

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

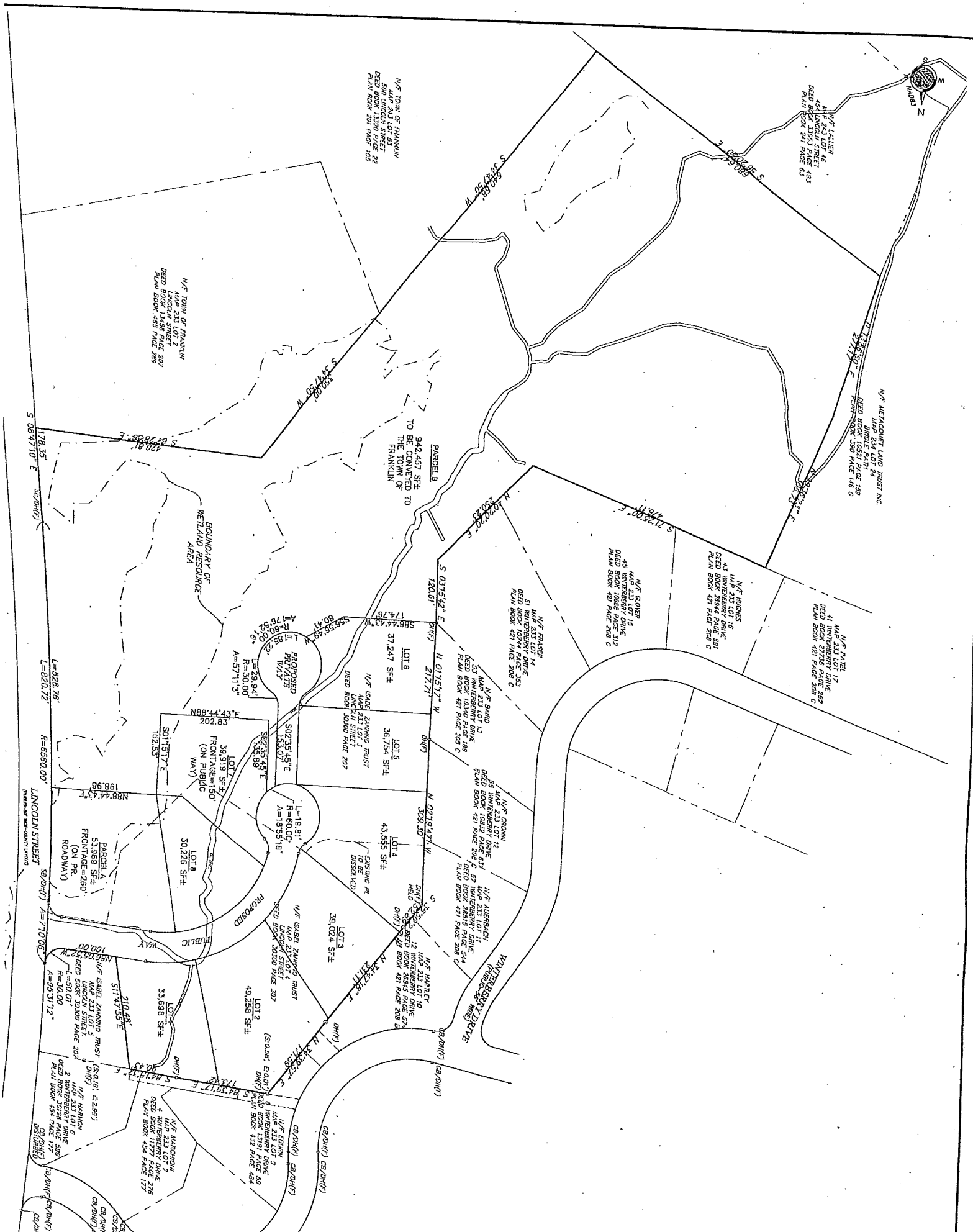
Date: September 14, 2016
To: Franklin Town Council
From: Jeffrey D. Nutting, Town Administrator
Re: New Residential Subdivision Rolling Brook Estates, off Lincoln Street:
Developer's Deed of Land to Town and Private Road Covenant

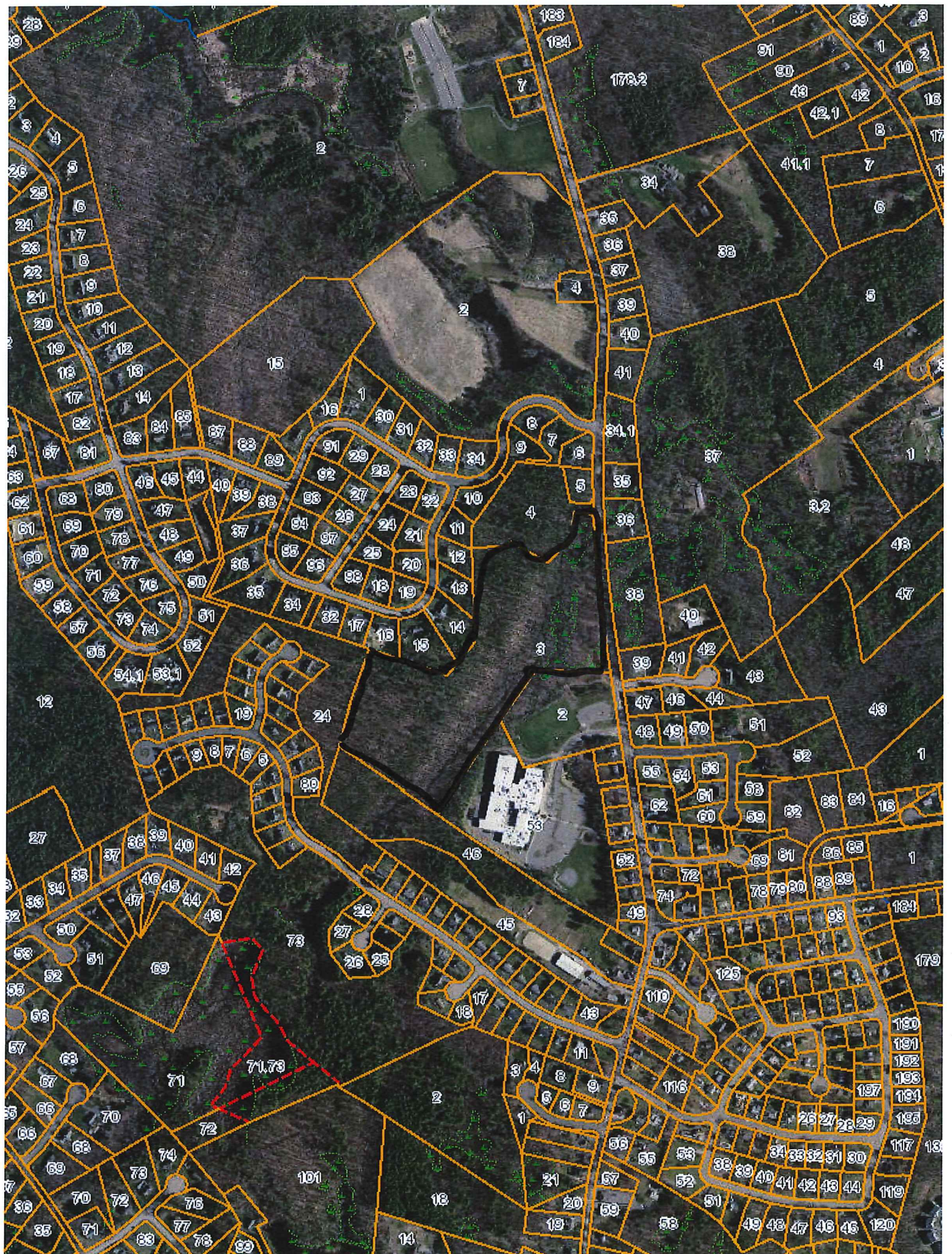
Rolling Brook Estates is a newly-approved, eight-lot residential subdivision off the westerly side of Lincoln Street, just south of Winterberry Drive. In return for the Planning Board's consideration of several waivers from their rules and regulations, the developer agreed to donate twenty-one, plus, acres of backland, together with access easement to the Town. The land has attractive natural features and also directly abuts both the Keller-Sullivan School and Metacomet Land Trust property.

The developer also agreed, in return for construction waivers, that the roadway and related infrastructure providing access to Lots 5 and 6 would remain private and the responsibility of the property owners, and the developer has executed a private road covenant to enforce this.

A copy of the subdivision plan showing "Parcel B" and the private way (road) subject to the covenant is attached for your information.

JDN:ce
Attachment







Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 16-56

**ACCEPTANCE OF PRIVATE ROAD COVENANT WITH
DEVELOPER OF ROLLING BROOK ESTATES
OFF LINCOLN STREET**

WHEREAS, the Franklin Planning Board on July 16, 2016 voted to approve with conditions a definite subdivision plan for an eight-lot residential development to be known as Rolling Brook Estates, which vote was filed with the Town Clerk on July 12, 2016; and

WHEREAS, said vote included conditions that an extension not the main roadway providing access to Lots 5 and 6 shown on the definitive subdivision plan and related drainage and utilities be and remain private and that the private property owner(s) have the exclusive obligation to maintain and repair the same, as well as to remove snow therefrom; and

WHEREAS, Nitor Development, Inc., a Massachusetts corporation, with a usual place of business at 19 Lenox Drive, Franklin, is the owner of the subject property and has executed a covenant incorporating the foregoing conditions, a true copy of which is attached as "Exhibit 1",

NOW, THEREFORE, BE IT ORDERED that the Town of Franklin, acting by and through its Town Council, hereby authorizes the Town Administrator to execute the covenant, a copy of which is attached hereto as Exhibit 1, on behalf of the Town of Franklin.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Locus: Lincoln Street, Franklin MA

QUITCLAIM DEED AND GRANT OF EASEMENTS

NITOR DEVELOPMENT, INC., a Massachusetts corporation with a principal address of 19 Lenox Drive, Franklin, MA 02038 ("Grantor"), for nominal consideration of less than One Hundred (\$100.00) Dollars, grants to the TOWN OF FRANKLIN, a municipal corporation with administrative offices located in the Franklin Municipal Building, 355 East Central Street, Franklin, Norfolk County, Massachusetts (the "Grantee"), with Quitclaim Covenants, for municipal purposes, all right, title and interest in and to the following:

The land shown as Parcel B ("Parcel B") on Sheet C-2 on the definitive subdivision plan entitled: "Definitive Subdivision Plans For Rolling Brook Estates Lincoln Street Franklin, Massachusetts," dated May 2, 2016, and prepared by Strong Point Engineering Solutions, 115 Main St Ste 2B, North Easton, MA 02356-1469, recorded August 30, 3016 at Norfolk County Registry of Deeds in Plan Book 651, Page 93 (the "Definitive Plan"). Said Parcel B contains 934,064 square feet of land, more or less, according to said plan.

The Grantor represents and warrants that the transfer hereunder does not represent a sale of all or substantially all of its assets located in the Commonwealth of Massachusetts.

Subject to and with the benefit of all easements, covenants and orders of conditions of record or as shown on the above described definitive plan.

EASEMENTS

The Grantor, for nominal consideration of less than One Hundred (\$100.00) Dollars, grants to the Grantee, for municipal purposes, all right, title and interest in and to the following easements:

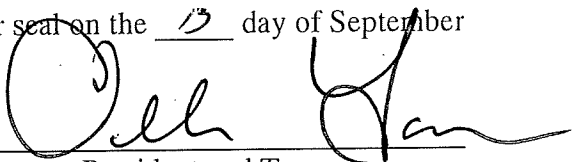
1. A permanent easement and a right-of-way for emergency and maintenance access, with the right of ingress and egress for public safety vehicles and equipment for emergency response, and for public works vehicles and equipment

for the maintenance of and improvement to Lot B, said easement area that area shown as "Proposed Public Way" and also that area shown as "Proposed Private Way" as shown on a plan entitled "Definitive Subdivision Plans For Rolling Brook Estates Lincoln Street Franklin, Massachusetts," dated May 2, 2016, and prepared by Strong Point Engineering Solutions, 115 Main St Ste 2B, North Easton, MA 02356-1469, recorded August 30, 2016 at Norfolk County Registry of Deeds in Plan Book 651, Page 93 (the "Definitive Plan"). If, at any such time that the Grantee accepts the Proposed Public Way, then this grant of easement shall merge into and become part of said public way; this merger, however, shall in no way affect the easement over the Proposed Private Way, which shall be a permanent easement.

2. A temporary easement for pedestrian access of the said "Proposed Private Way" as set forth above, for the purpose of accessing and egressing Lot B. This easement shall expire and become null and void upon the recording of a deed from the Grantor to the Grantee for the said Proposed Public Way; provided, however, that the permanent easement set forth above shall remain in full force and effect.

For Grantors' title, see deed from Lorraine Zannino and Jayne Zannino-Peppe, as Trustees of the Isabel Zannino Nominee Trust (u/d/t November 26, 1996 and recorded with the Norfolk County Registry of Deeds in Book 11795 Page 378) dated August 30, 2016 and recorded on even date at Norfolk Registry of Deeds in Book 34415, Page 420.

IN WITNESS WHEREOF, Allen Lappas, as President and Treasurer of Nitor Development, Inc., has executed these presents under seal on the 13 day of September 2016.



Allen Lappas, President and Treasurer,
Nitor Development, Inc.

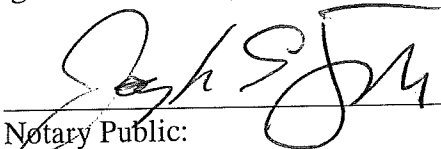
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

September 13, 2016

On this 13 day of September 2016, before me, the undersigned notary public, personally appeared Allen Lappas, President and Treasurer of Nitor Development, Inc., proved to me through satisfactory evidence of identification, which was a Massachusetts

driver's license, and whose name is signed on the preceding document, or attached document, and acknowledged to me that he signed it voluntarily for the stated purpose.



Notary Public:
My commission expires:



JOSEPH E. MULLIGAN, III
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 22, 2017