESSOR MAP & PARCEL NUMBER U43-3-C
 ZONING DISTRICT R VC B LA IB (Circle if that apply)
 Check box if [] ACQUFER DISTRICT
 [] WATER RESOURCE DISTRICT

Appeal
Under MGL c. 40A § 8

The undersigned hereby appeals a written order or decision of the Building Commissioner / Zoning Officer or other administrative official alleged to be in violation of the provisions of M.G.L. c. 40A or the Zoning By-Laws to the Board of Appeals for the Town of Littleton.

1. From what Town Official or Board is the appeal being sought?
Administrative Official: Building Commissioner of order decision 4/16/20

2. What statute or Zoning Bylaw do you rely for your appeal? 173-3B(2)
 MGL c. 40A § 8-15 Zoning Bylaw § 173-3 Code of Ordination § 147-2
You may also consider whether you qualify for relief under any other authority of the Board to grant a Special Permit or Variance.

3. I hereby certify that I have read the Board of Appeals' instructions for appellants and that the statements within my appeal are true and accurate to the best of my knowledge and belief.
I appeal only what is set forth in the petition and attachments.
 Signature: Matthew Field Jr. Print name: Matthew Field Jr.

Special Permit 40A
Under MGL c. 40A § 9

The undersigned hereby petition; the Board of Appeals for the Town of Littleton to grant a Special Permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning By-law.

1. Special Permit are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?
 Zoning Bylaw § _____

2. Why are you applying for a Special Permit? Attach a written statement that specifically describes existing conditions and your objectives, along with necessary exhibits as listed in the filing instructions. You may also consider whether you qualify for relief under any other authority of the Board to grant a variance.

3. I hereby certify that I have read the Board of Appeals' instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature: _____ Print Name: _____
 See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under
Special Permit 40B
 Under MGL c. 40B

Variance
Under MGL c. 40A § 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief?

2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
 Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.

3. Show evidence that you meet the minimum requirements of a variance under section 173-3B(2) of the Littleton Zoning Bylaw.
 Attach a written statement which specifically includes why, owing to conditions such, shape, or topography, attaching the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.

4. I hereby certify that I have read the Board of Appeals' instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.
 Signature: _____ Print name: _____

Filing Instructions

1. IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION. He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Bring the completed application packet to the Administrative Assistant to the Building Commission (see who will assist you in filing with the Town Clerk).
 Necessary Exhibit:— provide 3 copies and an electronic copy of the following with the completed application:
 1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor.
 A) notes and bounds of the subject land
 B) adjacent streets and other names and readily identifiable landmarks and fixed objects
 C) dimensional layout of all buildings
 D) distances and setbacks and specifications of any new construction, alterations, additions or installations
 E) exact dimensions, setbacks and specifications of the various boundaries
 F) direction of North
 G) the name of each building, property owner

2. Copy of the latest recorded deed
3. A written statement which details the basis for your petition
4. Pictures, plans, maps, drawings (no 1 model) are always helpful in explaining the problem
5. In cases pertaining to signs, a scale print of the sign lettering and colors.
6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
7. In cases pertaining to accessory dwellings evidence that the Board of Health has approved the septic system
8. The date of the building construction and the history of ownership are useful in finding facts about the case.

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month. The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules.



Building Commissioner
Zoning Officer
P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2420

April 16, 2020
Zoning Violation

BY HAND

M&M Realty Trust
Matthew P. Field, Trustee
Michael S. Field, Trustee
442 King Street
Littleton, MA 01460

BY HAND

PMM Realty Trust
Paul Kilcommins, Trustee
442 King Street
Littleton, MA 01460

Re: **ORDER TO CEASE AND DESIST ZONING VIOLATION**
9 Ayer Road Littleton, MA 01460
a/k/a Assessors' Parcel U43-3-0
a/k/a Lot 1 on Middlesex South District Registry Plan No. 687 of 2006
a/k/a Lots 1-3 on Middlesex South District Registry Plan No. 734 of 2019

Dear Mr. Field, Mr. Field and Mr. Kilcommins:

There is presently a commercial earth removal/gravel mining operation being conducted at the property referenced above (the "site"). This office has observed a commercial earth removal/gravel mining operation underway at the site, and notes that sand and gravel is being processed and weighed while being monitored on video, and that Onyx Corporation has advertised the sale of sand and gravel from the site. In addition, at the Board of Selectmen's meeting of April 13, 2020, a representative of Onyx Corporation detailed the operation of a mine on the site.

This property is located in the Residence (R) Zoning District. The commercial use described above is not a permitted use in the Residence (R) District pursuant to Section 173-25 (Use Regulations) and Section 173-26 (Use Regulations Schedule) of the Zoning Bylaw. Any use not specifically allowed in the Use Regulations Schedule is prohibited. See Section 173-25.

This property is depicted as Lot 1, containing 5.22 acres, on the plan recorded with the Middlesex South District Registry of Deeds as Plan No. 687 of 2006. The property is also the subject of the "approval not required" plan endorsed by the Planning Board on September 4, 2019, and recorded with the Middlesex South District Registry of Deeds as Plan No. 734 of 2019. This 2019 ANR plan shows the division of the property into three (3) new residential house lots: Lot 1, Lot 2 and Lot 3. This office has issued a building permit for construction of one (1) single-family dwelling on each of the three lots depicted on the 2019 ANR plan.

Based on this office's review of the site and current operations, the scale of the commercial earth removal/gravel mining presently underway at 9 Ayer Road is substantially in excess of what could reasonably be described as incidental or accessory to the construction of the three (3)

single-family dwellings. The use is a commercial earth harvesting and removal operation, not a customary incident of permitted residential construction.

Based on the foregoing, you are hereby **ORDERED** to immediately cease and desist (2) all commercial mining activity at the site (which for purposes of this order shall include, without limitation, all harvesting of earth materials for immediate or eventual sale or trade to a third party) and (2) all commercial removal of earth material from the site (including without limitation removal of soil, loam, sand and gravel).

Failure to immediately comply with this Order may result in the imposition of daily civil fines, see 173-5, a criminal complaint, and may cause this office to seek an injunction in Court against the illegal use, without the provision of further warning or notice.

Any person aggrieved by this order may appeal to the Board of Appeals as provided by M.G.L. c.40A, §§8, 15 and Section 173-6(b)(3)(c) of the Zoning Bylaw.

Ed Mullen
Building Commissioner
Zoning Enforcement Officer
Town of Littleton MA, 01460
emullen@littletonma.org



QUITCLAIM DEED

I, **PAUL KILCOMMINS, TRUSTEE** of the **PMM REALTY TRUST**, under Declaration of Trust April 30, 2019 and recorded with Middlesex South Registry of Deeds at Book 72945, Page 386,

for consideration paid and in full consideration of **ONE AND 00/100 (\$1.00) DOLLARS**

grant **MATTHEW P. FIELD AND MICHAEL S. FIELD, TRUSTEES OF M&M REALTY TRUST**, under Declaration of Trust dated June 30, 2011, a certificate of which is recorded with Middlesex South Registry of Deeds at Book 57086, Page 36,

with Quitclaim Covenants

A certain parcel of land with the buildings situated thereon, on Ayer Road in Littleton, Middlesex County, Massachusetts, being shown as Lot 2 ("Lot 2") on that certain plan entitled "Plan of Land in Littleton, Massachusetts" dated August 11, 2019, prepared by Ducharme & Dillis Civil Design Group, Inc. and recorded as Plan 734 of 2019 (the "Plan"). Containing 40,828± square feet, according to said Plan.

Said premises are conveyed together with and subject to a Grading and Access Easement between Grantor and Grantee dated November 27, 2019 and recorded herewith.

Said premises are conveyed subject to restrictions, easements and takings of record insofar as they are now in force and applicable.

The undersigned hereby certifies that (a) we are all of the currently serving Trustees of the PMM Realty Trust; (b) the Declaration of Trust establishing said Trust has not been terminated and said Trust is still in full force and effect and the Declaration of Trust has not been amended except through those documents recorded with the Middlesex South District Registry of Deeds; and (c) all of the beneficiaries of said Trust have authorized and directed the execution and delivery of this deed by the undersigned.

The undersigned hereby releases any and all Rights of Homestead which have been declared in the property or have been granted as a matter of law and further states under the pains and penalties of perjury that there are no other persons entitled to protection under the Homestead Act.

Being a portion of same premises conveyed to Grantor by Deed dated July 2, 2019 and recorded with the Middlesex South District Registry of Deeds in Book 72945, Page 391.

Property Address: 9 Ayer Road (Lot 2), Littleton, Massachusetts 01460

This Deed is given for nominal consideration of less than \$100.00 and accordingly no deed stamps are due.

Executed as a sealed instrument this 27th day of November, 2019.

Paul Kilcommins, as Trustee of PMM Realty Trust

COMMONWEALTH OF MASSACHUSETTS

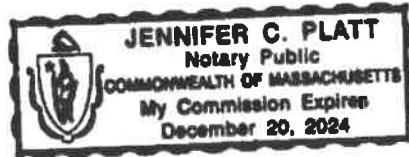
MIDDLESEX, ss.

November 27, 2019

On this day, before me, the undersigned Notary Public, personally appeared the above-named Paul Kilcommins, Trustee as aforesaid, who proved to me through satisfactory evidence of identification, which was a MA Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached instrument, and acknowledged to me that he signed it voluntarily as Trustee of PMM Realty Trust, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public:

My Commission Expires:



Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number : 102461
Document Type : DEED
Recorded Date : July 18, 2019
Recorded Time : 09:31:52 AM

Recorded Book and Page : 72945 / 391
Number of Pages(including cover sheet) : 4
Receipt Number : 2345371
Recording Fee (including excise) : \$3,499.40

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 07/18/2019 09:31 AM
Ctrl# 304062 28940 Doc# 00102461
Fee: \$3,374.40 Cons: \$740,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

QUITCLAIM DEED

I, **PRUDENCE A. URSCH**, Trustee of the **PRUDENCE A. URSCH INVESTMENT TRUST**, under Declaration of Trust dated November 29, 2006, a Certificate of which is recorded herewith, of Littleton, Middlesex County, Massachusetts,

for consideration paid and in full consideration of **SEVEN HUNDRED FORTY THOUSAND AND 00/100 (\$740,000.00) DOLLARS**

grant to **PAUL KILCOMMINS, TRUSTEE** of the **PMM REALTY TRUST**, under Declaration of Trust dated April 30, 2019, a Certificate of which is recorded herewith, of 137 Hill Road, Groton, Middlesex County, Massachusetts 01450

with Quitclaim Covenants

A certain parcel of land with the buildings situated thereon, on the westerly side of Ayer Road in Littleton, Middlesex County, Massachusetts, being shown as Lot 1, more particularly bound and described on a plan of land entitled, "Plan of Land, Ayer Road & New Estate Road, Littleton, Massachusetts", dated May 23, 2006, prepared by Acton Survey & Engineering, Inc., for Michael Kimball, Scale 1 inch = 60 feet, recorded with the Middlesex South District Registry of Deeds as Plan No. 687 of 2006. Containing 5.22± acres, according to said Plan.

Together with an easement of way, over, through and under a "25' Wide Right to Way" as shown on the plan recorded at said Deeds as Plan 295 of 1978 as reserved in Deed recorded at Book 41322, Page 327. Said easement of way shall run with the land and be for all purposes of travel to and from remaining land of Grantors, including the right to install and maintain utility and telephone power lines, cable and water and gas lines, over, through and under said right of way.

Said premises are conveyed subject to restrictions, easements and takings of record insofar as they are now in force and applicable.

By execution of this Deed, the Trustees hereby declare that the **PRUDENCE A. URSCH INVESTMENT TRUST** is still in force and effect, all of the beneficiaries are competent and not minors or corporations and all of the beneficiaries have consented to the transfer of 9 Ayer Road, Littleton, Massachusetts to the Grantee herein, for the amount of \$740,000.00 and they have authorized **Prudence A. Ursch** as Trustee to execute any and all documents necessary to effectuate said transaction.

Property Address: 9 Ayer Road, Littleton, Massachusetts 01460

The undersigned hereby releases any and all Rights of Homestead which have been declared in the property or have been granted as a matter of law and further states under the pains and penalties of perjury that there are no other persons entitled to protection under the Homestead Act.

Being the same premises conveyed to Grantor by Deed dated November 29, 2006 and recorded with the Middlesex South District Registry of Deeds in Book 48600, Page 199.

Executed as a sealed instrument this 2nd day of July, 2019.

PRUDENCE A. URSCH INVESTMENT TRUST

Prudence A. Ursch TR
PRUDENCE A. URSCH, TRUSTÉE

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

July 2, 2019

On this day, before me, the undersigned Notary Public, personally appeared the above-named **PRUDENCE A. URSCH**, Trustee as aforesaid, who proved to me through satisfactory evidence of identification, which was the presentation of a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Sherrill R. Gould
Notary Public:

My Commission Expires:





GRADING AND ACCESS EASEMENT

THIS GRADING AND ACCESS EASEMENT (this "Easement") is made and entered into as of this 27th day of November, 2019, by and between **Matthew P. Field and Michael S. Field, Trustees of M&M Realty Trust**, under Declaration of Trust dated June 30, 2011, a certificate of which is recorded with Middlesex South Registry of Deeds at Book 57086, Page 36 ("Grantor") and **Paul Kilcommins, Trustee of PMM Realty Trust**, under Declaration of Trust dated April 30, 2019 and recorded with Middlesex South Registry of Deeds at Book 72945, Page 386 ("Grantee").

WHEREAS, Grantor is the owner of a certain parcel of land located at 9 Ayer Road in the Town of Littleton, Middlesex County, Massachusetts and shown as Lot 2 ("Lot 2") on that certain plan entitled "Plan of Land in Littleton, Massachusetts" dated August 11, 2019, prepared by Ducharme & Dillis Civil Design Group, Inc. and recorded as Plan 734 of 2019 (the "Plan"). For title see deed dated November 27, 2019 and recorded with the Registry at Book 73786, Page 321;

WHEREAS, Grantee is the owner of a certain parcel of land located at 9 Ayer Road in the Town of Littleton, Middlesex County, Massachusetts and shown as Lot 3 ("Lot 3") on the Plan. Lot 3 is a portion of premises conveyed to Grantor by Deed dated July 2, 2019 and recorded with the Middlesex South District Registry of Deeds in Book 72945, Page 391;

WHEREAS, Grantor desires to provide, and Grantee desires to acquire, certain limited rights for grading and access over a portion of the Grantor's Land for the benefit of Lot 3, which portion is shown as "Proposed Grading & Access Easement" (the "Easement Area") on that certain plan entitled "Easement Exhibit Plan", dated October 28, 2019 prepared by Ducharme & Dillis Civil Design Group, Inc. and attached hereto as Exhibit A, in accordance with the terms and conditions of this Easement.

NOW, THEREFORE, for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby conveys to Grantee, with quitclaim covenants, a non-exclusive, perpetual easement appurtenant on, over, across, and along the Easement Area for the limited purposes of grading and access for the benefit of Lot 3, in accordance with the following terms and conditions.

1. Grantee shall be entitled to access on, over and across the Easement Area with equipment and machinery to grade, construct and maintain the area for the benefit of Lot 3. Said construction and maintenance may include removal of vegetation and may alter the slope of the Easement Area.

2. Grantee shall grade and seed the Easement Area.
3. Grantor shall not (i) place nor permit to remain any improvements within the Easement Area; or (ii) interfere with Grantee's use of the Easement Area for the purposes contemplated by the Easement.
4. Grantor shall be not entitled to relocate the Easement Area without the express prior written consent of Grantee. Any such relocation shall not materially and adversely affect the Easement for the purposes herein described.
5. Grantor hereby agrees not to grant any other easements, leases, deeds, licenses, or other rights to Lot 2 that would interfere with the rights of Grantee without the prior written consent of Grantee, excepting herefrom any mortgage given by the Grantor to any mortgage lender so long as such mortgage is not inconsistent with the terms and provisions of this Easement. Any easement, lease, deed, license, or any other rights granted in violation of this provision shall be null and void.
6. Grantor represents and warrants to the Grantee that it has the sole and exclusive right to grant this Easement and that there are no mortgages or other encumbrances of record as of this date that will negate or negatively impact this Easement. Grantor hereby releases any and all rights and estate of homestead they may have with respect to the Easement Area.
7. Grantor consents to the location of the Lot 3 driveway and curb cut as shown on the Easement Exhibit Plan, including, without limitation, the entrance or curve of the driveway in Ayer Road abutting Grantor's land at Lot 3.

General Conditions:

8. It is the intention of the parties that this Easement constitutes an "interest in land" under Massachusetts General Laws ch. 21, Sec. 17c, to the fullest extent permitted by law and that the parties shall be afforded all rights, protections, privileges and benefits granted thereunder.
9. All rights and privileges granted herein, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective successors, assigns and legal representatives.
10. The parties agree that the parties may apply to any court, state or federal, for specific performance of this Easement or an injunction against any violation of this Easement, or for such other relief as may be appropriate, since the amount of damage arising from the default under any of the terms of this Easement would be difficult to ascertain and may not be compensable by money alone.
11. If any term or provision of this Easement, or the application thereof to any person or circumstance shall, to any extent, be invalid, inoperative or unenforceable, the

remainder of this Easement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid, inoperative or unenforceable, shall not be affected thereby; it shall not be deemed that any such invalid, inoperative or unenforceable provision impacts the consideration for this Easement, and each term and provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.

12. The undersigned hereby certify that (a) we are all of the currently serving Trustees of the M&M Realty Trust; (b) the Declaration of Trust establishing said Trust has not been terminated and said Trust is still in full force and effect and the Declaration of Trust has not been amended except through those documents recorded with the Middlesex South District Registry of Deeds; and (c) all of the beneficiaries of said Trust have authorized and directed the execution and delivery of this Easement by the undersigned.

Executed under seal as of the date first written above.

GRANTOR:

Matthew P. Field TR

Matthew P. Field, as Trustees of M&M Realty Trust

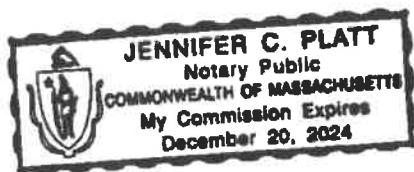
Michael S. Field TR

Michael S. Field, as Trustees M&M Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this 27 day of November, 2019, before me, the undersigned notary public, personally appeared, Matthew P. Field and Michael S. Field, proved to me through satisfactory evidence of identification, which was a MA Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached instrument, and acknowledged to me that he signed it voluntarily as Trustee of M&M Realty Trust, for its stated purpose.



Jennifer C. Platt
Notary Public:
My commission expires:

GRANTEE:



Paul Kilcommins, as Trustee of PMM
Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this 27 day of November, 2019, before me, the undersigned notary public, personally appeared, Paul Kilcommins, proved to me through satisfactory evidence of identification, which was a MA Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached instrument, and acknowledged to me that he signed it voluntarily as Trustee of PMM Realty Trust, for its stated purpose.

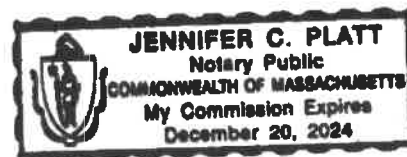
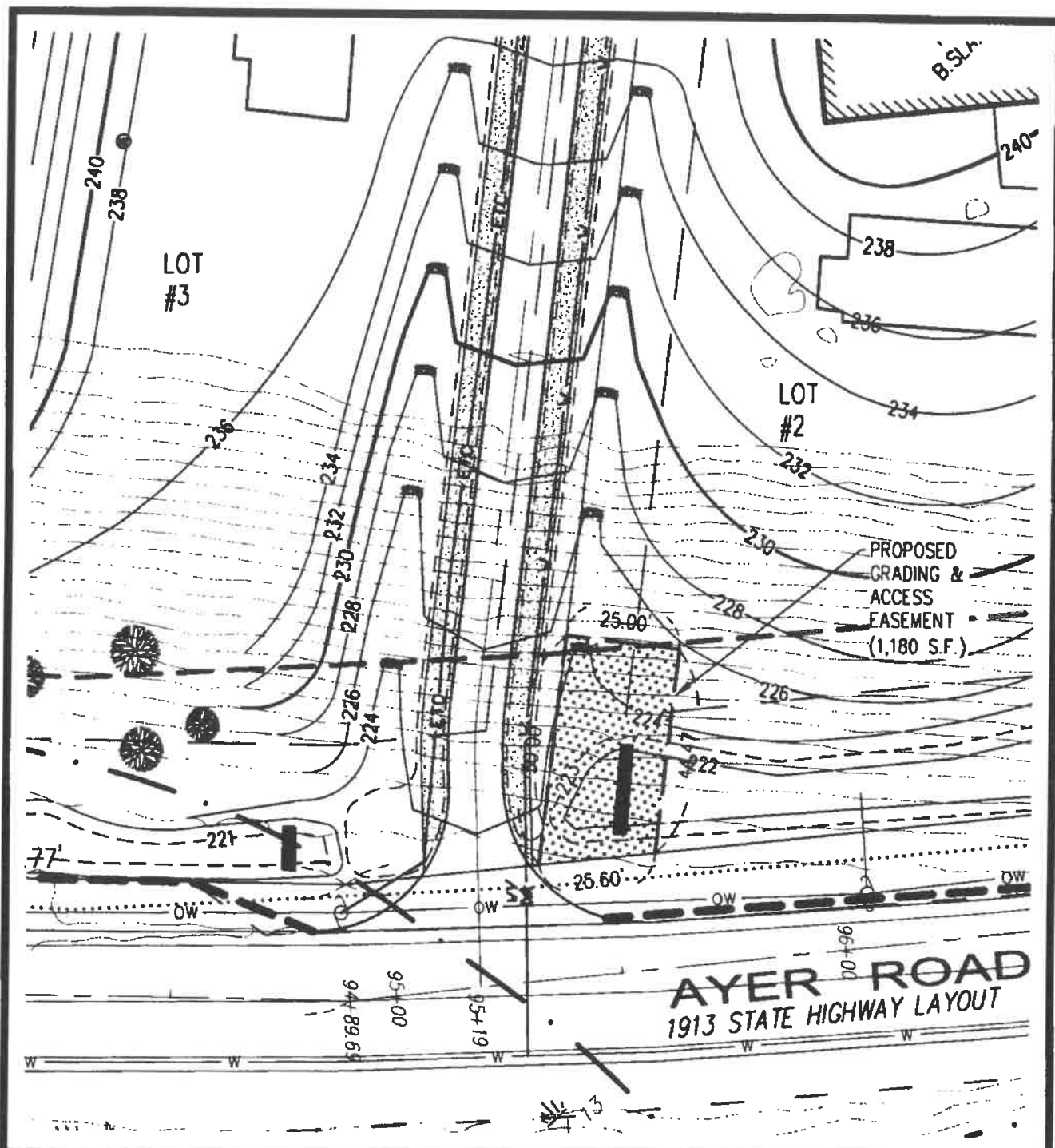

Notary Public:
My commission expires:

EXHIBIT A



EASEMENT EXHIBIT PLAN

Prepared By: Ducharme & Dillis, Civil Design Group, Inc.
 1092 Main Street
 P.O. Box 428
 Bolton, Massachusetts

DATE: OCTOBER 28, 2019

Prepared For: PMM Realty Trust
 442 King Street
 Littleton, Massachusetts

SCALE: 1" = 30'

DUCHARME & DILLIS
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