

DEFINITIVE AND SPECIAL PERMIT PLAN

# FOXWOOD

SINGLE FAMILY

PLANNED RESIDENTIAL DEVELOPMENT

IN

## NORTH ANDOVER, MASS.

OWNED AND DEVELOPED BY

### SUMMER STREET REALTY TRUST

733 TURNPIKE STREET - SUITE 209  
NORTH ANDOVER, MASS. 01845

#### NOTES:

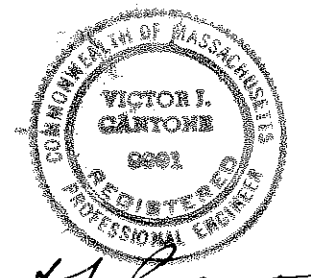
- 1) PROPERTY LINES AND TOPOGRAPHY FROM PLANS BY THOMAS NEVE AND ASSOCIATES; DATUM BASE U.S.G.S. M.S.L.; WETLANDS SHOWN FROM A FIELD DELINEATION BY I.E.P. INC., NORTHBOROUGH, MASS., UPDATED BY WETLANDS PRESERVATION INC., GEORGETOWN, MASS.. PROPERTY LINES AND TOPOGRAPHY UPDATED MAY 1993 BY MERRIMACK ENGINEERING SERVICES, ANDOVER, MASS.
- 2) DIMENSIONAL AND DEVELOPMENT DATA:  
 TOTAL NUMBER OF UNITS : 49 SINGLE FAMILY  
 TOTAL NUMBER OF LOTS : 49 CONVENTIONAL & CLUSTER  
 TOTAL SITE AREA : 2,831,793 S.F. = 65.0090 AC.  
 AREA OF OPEN SPACE = 1,548,870 S.F. = 35.5572 AC.  
 AREA OF LOTS = 1,078,439 S.F. = 24.7575 AC.  
 AREA OF ROADWAY = 204,484 S.F. = 4.6943 AC.  
 % OPEN SPACE REQUIRED = 35%  
 OPEN SPACE PROVIDED = 54.70%
- 3) ALL PERIMETER MONUMENTS ARE FOUND AS OF MAY 1993.
- 4) SEE TOWN OF NORTH ANDOVER ASSESSORS MAPS # 65 & 106 C LOTS # 36, 37, 10, 39, 20 AND DEED BK. 803 PG. 321 ENDR.D. FOR SITE.
- 5) ZONING DISTRICT = R 2
- 6) THE CROSS COUNTRY DRAINAGE SWALE ON LOTS # 16 THROUGH # 23 INCLUSIVE IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER AND SO COVENANTED IN THEIR DEEDS.
- 7) PRIOR TO LOT CONVEYANCES, ALL LOTS WITH EASEMENTS SHALL HAVE RECORDED AN EASEMENT PLAN WITH EASEMENT LINES DEFINED WITH BEARINGS AND DISTANCES, THOSE LINES REFLECTIVE OF AS-BUILT IMPROVEMENT LOCATIONS.
- 8) PROVIDE ROADWAY SUBDRAINS @ LOCATIONS SO SPECIFIED BY N.A.D.P.W. DURING CONSTRUCTION. SUBDRAINS TO CONFORM TO M.D.P.W. STANDARDS.

#### LEGEND

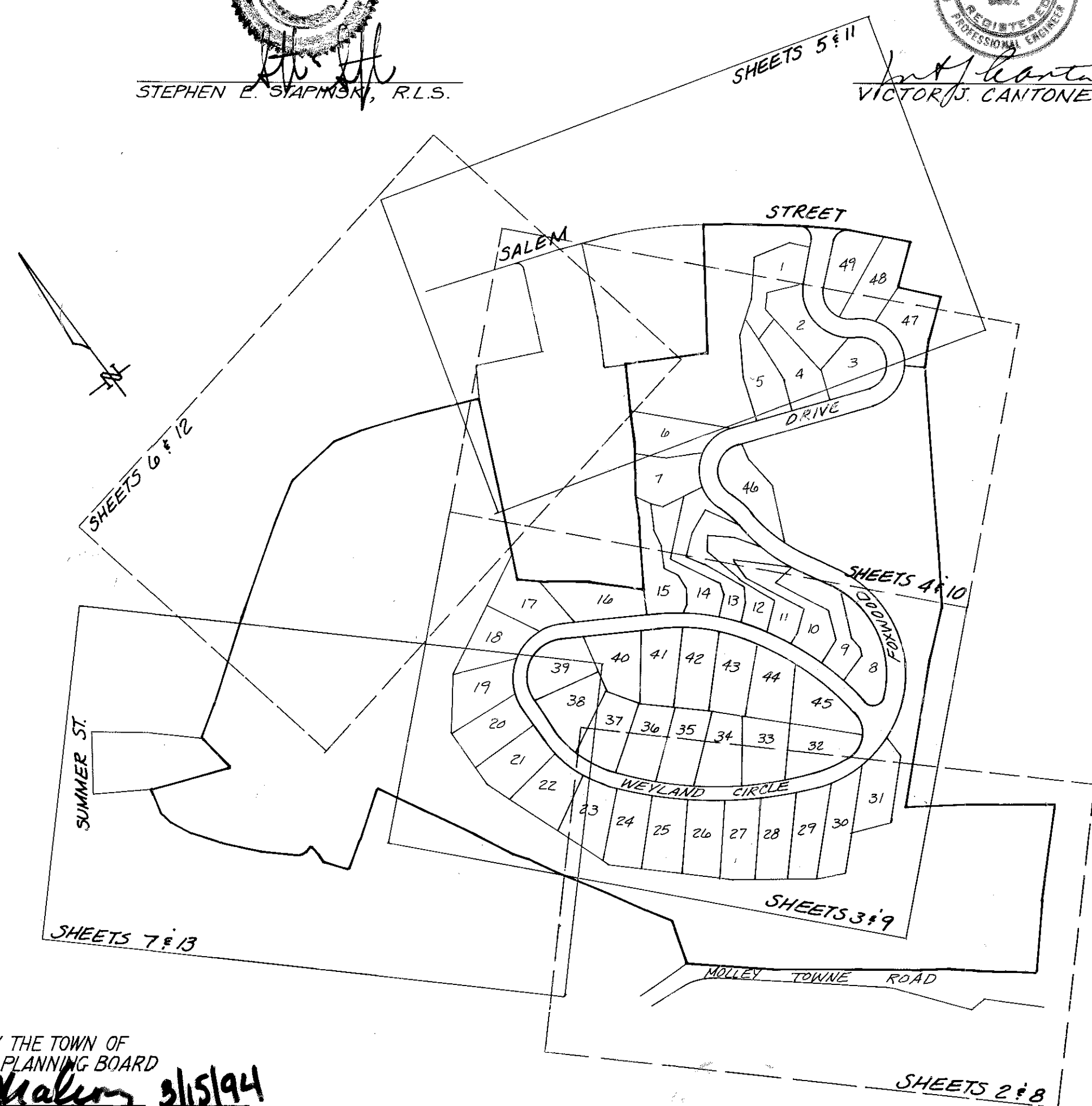
- ITZ EXISTING CONTOUR
- PROPOSED CONTOUR
- D.H. DRILL HOLE
- EXISTING STONE WALL
- EDGE OF WOODS
- EDGE OF WETLANDS
- △ B&T WETLANDS FLAG
- 190x6 EXISTING SPOT ELEVATION
- EXISTING DWELLING
- PROPOSED DWELLING
- W --- PROPOSED WATER MAIN
- S --- PROPOSED SEWER
- D --- PROPOSED DRAIN
- G --- PROPOSED GAS
- T --- PROPOSED TELEPHONE SERVICE
- E --- PROPOSED ELECTRIC SERVICE
- INV. INVERT
- C.B. □ CATCH BASIN
- D.M.H. ○ DRAIN MANHOLE
- S.M.H. ○ SEWER MANHOLE
- HYD. ⚡ HYDRANT
- PROP. PROPOSED
- WG. WATERGATE
- FE.S. FLARED END SECTION
- CEM. CEMENT
- BIT. BITUMINOUS
- CONC. CONCRETE
- FND. FOUND
- + PROPOSED STREET LIGHT (STYLE "D") (INCANDESCENT W/UNIT IDENTIFICATION)
- PROPOSED STREET LIGHT (STYLE "A") (METAL HALIDE)
- TF TOP OF FOUNDATION



STEPHEN E. STAPINSKI, R.L.S.



VICTOR J. CANTONE, P.E.



#### KEY MAP

SCALE: 1" = 300'±

#### INDEX

- SHEET 1 ~ COVER SHEET
- SHEET 2,3,4,5,6 & 7 ~ PROPERTY LINE PLAN
- SHEET 8,9,10,11,12 & 13 ~ TOPOGRAPHIC & GRAING PLAN
- SHEET 14,15,16,17,18,19 ~ PLAN & PROFILE
- SHEET 20 ~ DETAILS
- SHEET 21 ~ NOTES

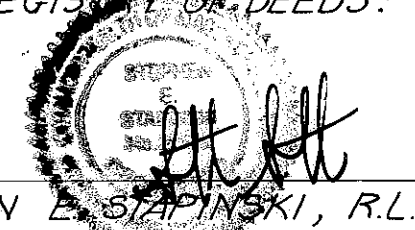
DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
 IN  
**NORTH ANDOVER, MASS.**  
 OWNED & DEVELOPED BY  
**SUMMER STREET REALTY TRUST**  
 733 TURNPIKE STREET - SUITE 209, NORTH ANDOVER, MA. 01845

SCALE: NOTED MAY 1993  
 REV. 12-9-93  
**MERRIMACK ENGINEERING SERVICES**  
 66 PARK STREET  
 ANDOVER, MASSACHUSETTS 01810

SHEET 1 OF 21

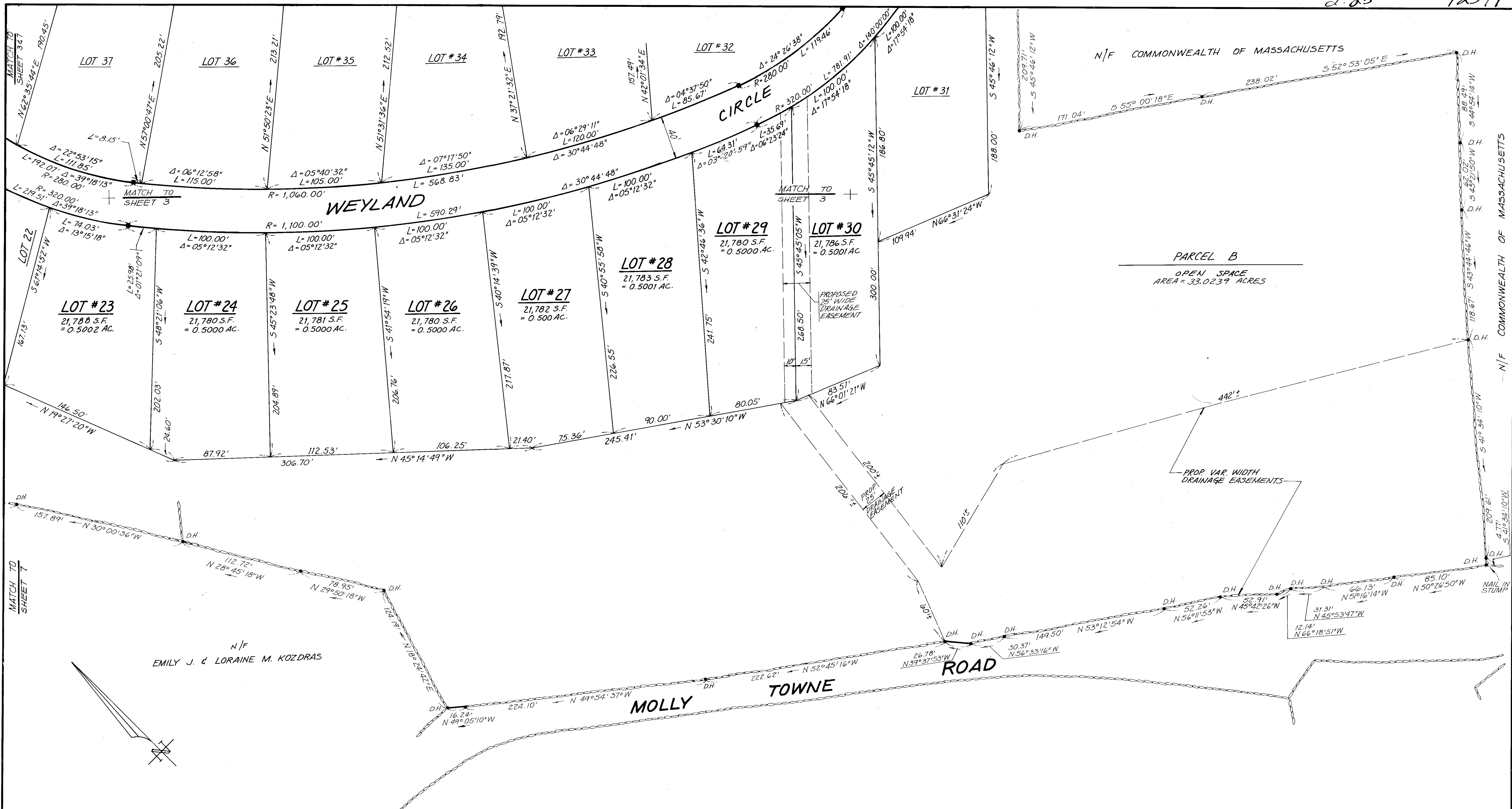
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 Plan # 12371  
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 Not Public Case of Security  
 Received & Recorded  
 March 21, 1994 at 3:27 P.M.  
 Court # 4007p 250  
 Attest:  
 Register of Deeds

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS."



STEPHEN E. STAPINSKI, R.L.S.

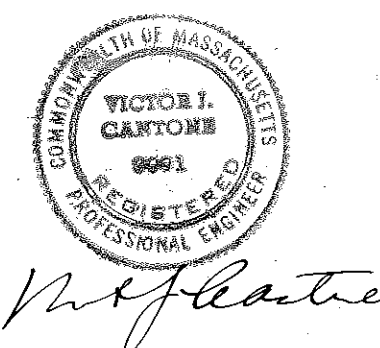
APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
 3/15/94  
 John Doughton  
 HEARING



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 North District Essex County  
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 Attest: [Signature]  
 Register of Deeds

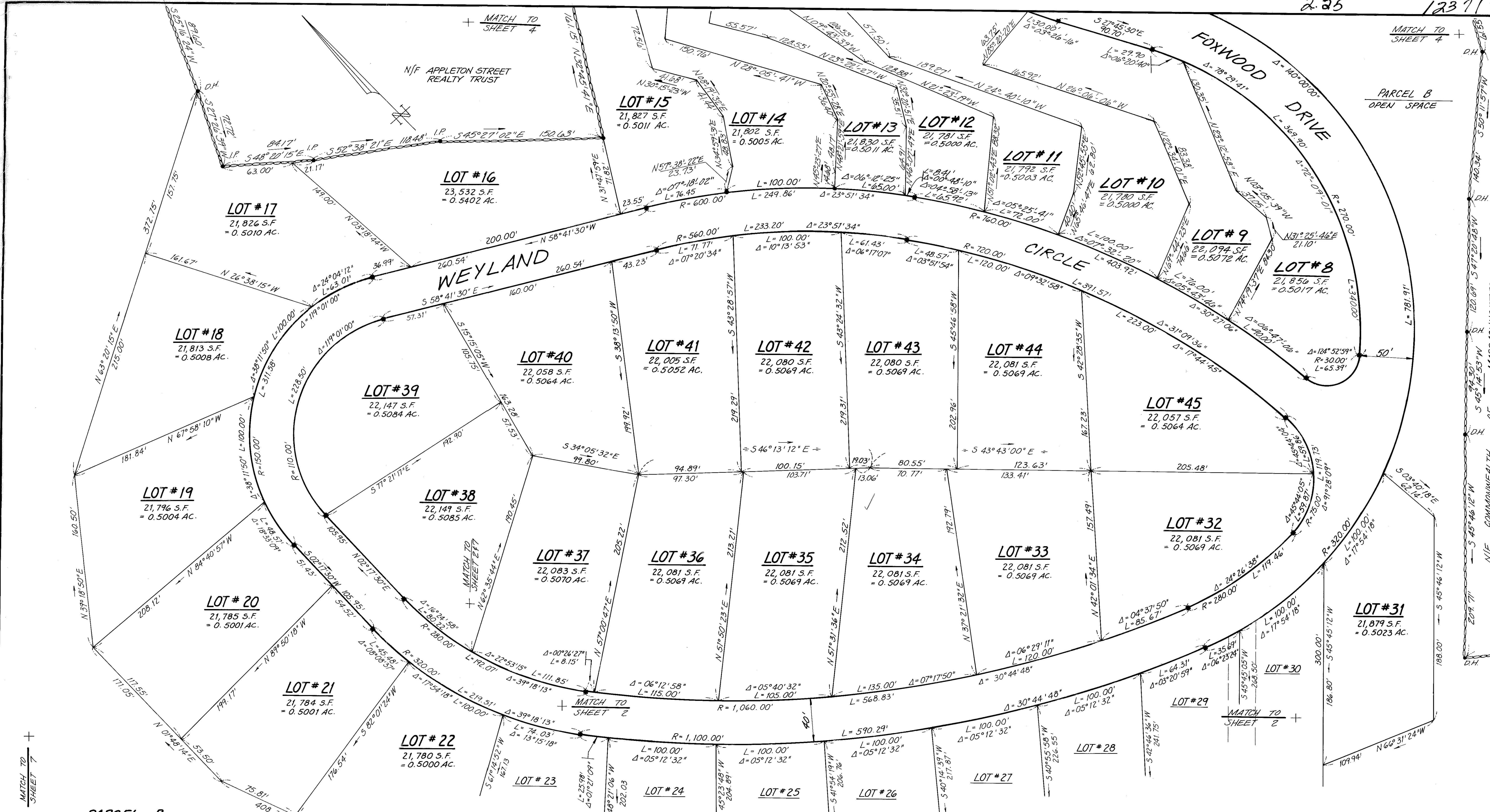
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 STEPHEN B. [Signature] J.R.L.S.

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
 [Signature] 3/15/94 DATE  
 [Signature] FILED  
 [Signature] HEARING



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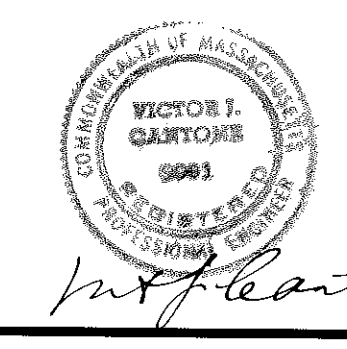
**PARCEL B**  
OPEN SPACE  
AREA = 1438,522 S.F.  
= 33.0239 AC.

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**Plan # 12371**  
Registry of Deeds  
North District Esq. Court  
March 21, 1994 at 3:27 PM  
Court Ce 4007 of 250  
Attest:  
*[Signature]*  
Register of Deeds

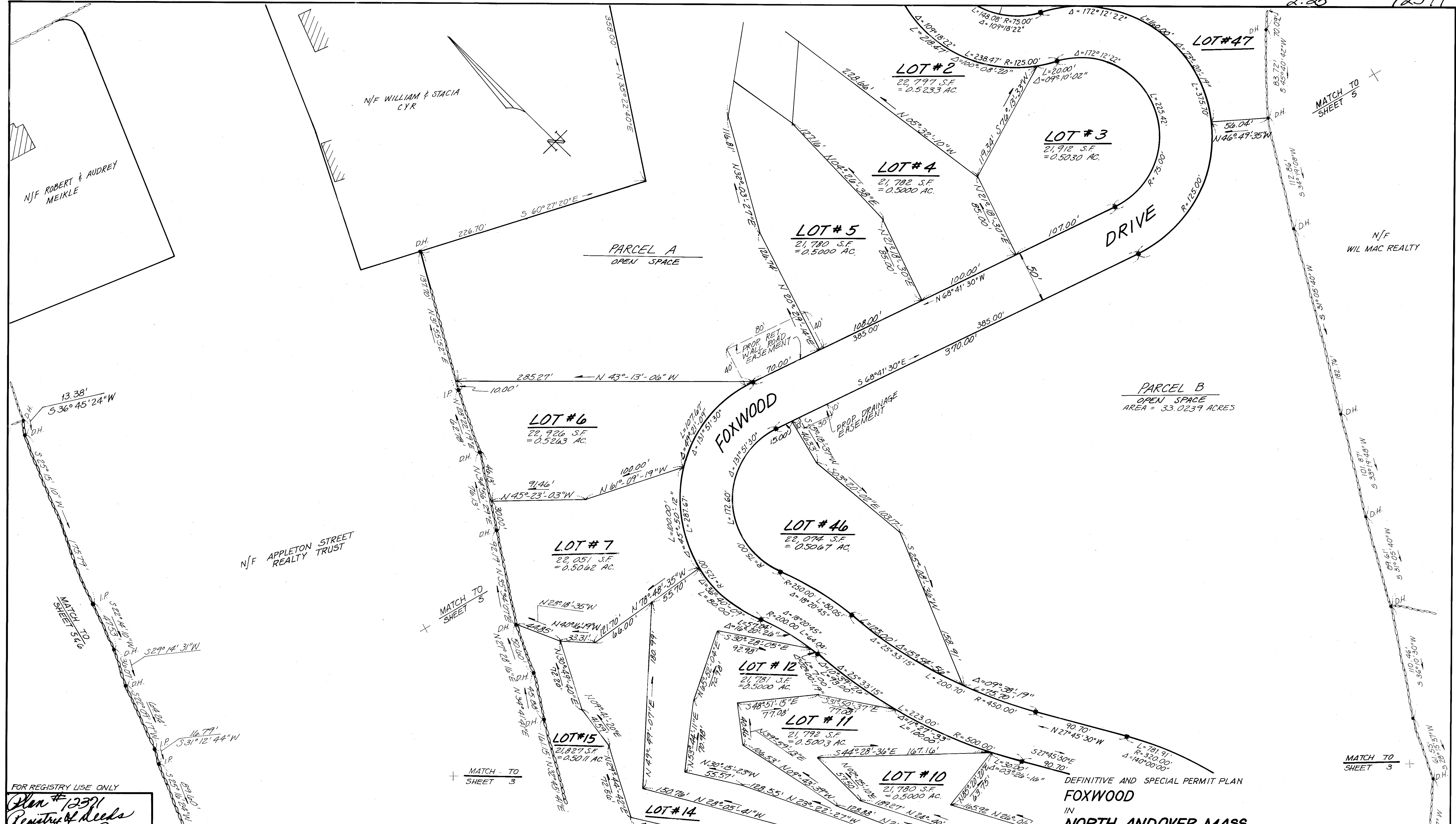
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STEPHEN E. HANSEN, R.L.S.

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John Bayler  
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HEARING



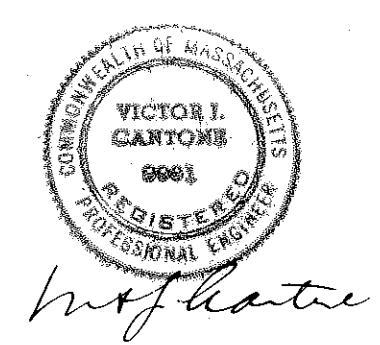
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 North District Essex County  
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 Court of Probate 250  
 Attest: *[Signature]*  
 Register of Deeds

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 STEPHEN E. STAPINSKI, R.L.S.

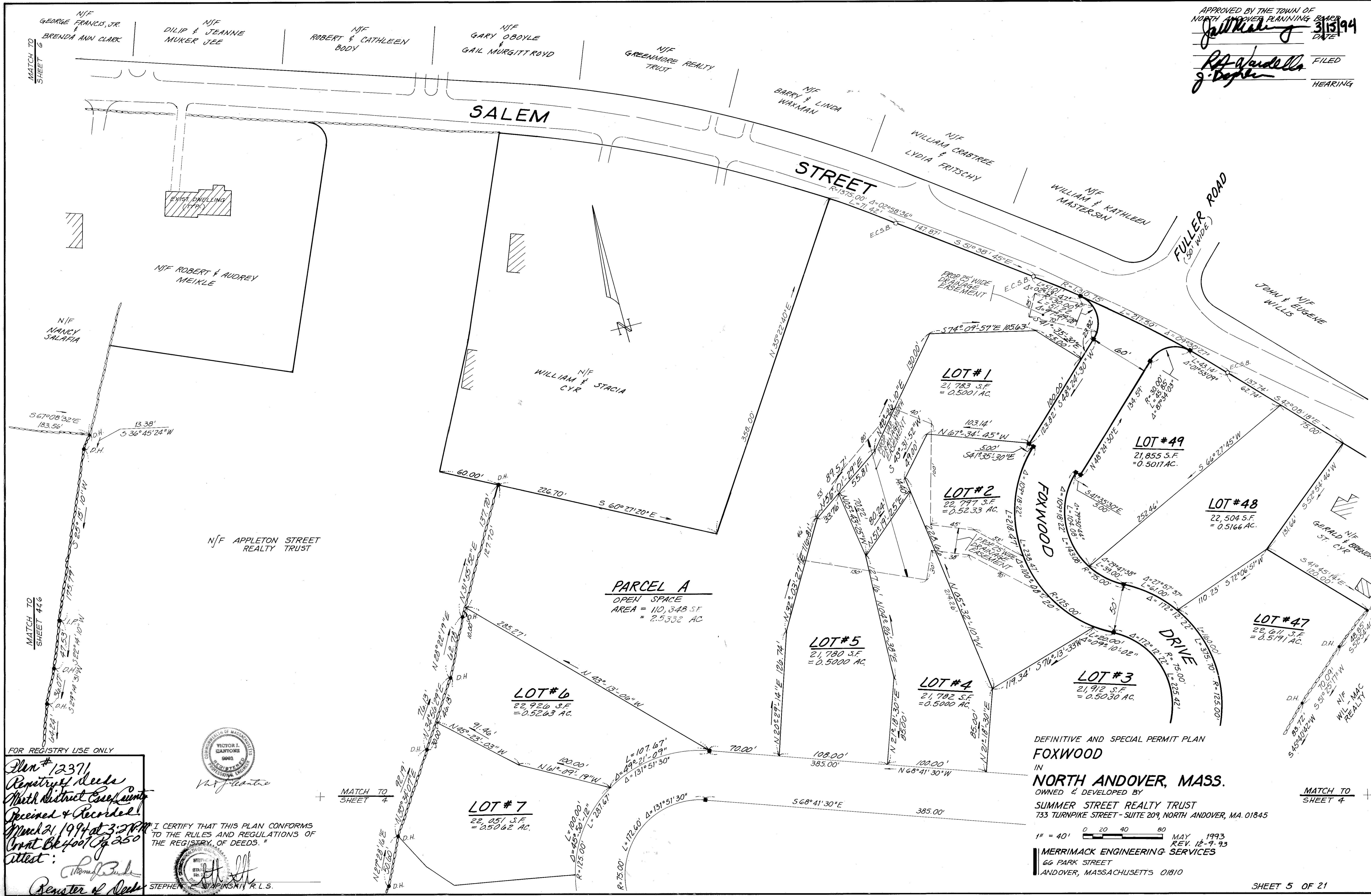
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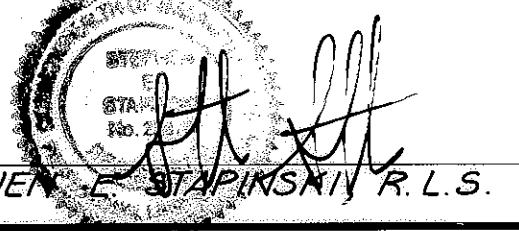
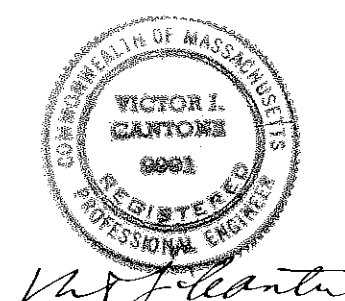


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*J. Walker* 3/15/94  
DATE  
*R. Wardella* FILED  
*J. Doyle* HEARING



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Registry of Deeds  
North District Essex County  
Received & Recorded  
March 21, 1994 at 3:28 PM  
Court Book 4007 Pg 250  
Attest:  
*Thomas B. Bunker*  
Register of Deeds

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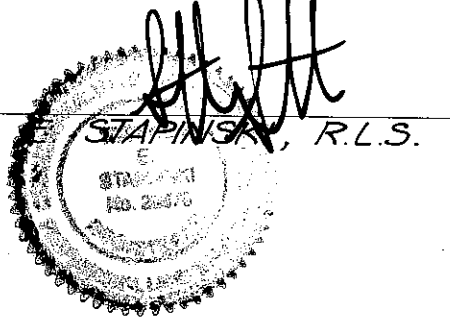


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0 20 40 80  
MAY 1993  
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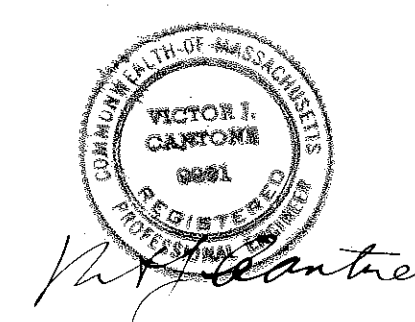
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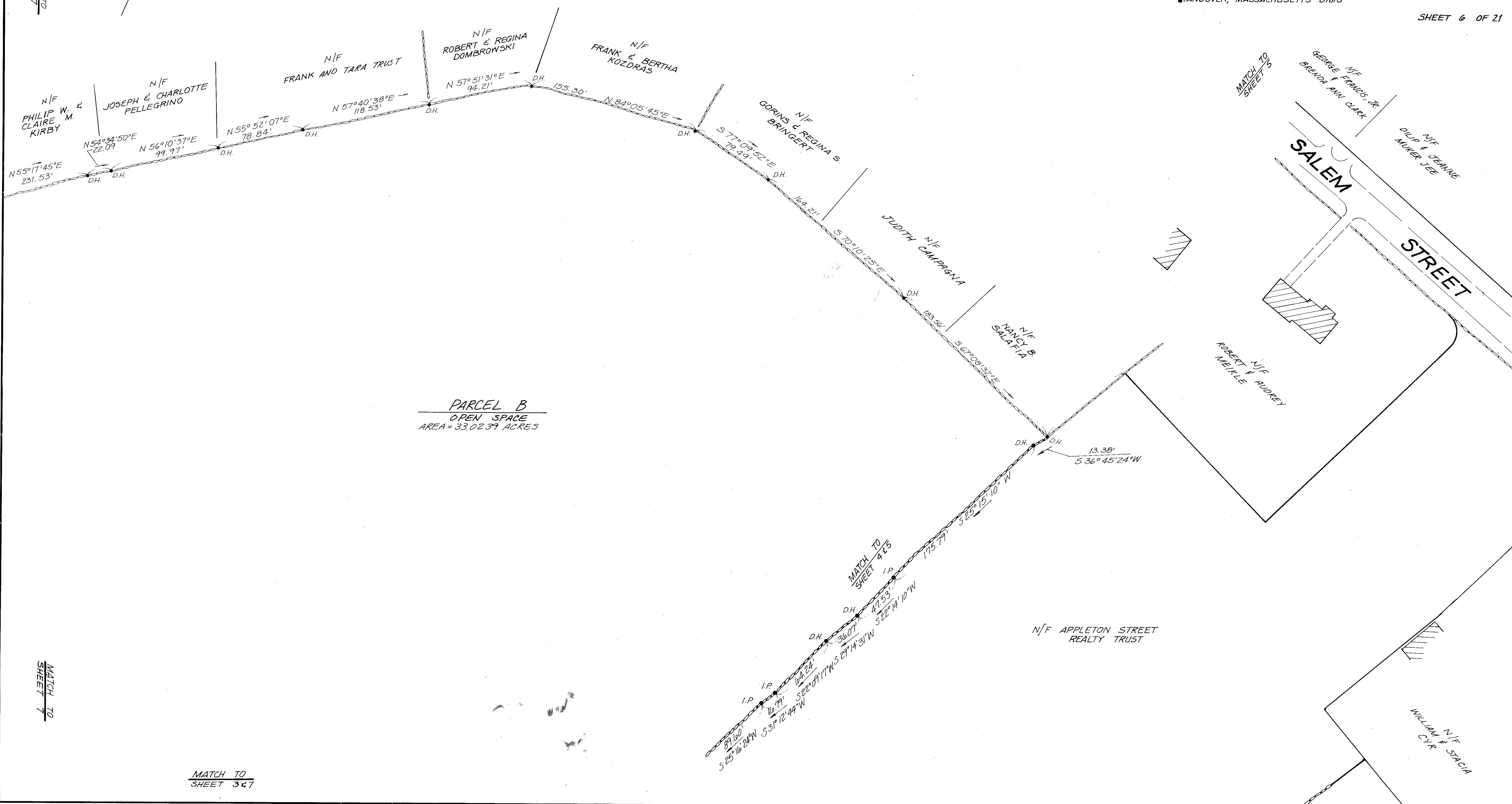


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SHEET 6 OF 21

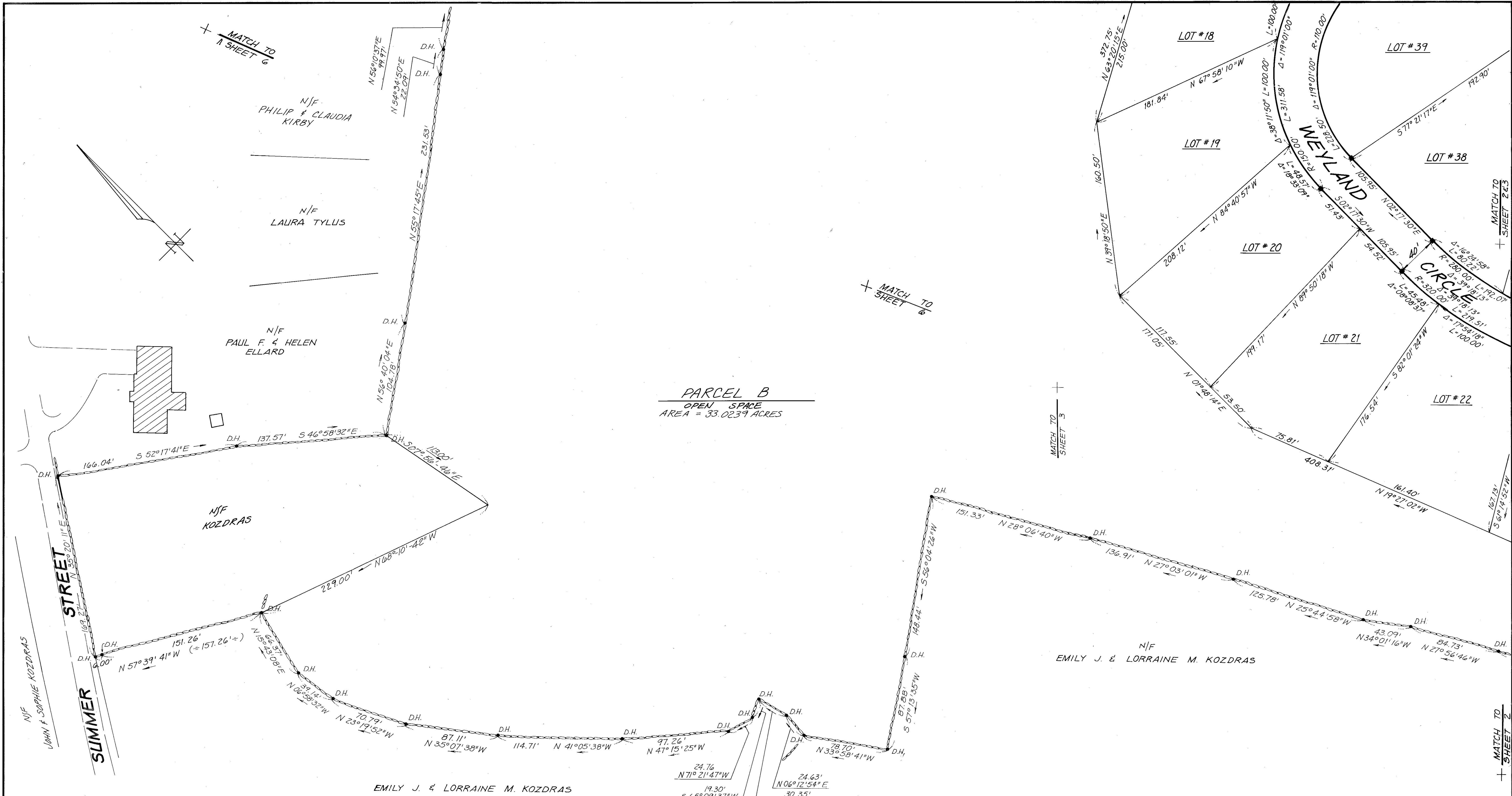


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MATCH TO SHEET 7

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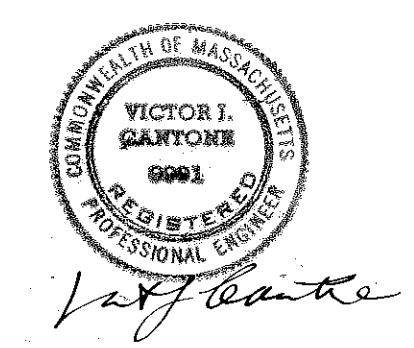




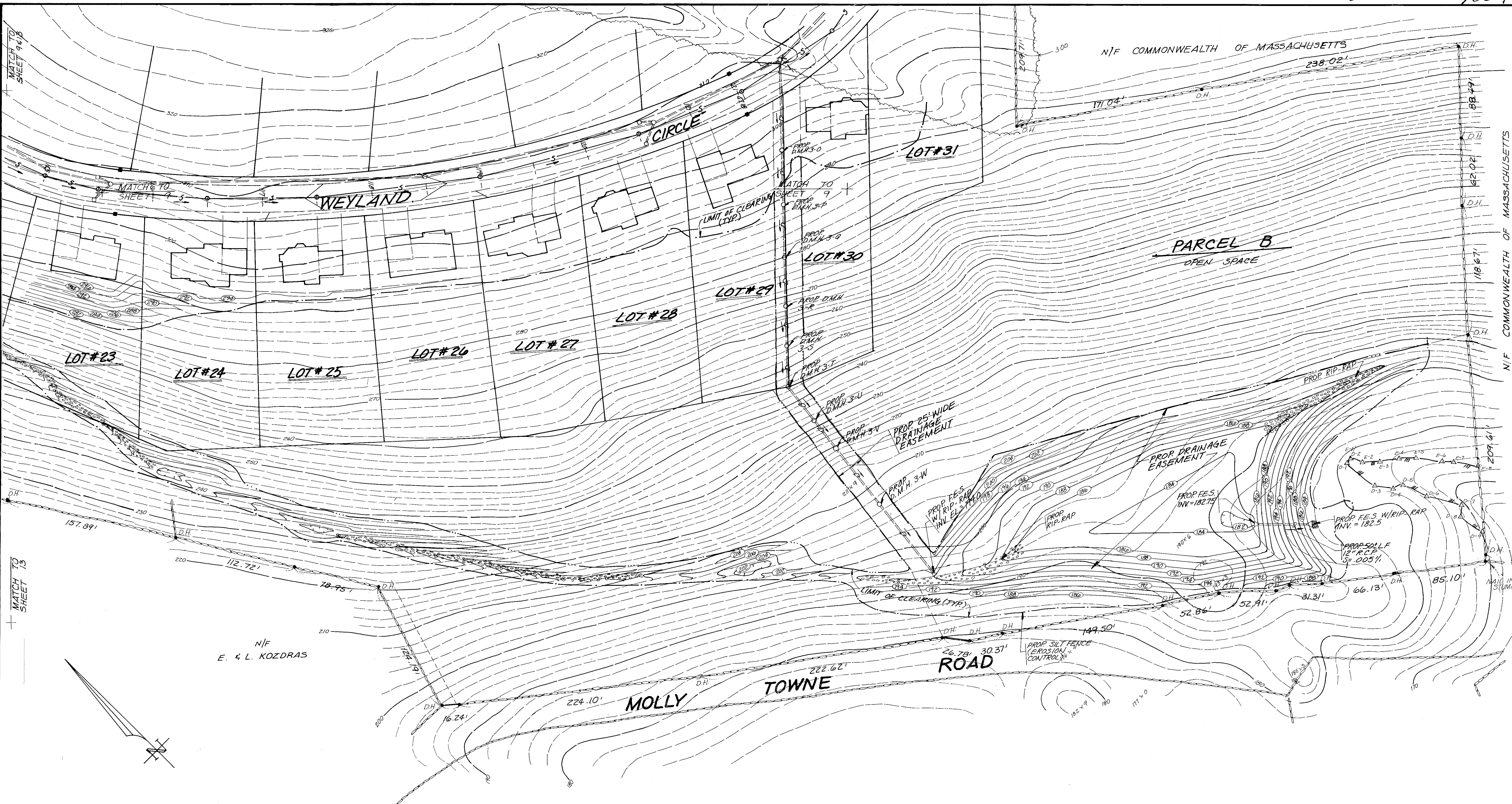
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Court Bl 4009 of 250  
Register of Deeds

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STEPHEN E. STAPINSKI, R.L.S.

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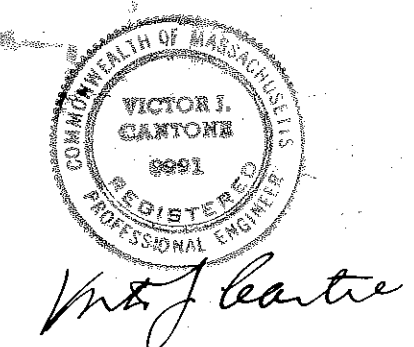
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 Registrar of Deeds

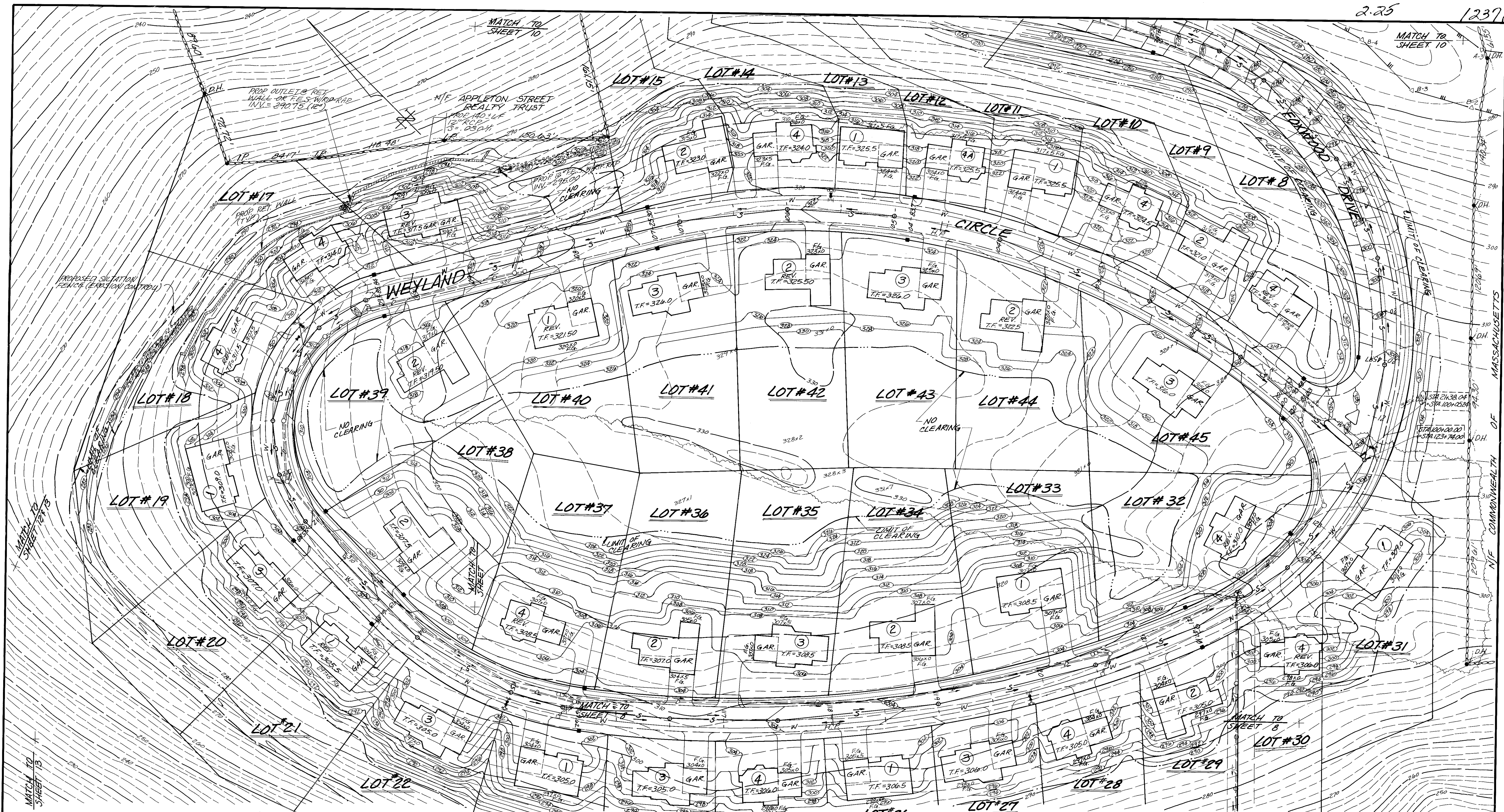
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 STEPHEN B. STANISKI, R.L.S.

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*[Signature]* 3/15/94  
*[Signature]*  
*[Signature]*  
 J. Dwyer  
 HEARING



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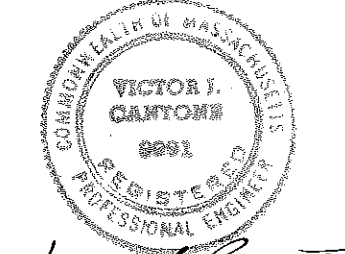


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Registry of Deeds  
North District Essex County  
Received & Recorded  
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Count 440709 250  
Attest  
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STEPHEN E. STAMINSKI, R.L.S. 11-18-93 DATE

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
315194  
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HEARING

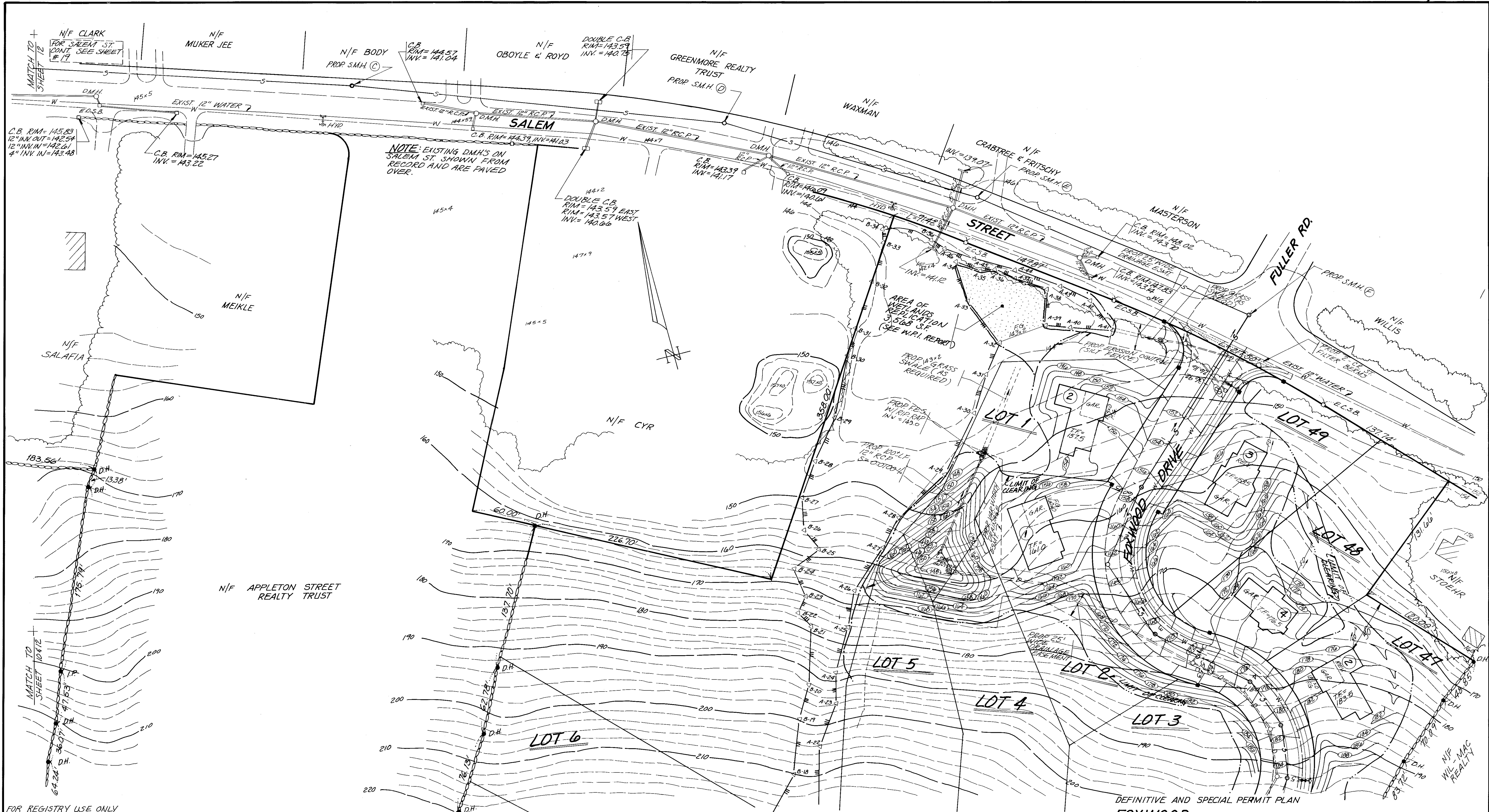


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NOTE: EXISTING DMH'S ON SALEM ST. SHOWN FROM RECORD AND ARE PAVED OVER.

AREA OF REPLICANDS 3,568 S.F. (SEE N.P.I. REPORT)

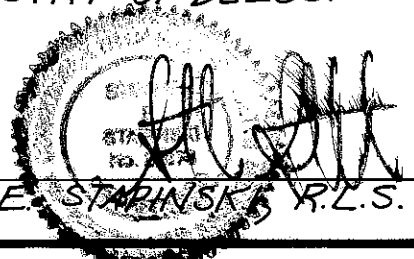
PROP. GRASS SWALE (AS REQUIRED)

PROP. FES. W/ RIP RAP INV. = 143.0

PROP. DOUBLE 12" R.C.P. 7" DIA. 5' LONG

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 Plan # 12371  
 Registry of Deeds  
 North District Case Records  
 Received & Recorded  
 March 21, 1994 at 3:27 PM  
 Court Bl 4007 of 250  
 Attest: *[Signature]*  
 Register of Deeds

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MATCH TO SHEET 10



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*[Signature]* 3/15/94  
*[Signature]*  
 FILED  
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 MAY, 1993  
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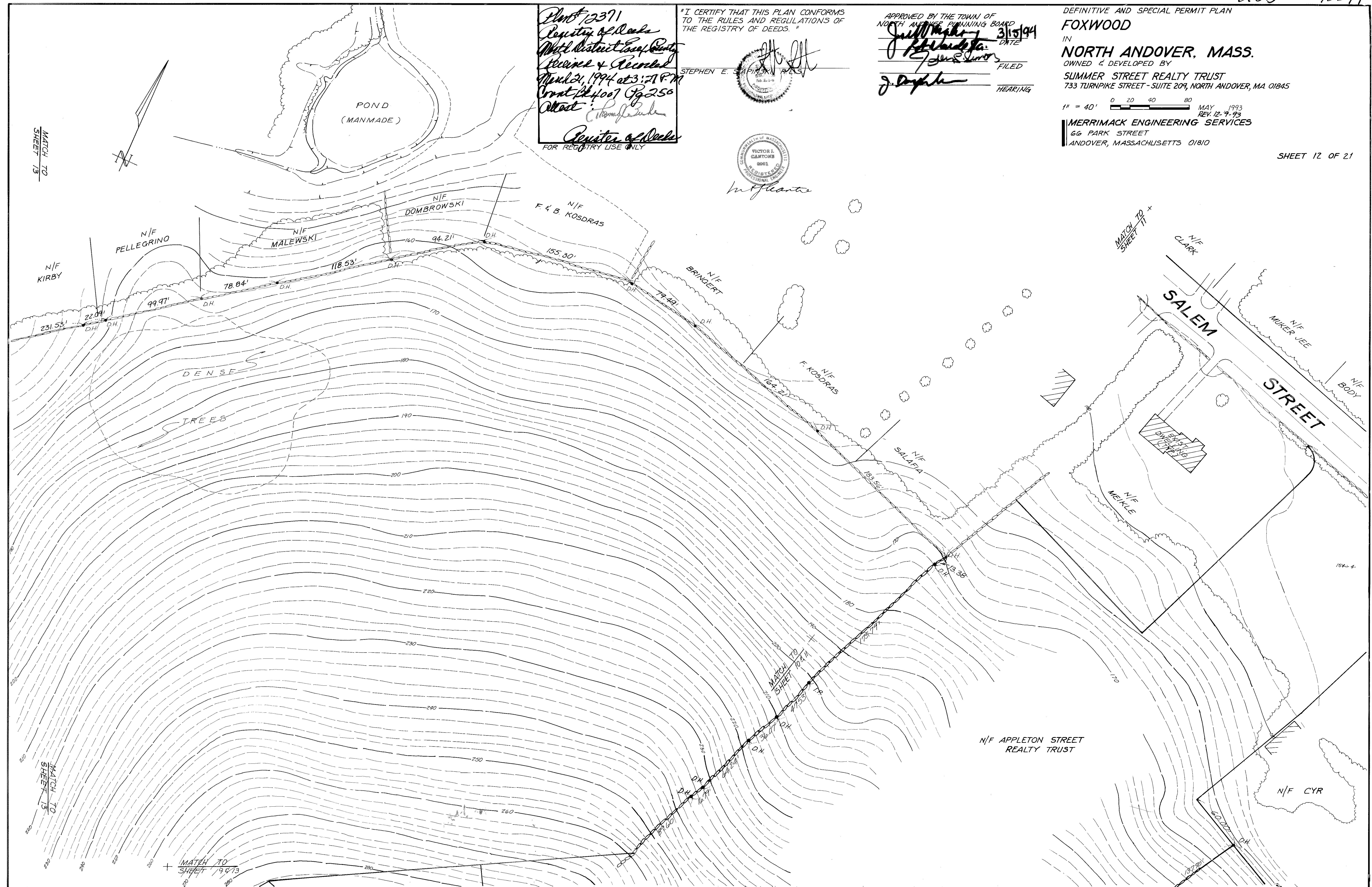
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North Andover  
Records & Records  
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Court 124007 Pg 256  
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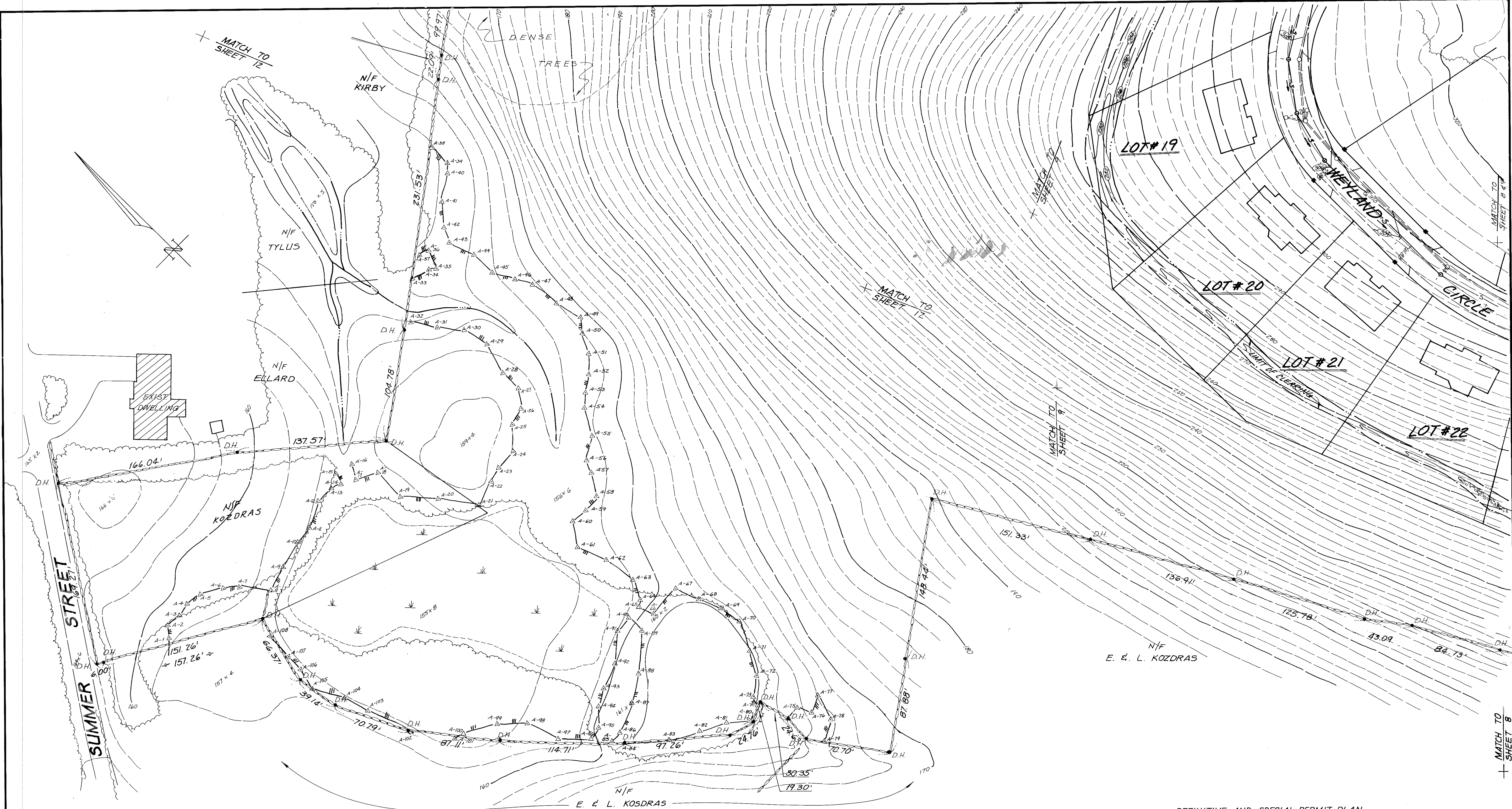
STEPHEN E. SAPIRINSKI, R.E.S.  
[Seal]

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
[Signature]  
3/15/94 DATE  
[Signature]  
FILED  
[Signature]  
HEARING

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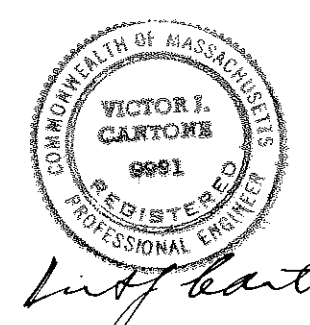




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 Court Bl 4007 Pg 250  
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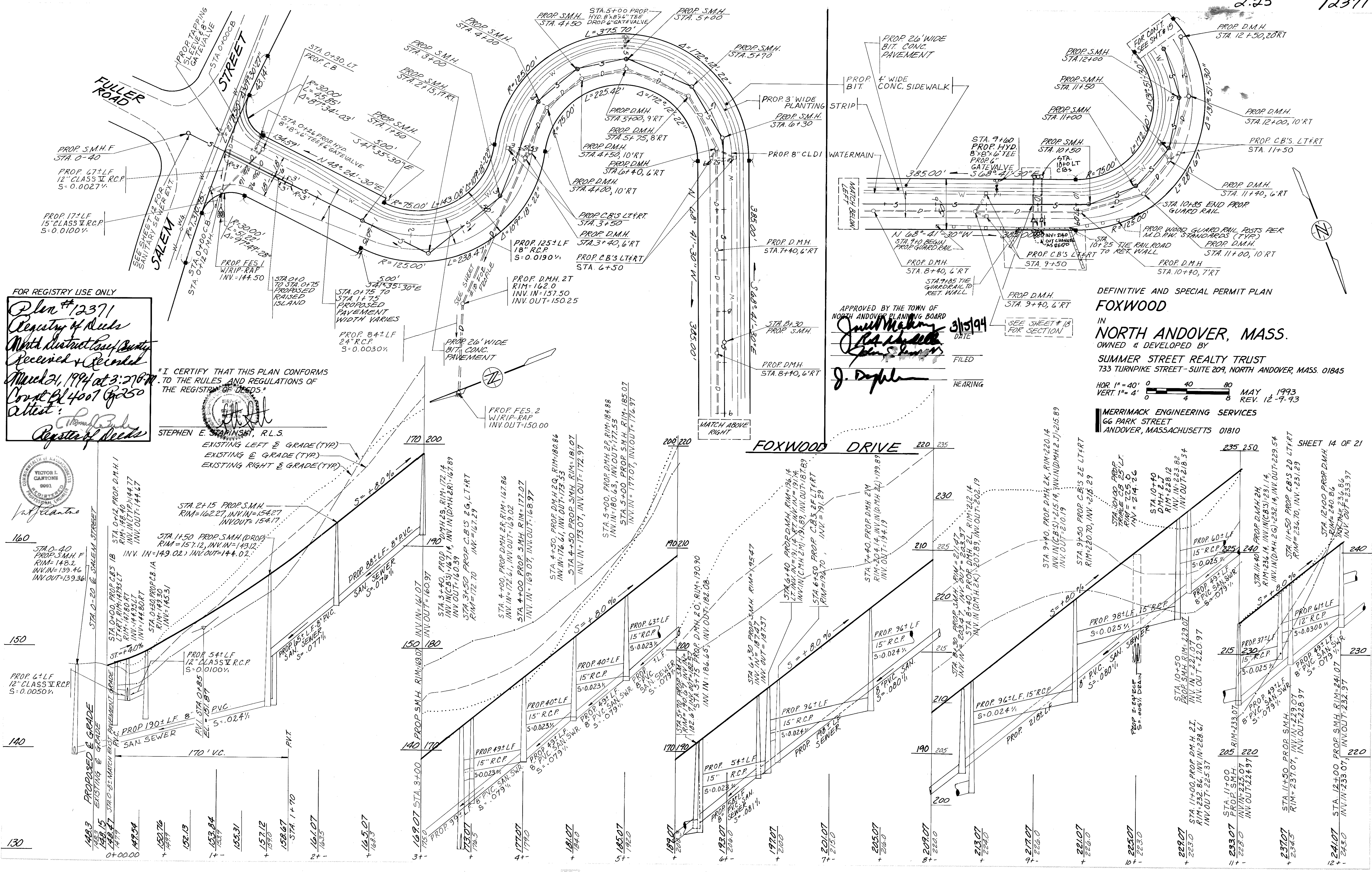
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*[Signature]*  
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APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD

*J. Dupla*  
 DATE: 3/15/94  
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HOR. 1" = 40'  
 VERT. 1" = 4'

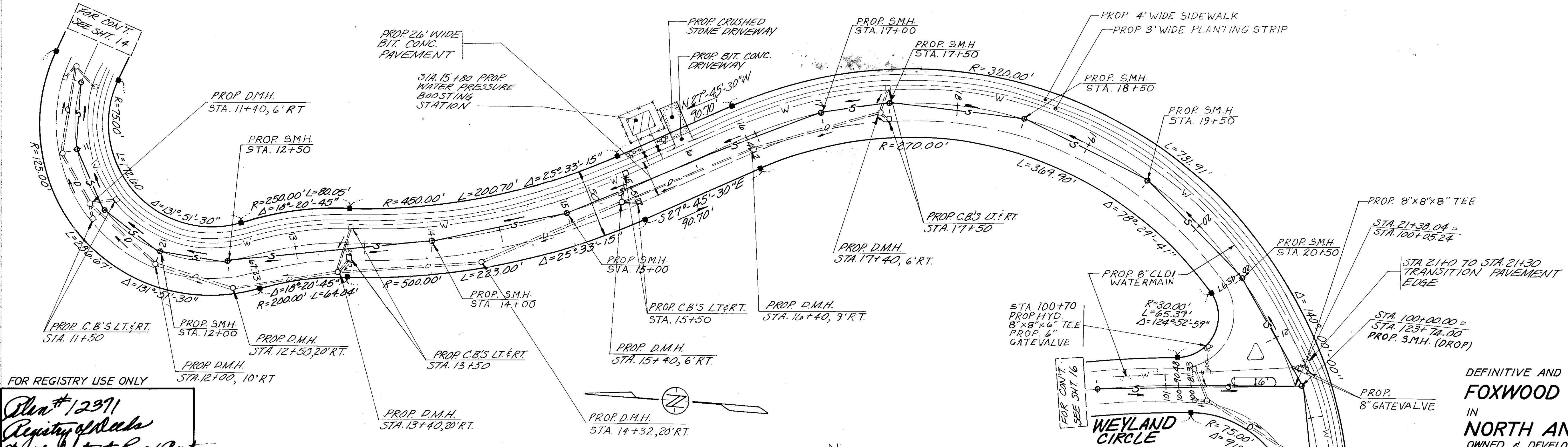
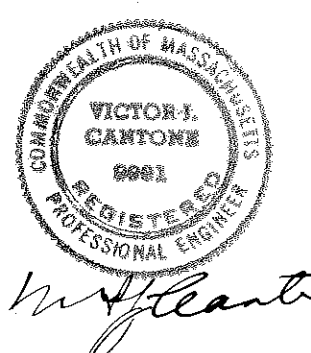
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SHEET 14 OF 21



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*[Signature]* FILED  
*[Signature]* HEARING



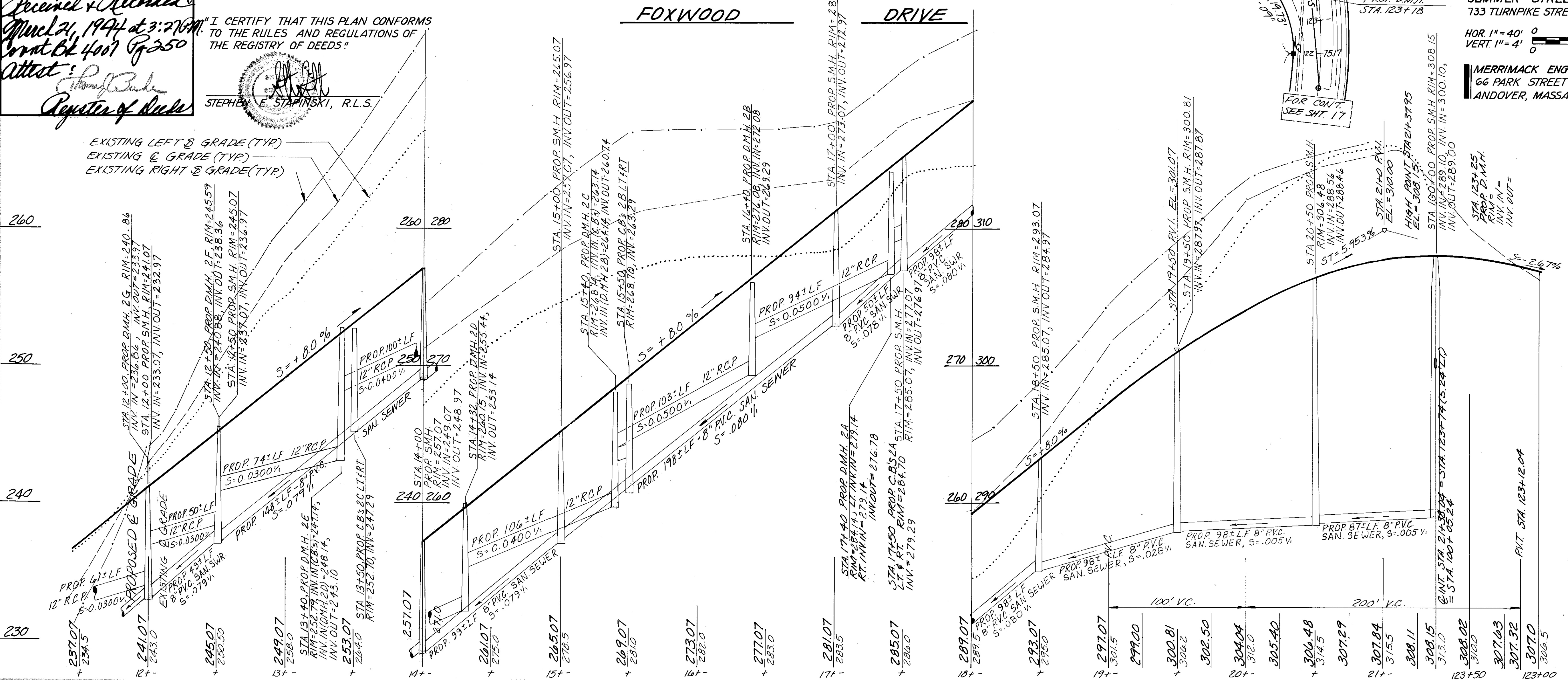
FOR REGISTRY USE ONLY  
Plan # 12371  
Registry of Deeds  
North District Essex County  
Received & Recorded  
March 24, 1994 at 3:27 PM  
Court Bd 4007 Pg 250  
Attest: *[Signature]*  
Register of Deeds

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS!

*[Signature]*  
STEPHEN E. STAPINSKI, R.L.S.

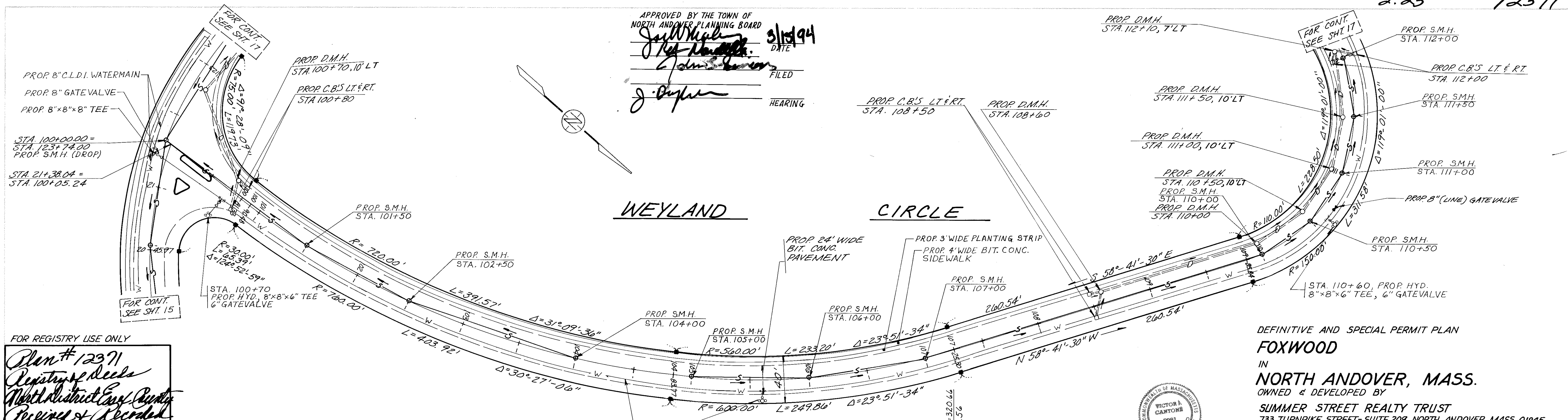
DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
IN  
**NORTH ANDOVER, MASS.**  
OWNED & DEVELOPED BY  
SUMMER STREET REALTY TRUST  
733 TURNPIKE STREET - SUITE 209, NORTH ANDOVER, MASS. 01845  
HOR. 1" = 40'  
VERT. 1" = 4'  
MAY, 1993  
REV. 12-9-93  
MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810

SHEET 15 OF 21





APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
*[Signature]* DATE 5/14/94  
*[Signature]* FILED  
*[Signature]* HEARING

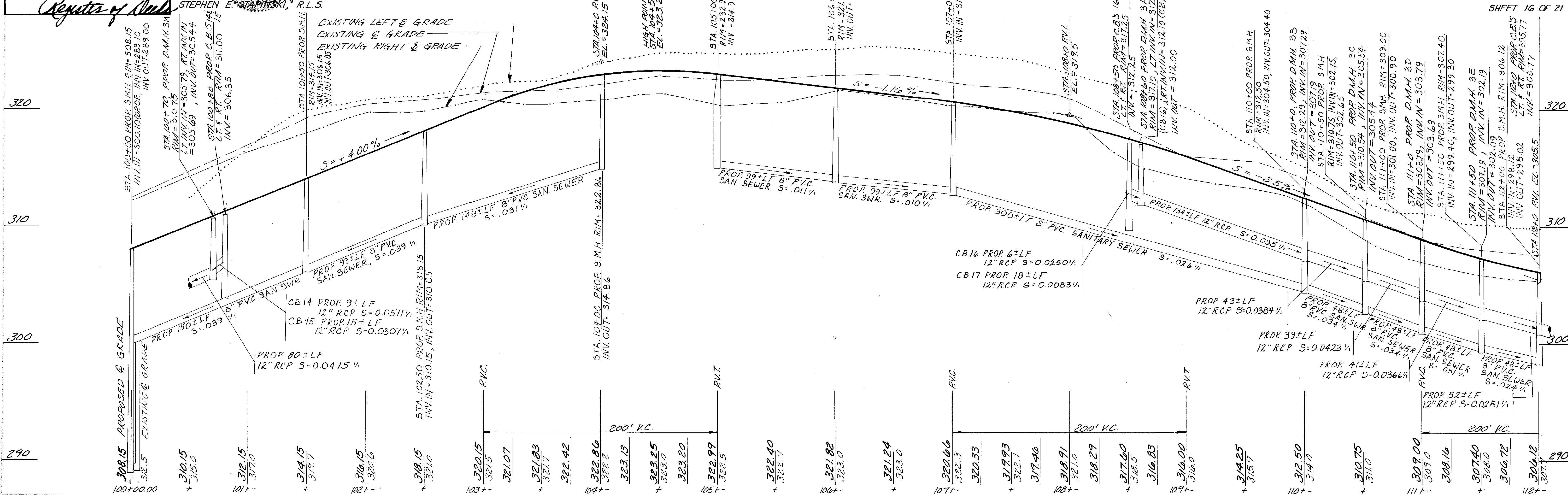


FOR REGISTRY USE ONLY  
Plan # 12371  
Registered Deeds  
North District East County  
Received & Recorded  
April 21, 1994 at 3:37 P.M.  
Cont. Bk 4007 of 250  
Attest: *[Signature]*  
Registrar of Deeds

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

STEPHEN E. STAPINSKI, R.L.S.

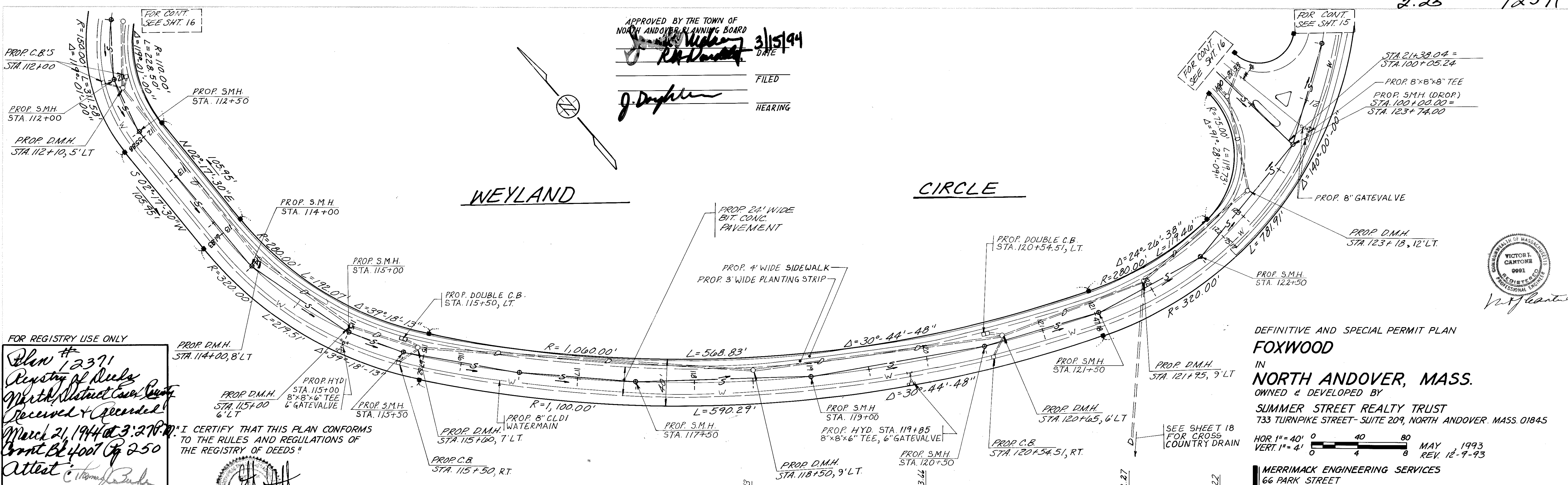
DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
IN  
**NORTH ANDOVER, MASS.**  
OWNED & DEVELOPED BY  
**SUMMER STREET REALTY TRUST**  
733 TURNPIKE STREET-SUITE 209, NORTH ANDOVER, MASS. 01845  
HOR 1" = 40'  
VERT 1" = 4'  
MAY 1993  
REV. 12-9-93  
MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810



SHEET 16 OF 21



APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
*[Signature]* 3/15/94  
DATE  
*[Signature]*  
HEARING

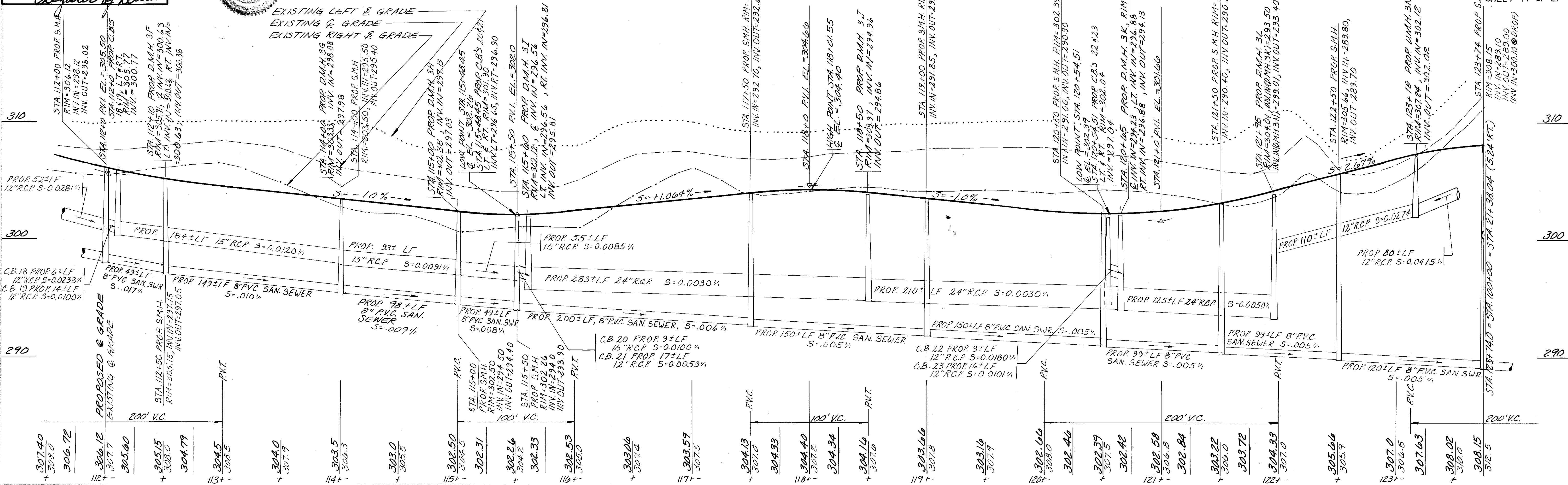


FOR REGISTRY USE ONLY  
Plan # 12371  
Registry of Deeds  
North Andover Town  
Received & Recorded  
March 21, 1994 at 3:27 P.M.  
Grant Bl 4007 of 250  
Attest  
Register of Deeds

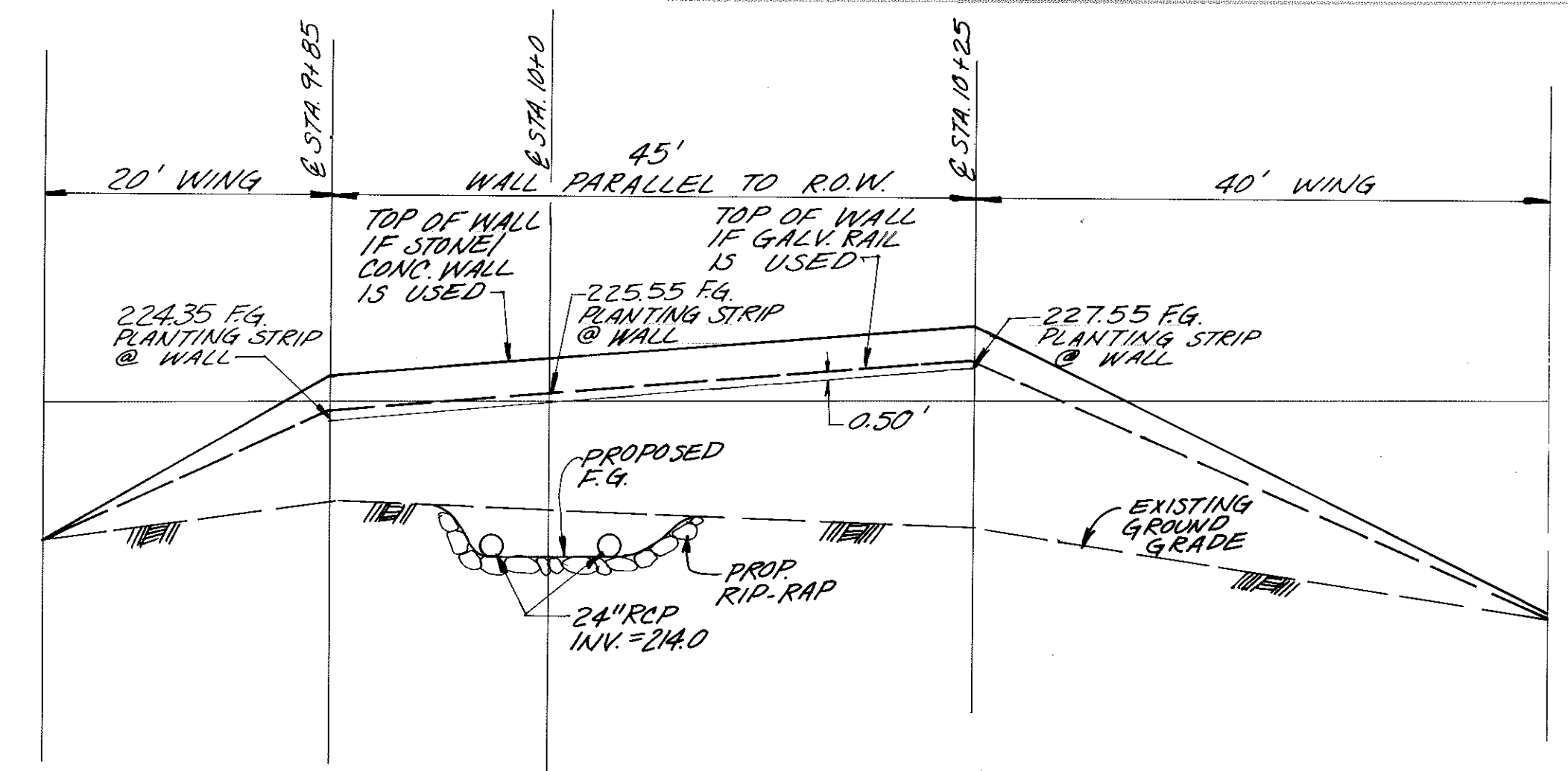
"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"  
STEPHEN STAPINSKI, R.L.S.

DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
IN  
**NORTH ANDOVER, MASS.**  
OWNED & DEVELOPED BY  
**SUMMER STREET REALTY TRUST**  
733 TURNPIKE STREET - SUITE 209, NORTH ANDOVER, MASS. 01845  
HOR 1" = 40'  
VERT 1" = 4'  
MAY 1993  
REV 12-9-93

**MERRIMACK ENGINEERING SERVICES**  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810





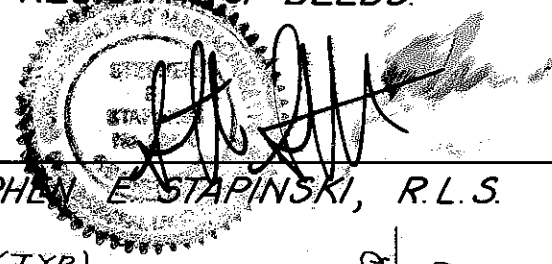


**ELEVATION VIEW  
RETAINING WALL  
@ STA. 10+0**  
H: 1"=10' V: 1"=10'



FOR REGISTRY USE ONLY  
**Plan # 12371**  
Register of Deeds  
North District Essex County  
Received & Recorded  
March 21, 1994 at 3:27 PM  
County # 007 of 250  
Collect  
Register of Deeds

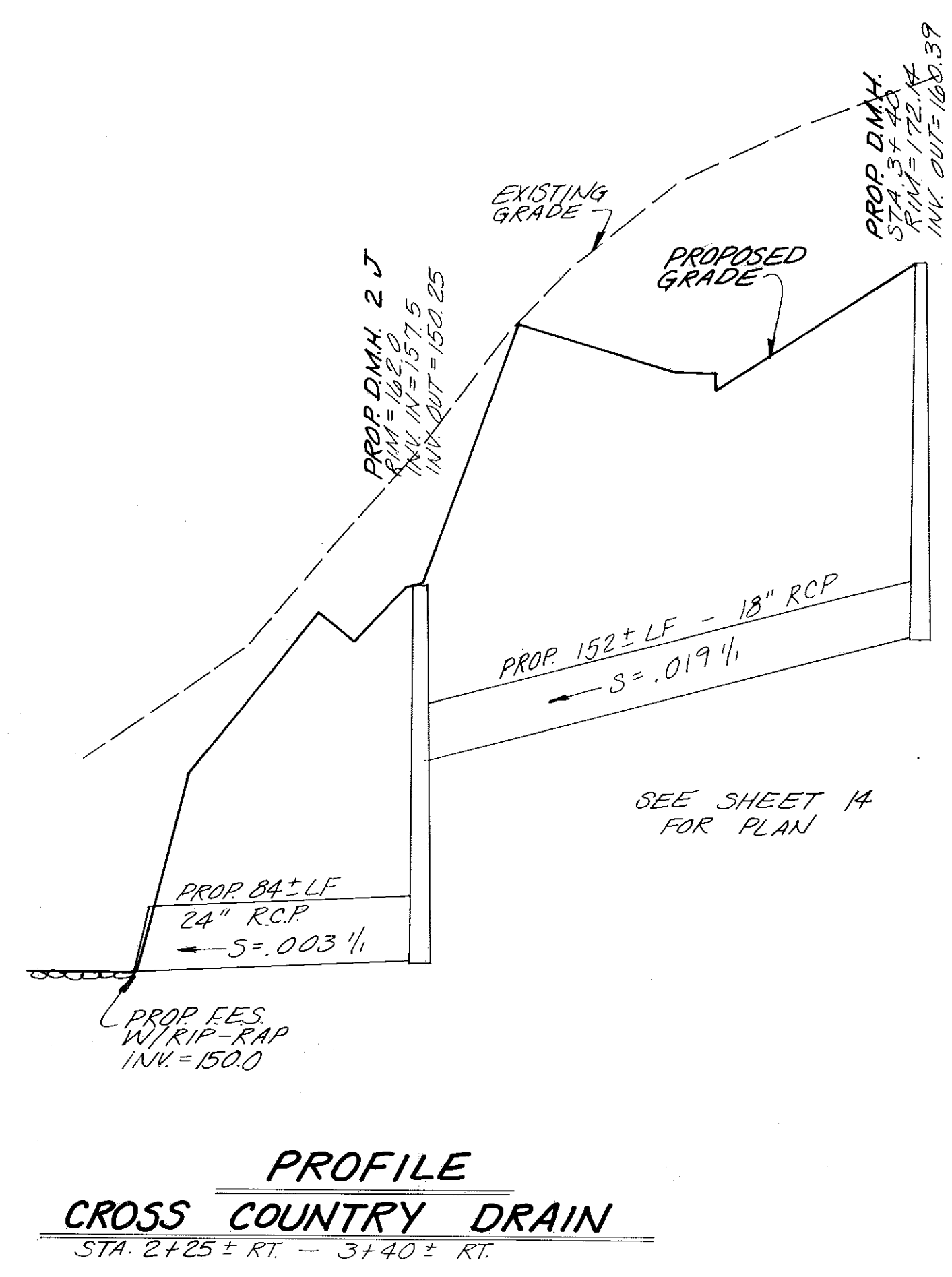
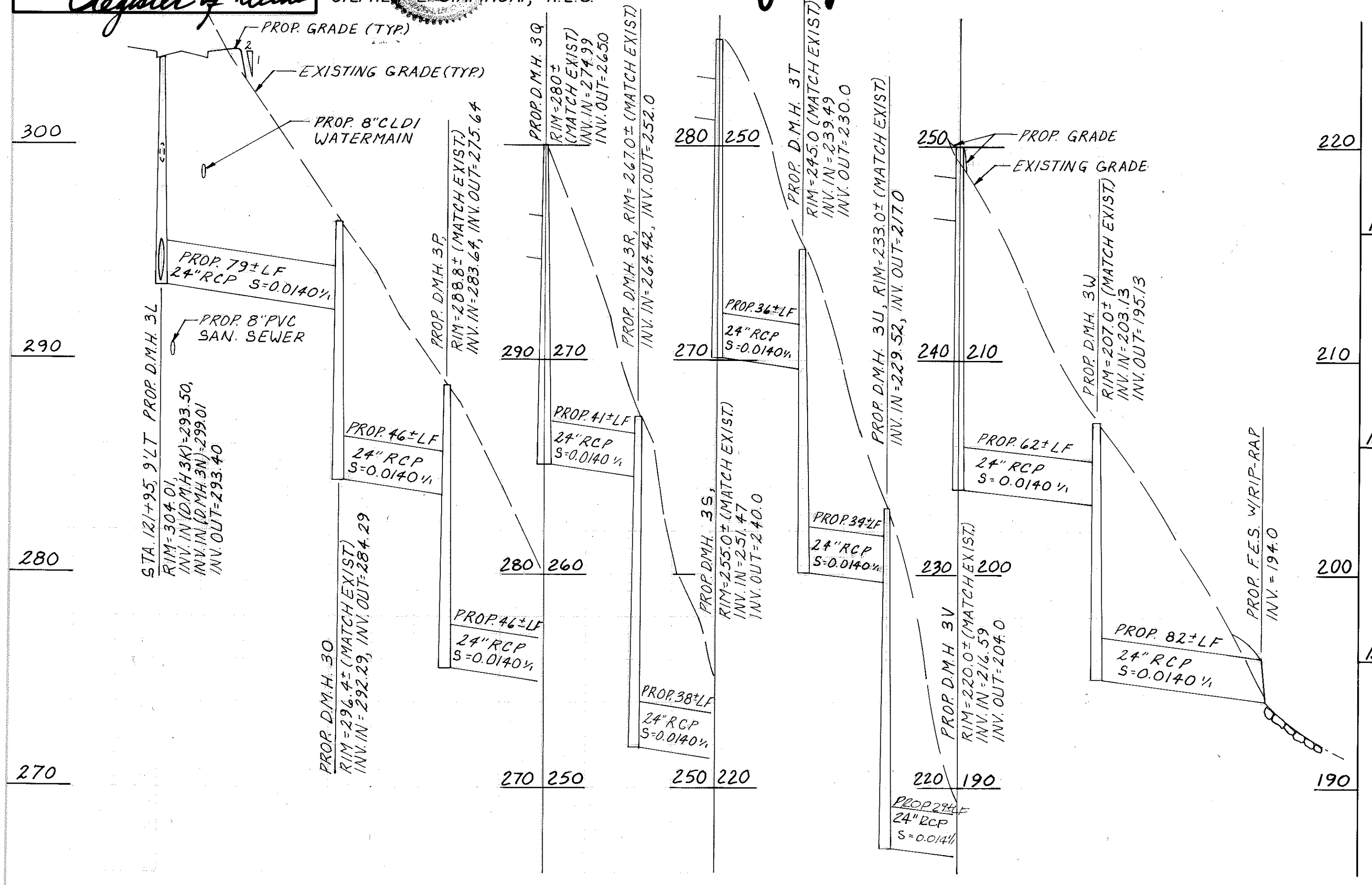
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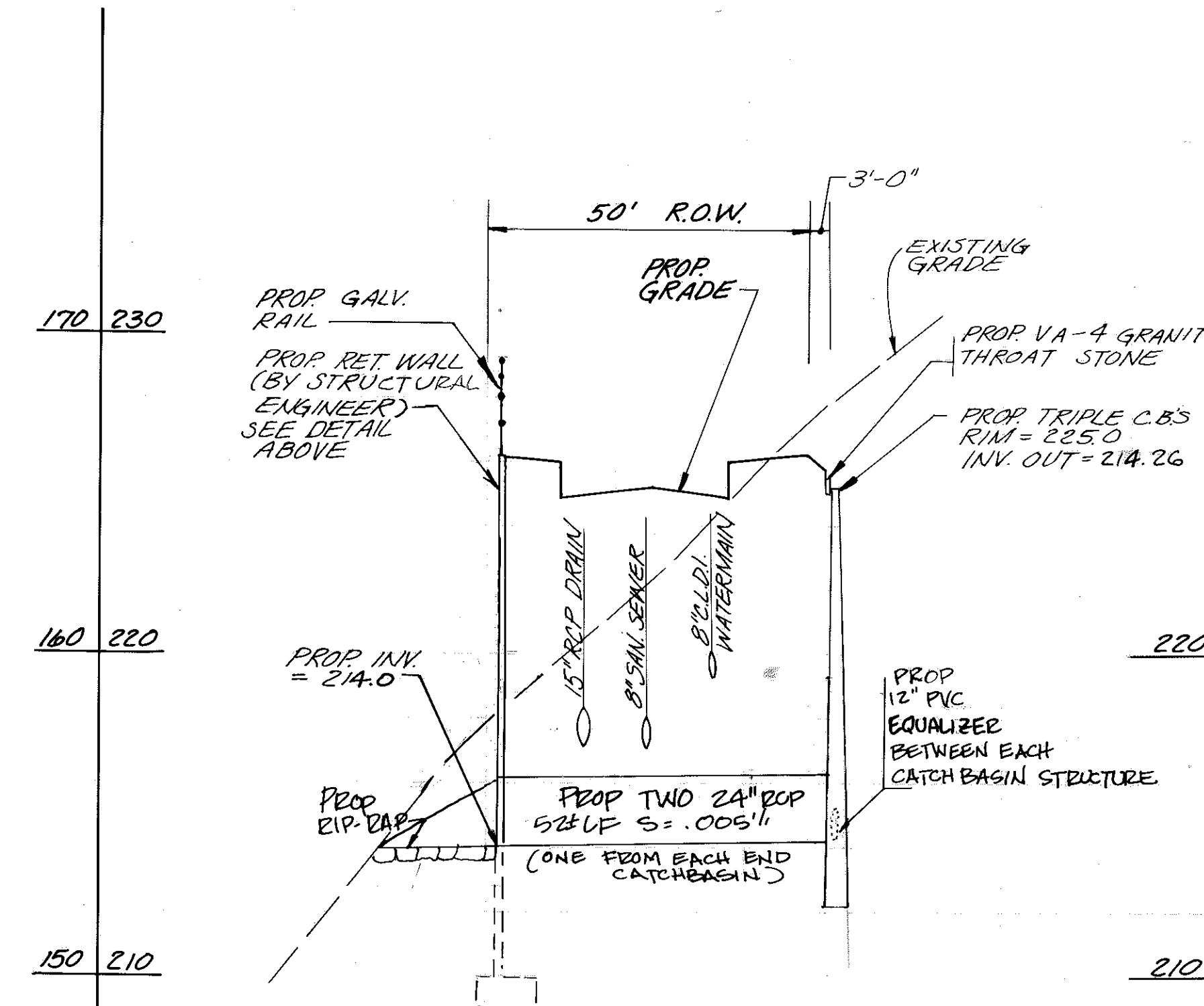
APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
*John W. [Signature]*  
DATE 3/15/94  
*John [Signature]*  
HEARING

DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
IN  
**NORTH ANDOVER, MASS.**  
OWNED & DEVELOPED BY  
SUMMER STREET REALTY TRUST  
733 TURNPIKE STREET - SUITE 209, NORTH ANDOVER, MASS. 01845  
HOR. 1"=40' 0 40 80  
VERT. 1"=4' 0 4 8 MAY 1993  
REV. 12-9-93  
MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810

SHEET 18 OF 21

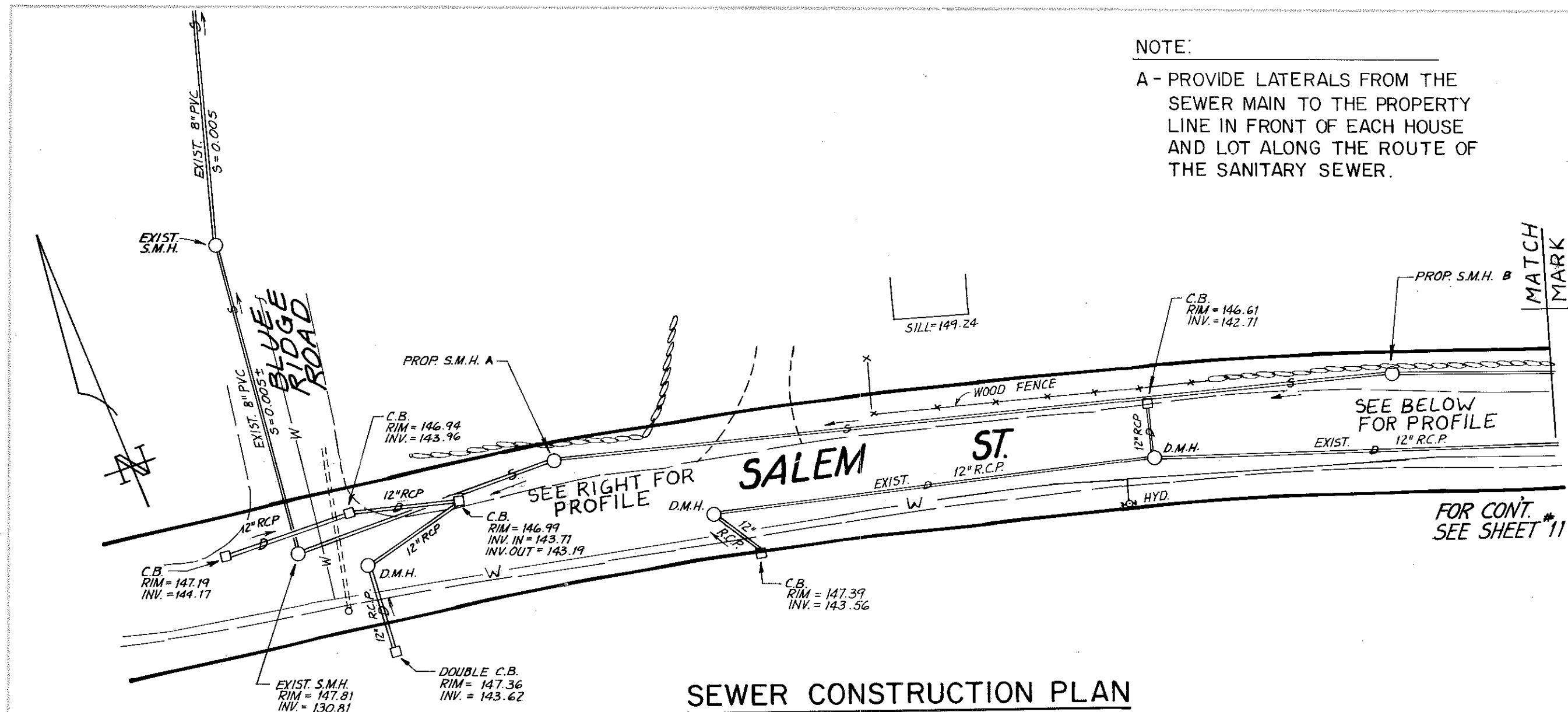


**PROFILE  
CROSS COUNTRY DRAIN**  
STA. 2+25± RT. - 3+40± RT.

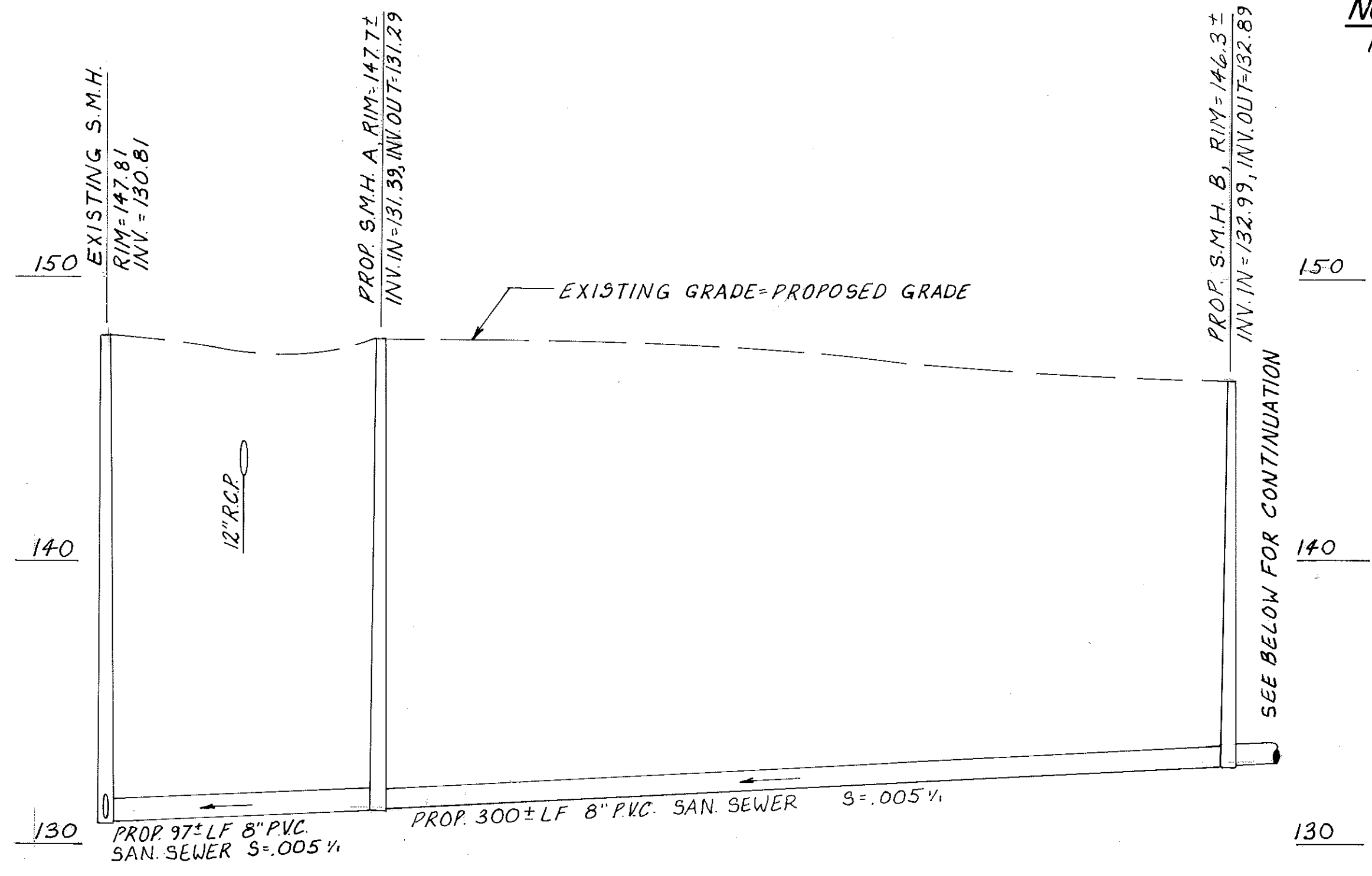


**SECTION @ STA. 10+0±**  
SCALE: H: 1"=20' V: 1"=4'





SEWER CONSTRUCTION PLAN



SEWER PROFILE  
(SEE PLAN LEFT)

**NOTE**  
1) PROPOSED SEWER MANHOLE RIM ELEVATIONS ALONG SALEM ST. ARE APPROXIMATE AND THEY ARE TO BE SET AT EXISTING GRADE.



*Victor J. Cantoni*

DEFINITIVE AND SPECIAL PERMIT PLAN  
**FOXWOOD**  
IN  
**NORTH ANDOVER, MASS.**  
OWNED & DEVELOPED BY  
SUMMER STREET REALTY TRUST  
733 TURNPIKE STREET - SUITE 209, NORTH ANDOVER, MASS. 01845

HOR. 1" = 40'  
VERT. 1" = 4'  
MAY, 1993  
REV. 12-9-93

MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810

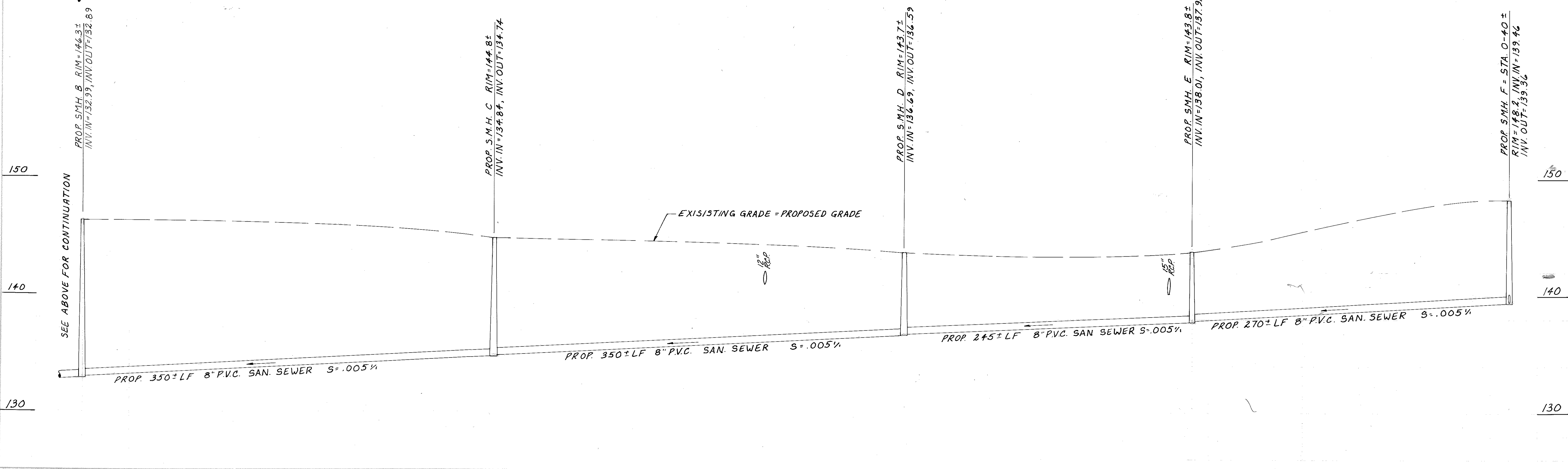
SHEET 19 OF 21

FOR REGISTRY USE ONLY  
*Plan # 12371*  
*Registry of Deeds*  
*North District*  
*Received & Recorded*  
*March 21, 1994 at 2:21 PM*  
*Comm. Bk. 400 Pg. 250*  
*Attest:*  
*Stephen L. ...*  
*Registry of Deeds*

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS."

STEPHEN L. ... R.L.S.

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
*John ...*  
DATE *3/15/94*  
*John ...*  
FILED  
*J. ...*  
HEARING







**Foxwood Special Permit**  
Planned Residential Development Conditional Approval

The Planning Board herein approves the Special Permit for a Planned Residential Development, known as Foxwood, of 49 lots as requested by Summer Street Realty Trust, 733 Turnpike Street, North Andover, MA 01845, on November 15, 1993. The Planning Board makes the following findings as required by the Rules and Regulations Governing the Subdivision of Land Sections 10.3, and 10.31:

- A. The specific site is an appropriate location for a Planned Residential Development as it is located on a hill and the proposed plan minimizes the amount of disturbance on the hillside.
- B. The use as developed will not adversely affect the neighborhood as this site is located in a Residential - 2 Zone.
- C. There will be no nuisance or serious hazard to vehicles or pedestrians.
- D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The Planning Board also makes findings under Section 8.5 of the Zoning Bylaw that this PRD is in harmony with the general purpose and intent of the Bylaw and that the PRD contains residential development and open space in a variety to be sufficiently advantageous to the Town and promotes the public health, safety, and welfare of the citizens of the Town of North Andover. In particular, the Planning Board finds that this project will:

- A. Promote the more efficient use of land in harmony with its natural features by preserving additional open space, reducing the amount of clearing and excavation normally associated with the construction of residential dwellings on a site such as this;
- B. Encourage the preservation of open space. The applicant has provided greater than 35% of the property as open space;
- C. Permit greater flexibility and more attractive and efficient design of residential development;
- D. Meet the Town's housing needs by promoting a diversity of housing types.

The Planning Board also finds that a base density of 49 house lots is appropriate for the PRD. This number of lots has been determined from a Preliminary Conventional Subdivision Plan provided to the Planning Board which satisfies the Town's requirements for submission of such a plan. This Preliminary Plan is described as follows:

Conventional Layout  
Foxwood - North Andover  
Scale: 1" = 80'  
Date: January 17, 1994

Finally, the Planning Board finds that the Planned Residential Development complies with Town Bylaw requirements so long as the applicant complies with the following conditions:

- The developer shall designate an independent Environmental Monitor who shall be chosen in consultation with the Planning and Community Development Staff. The Environmental Monitor must be available upon four (4) hours notice to inspect the site with the Planning Board designated official. The Environmental Monitor shall make weekly inspections of the project, meet weekly with the Town Planner and file monthly written reports to the Board, detailing areas of non-compliance and with the plans and conditions of approval.
- The developer shall implement and follow all requirements set forth in the Erosion and Siltation Control Program dated December 23, 1993. Failure to comply with all requirements therein and the conditions of this approval, shall be the basis for the Planning Board, voting by majority vote, to stop all site work and construction until defects on the site are corrected and the development is put back into plan compliance. Plan compliance will be solely determined by a majority vote of the Planning Board based upon the developers verbal and written comments and the conditions contained herein.
- It shall be the responsibility of the developer to assure that no erosion of the site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site sewer and other off-site construction. Off-site erosion will be a basis for the Planning Board making a finding that a project is not in compliance with the plan.
- Prior to enforcement of the plans by the Planning Board and recording with the Registry of Deeds the applicant shall adhere to the following:
  - The applicant shall post (per agreement with the North Andover Planning Board) a Site Opening Bond in the amount of fifteen thousand dollars (\$15,000) to be held by the Town of North Andover. The guarantee shall be in the form of a check made payable to the Town of North Andover escrow account. This amount shall cover any site-opening, clearing, erosion control and performance of any other condition contained herein, prior to the posting of the Performance Security as described in Condition 3 (g) of the Definitive Subdivision Conditional Approval. This Performance Guarantee may at the discretion of the Planning Board be rolled over to cover other bonding considerations, according with the recommendation of the Planning Staff and as directed by the vote of the North Andover Planning Board.
  - The applicant shall post an erosion control bond in the amount of thirty six thousand dollars (\$36,000) in the form of a check made out to the Town of North Andover. This amount will be held by the Town of North Andover for the duration of the project, until the street has been accepted by the Town.

- The designated open space parcel shall be donated to the State or in the alternative to the Town through the Conservation Commission. A perpetual restriction of the easement described in M.G.L. Chapter 184, Section 31 running to or enforceable by the town shall be recorded with respect to such land. Such restriction shall provide that the usable open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, or recreation. Documents to this effect must be reviewed by the Planning Staff prior to endorsement and the property must be conveyed prior to acceptance of the road by the Town.
- Deeds conveying individual lots must contain a restriction reflecting the 50 foot not-cut requirement shown on the PRD plans. A sample deed must be reviewed by the Planning Staff prior to endorsement of the plans.
- Prior to construction, Yellow "Hazard" tape must be placed along the no-cut line on as shown on the approved plans and must be confirmed by the Tree Warden and/or Town Planner. The Town Planner must be contacted prior to any cutting on site to review the marked tree line.
- Prior to releasing individual lots from the statutory covenants, the Planning Board must, by a majority vote, make a specific finding that the Phasing Plan contained in the Erosion and Siltation Control Program is being adhered to and that any unforeseen circumstances have been adequately addressed.
- Restrictions are to be placed on the rate of issue of Building Permits as detailed below. The purpose of the restriction is to minimize the potential for site erosion problems after completion of the major site work outlined in the Phasing Plan contained in the Erosion and Siltation Control Program dated December 23, 1993.
  - At any one time there shall be no more than twelve (12) unstable lots in the subdivision. A lot will be considered unstable for this condition, from the moment a FORM U is verified for the lot until the foundation has been completed, backfilled, graded and stabilized via, sod, mulch, or hydroseeding.
  - The Planning Staff shall judge whether a lot is sufficiently stable to verify additional FORM U's.
  - Once a lot has been deemed stable by the Planning Staff, the Planning Board may, by majority vote, direct staff to verify additional FORM U's.
- The applicant must comply with the Phased Development Bylaw, Section 4(2) of the Town of North Andover Zoning Bylaw. However, should the Zoning Board of Appeals grant a variance from this requirement, the buildout of this subdivision must, in any event, not be completed prior to a 24 month time period.
- Prior to FORM U verification for an individual lot, the conditions outlined in the Foxwood Definitive Subdivision Conditional Approval must be followed.
- Prior to a Certificate of Occupancy being requested for an individual lot, the conditions outlined in the Foxwood Definitive Subdivision Conditional Approval must be followed.

Finally, the Planning Board finds that the Definitive Subdivision complies with Town Bylaw requirements so long as the following conditions are complied with:

- Prior to endorsement of the plans by the Planning Board the applicant shall adhere to the following:
  - A no-cut line that follows the grading line behind each lot must be placed on the plan.
  - The stens wall along the curve of the roadway adjacent to lots six (6) and seven (7) must be added to the plan.
  - The applicant must meet with the Town Planner in order to ensure that the plans conform with the Board's decision.
  - A detailed construction schedule must be submitted as part of the plans. A detailed build-out time line must also be submitted. Both must be in accordance with the Phasing Plan contained in the Erosion and Siltation Control Program dated December 23, 1993.
  - A covenant (FORM J) securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Planning Board. Said lots may be released from the covenant upon posting of security as requested in Condition 3(g).
  - Right of way dedication assessments for the proposed roadway shall be prepared at the applicant's expense and provided to the Planning Office.
  - The applicant must submit to the Town Planner a FORM M for all utilities and easements placed on the subdivision. The Board will sign the document and it must be recorded at the Essex North Registry of Deeds.
  - All drainage, water, and sewage facility designs shall be approved by the North Andover Division of Public Works. Provisions for water intrusion mitigation shall be included in the design and shown on the construction schedule required in Condition 1(d).
  - All application fees must be paid in full and verified by the Town Planner.
  - A detailed street tree planting list shall be prepared and specific material to be used. This list shall indicate quantity and size of all proposed material.
  - The Special Permit and Subdivision Decision for this project must appear on the plans.
- All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations governing the Subdivision of Land.
- Endorsement of the plans is proof of satisfaction of the above conditions.
- Prior to the start of construction:
  - The record plans must be endorsed by the Planning Board and recorded by the applicant at the Essex North Registry of Deeds.
  - All erosion control must be in place as outlined in the Erosion and Siltation Control Program dated December 23, 1993.
  - A sewer extension permit must be obtained from the Division of Water Pollution Control of the Massachusetts Department of Environmental Protection.
- Prior to any lots being released from the statutory covenants:
  - A complete set of signed plans, a copy of the Planning Board decision, and a copy of the Conservation Commission Order. Condition must be on file at the Division of Public Works and the issuance of permits for connections to utilities. The subdivision construction and installation shall in all respects conform to the rules and regulations and specifications of the Division of Public Works.
  - Plans, specifications, and shop drawings of a water booster pumping station for the subdivision must be submitted to the Division of Public Works and the Massachusetts Department of Environmental Protection for review and approval. The submittals must also be reviewed by the consulting engineer for the Division of Public Works at the developer's expense.

Booklet:  
Foxwood at North Andover  
Salem and Summer Streets  
Developer: Summer Realty Trust, Thomas D. Laudani  
Site Engineer: Merrimack Engineering Services  
Architect: Miquelle - MZO Group  
Date: November 30, 1993

Erosion and Siltation Control Program  
Foxwood, North Andover, Massachusetts 01845  
December 23, 1993  
Prepared for: Summer Street Realty Trust  
P.O. Box 6700  
North Andover, Massachusetts 01845  
Wetlands Preservation, Inc.  
569 North Street  
Georgetown, Massachusetts 01833

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
J. J. [Signature]  
DATE: 2/25/94  
FILED HEARING

Hydrologic Impacts on Wetland Resource Areas  
Foxwood Subdivision  
North Andover, Massachusetts 01845  
January 4, 1994  
Prepared for: Summer Street Realty, Suite 209  
North Andover, Massachusetts 01845  
Wetlands Preservation, Inc.  
569 North Street  
Georgetown, Massachusetts 01833

Drainage Analysis for Foxwood  
in North Andover, Massachusetts  
Prepared for: Summer Street Realty Trust  
733 Turnpike Street, Suite 209  
North Andover, Massachusetts 01845  
Merrimack Engineering Services, Inc.  
66 Park Street  
Andover, Massachusetts 01810

Development Summary - Foxwood  
North Andover, Massachusetts  
Merrimack Engineering Services, Inc.  
66 Park Street  
Andover, MA 01810

Plans: Definitive and Special Permit Plan  
Foxwood in North Andover, Mass.  
Owned and Developed by: Summer Street Realty Trust  
733 Turnpike Street - Suite 209  
North Andover, MA 01845  
Merrimack Engineering Services, Inc.  
66 Park Street  
Andover, Massachusetts 01810  
Scale: As shown  
Date: May 1993; rev. 12/9/93

The Planning Board herein approves the 49 lot Definitive Subdivision, known as Foxwood, upon the application of Summer Street Realty Trust, 733 Turnpike Street, North Andover, MA 01845, dated November 15, 1993. The area affected contains approximately 65 acres in a Residential - 2 Zone off of Salem Street. The Planning Board makes the following findings as required by the Rules and Regulations governing the Subdivision of Land:

- The Definitive Plan, dated December 9, 1993 include all of the information indicated in Section 3 of the Rules and Regulations concerning the procedure for the submission of plans.
- The Definitive Plan adheres to all of the design standards as indicated in Section 7 of the Rules and Regulations except as noted in Condition 19.
- The Definitive Plan is in conformance with the purpose and intent of the Subdivision Control Law.
- The Definitive Plan complies with all of the review comments submitted by various town departments in order to comply with state law, town by-laws and insure the public health, safety, and welfare of the town.

Finally, the Planning Board finds that the Definitive Subdivision complies with Town Bylaw requirements so long as the following conditions are complied with:

- Prior to endorsement of the plans by the Planning Board the applicant shall adhere to the following:
  - A no-cut line that follows the grading line behind each lot must be placed on the plan.
  - The stens wall along the curve of the roadway adjacent to lots six (6) and seven (7) must be added to the plan.
  - The applicant must meet with the Town Planner in order to ensure that the plans conform with the Board's decision.
  - A detailed construction schedule must be submitted as part of the plans. A detailed build-out time line must also be submitted. Both must be in accordance with the Phasing Plan contained in the Erosion and Siltation Control Program dated December 23, 1993.
  - A covenant (FORM J) securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Planning Board. Said lots may be released from the covenant upon posting of security as requested in Condition 3(g).
  - Right of way dedication assessments for the proposed roadway shall be prepared at the applicant's expense and provided to the Planning Office.
  - The applicant must submit to the Town Planner a FORM M for all utilities and easements placed on the subdivision. The Board will sign the document and it must be recorded at the Essex North Registry of Deeds.
  - All drainage, water, and sewage facility designs shall be approved by the North Andover Division of Public Works. Provisions for water intrusion mitigation shall be included in the design and shown on the construction schedule required in Condition 1(d).
  - All application fees must be paid in full and verified by the Town Planner.
  - A detailed street tree planting list shall be prepared and specific material to be used. This list shall indicate quantity and size of all proposed material.
  - The Special Permit and Subdivision Decision for this project must appear on the plans.
- All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations governing the Subdivision of Land.
- Endorsement of the plans is proof of satisfaction of the above conditions.
- Prior to the start of construction:
  - The record plans must be endorsed by the Planning Board and recorded by the applicant at the Essex North Registry of Deeds.
  - All erosion control must be in place as outlined in the Erosion and Siltation Control Program dated December 23, 1993.
  - A sewer extension permit must be obtained from the Division of Water Pollution Control of the Massachusetts Department of Environmental Protection.
- Prior to any lots being released from the statutory covenants:
  - A complete set of signed plans, a copy of the Planning Board decision, and a copy of the Conservation Commission Order. Condition must be on file at the Division of Public Works and the issuance of permits for connections to utilities. The subdivision construction and installation shall in all respects conform to the rules and regulations and specifications of the Division of Public Works.
  - Plans, specifications, and shop drawings of a water booster pumping station for the subdivision must be submitted to the Division of Public Works and the Massachusetts Department of Environmental Protection for review and approval. The submittals must also be reviewed by the consulting engineer for the Division of Public Works at the developer's expense.

Booklet:  
Foxwood at North Andover  
Salem and Summer Streets  
Developer: Summer Realty Trust, Thomas D. Laudani  
Site Engineer: Merrimack Engineering Services  
Architect: Miquelle - MZO Group  
Date: November 30, 1993

Erosion and Siltation Control Program  
Foxwood, North Andover, Massachusetts 01845  
December 23, 1993  
Prepared for: Summer Street Realty Trust  
P.O. Box 6700  
North Andover, Massachusetts 01845  
Wetlands Preservation, Inc.  
569 North Street  
Georgetown, Massachusetts 01833

APPROVED BY THE TOWN OF NORTH ANDOVER PLANNING BOARD  
J. J. [Signature]  
DATE: 2/25/94  
FILED HEARING

The developer must tie into the existing Town of North Andover municipal sewer system. If the developer is unable to tie into the North Andover municipal sewer system, the Planning Board reserves the right to vote to rescind the subdivision approval.

Lots will be released incrementally as site work is completed. The Erosion and Siltation Control Program dated December 23, 1993:

- Prior to any lot release, Phase 1A must be complete.
- Prior to any release of any lot in Phase 2, site work must be complete in Phases 1A, 1B, and 2A.
- Prior to release of any lot in Phase 3, site work must be complete in Phases 1A, 1B, 2A, 2B, and 3A.

Lots included for release in each phase area are as follows:

- Phase 1 - Lots 1, 2, 49, 48, 47
- Phase 2 - Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 40, 41, 42, 43, 44, 45, 46
- Phase 3 - Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39

All site erosion control measures required to protect off site properties and the effects of work on the lot proposed to be released must be in place. The Town Planner shall determine whether the applicant has satisfied the requirements of this provision prior to each lot release and shall report to the Planning Board prior to a vote to release said lot.

Prior to releasing lots the Planning Board must make a finding that the Phasing Plan within the Erosion and Siltation Control Program and the Erosion and Siltation Control Program are being adhered to and that any unforeseen circumstances have been adequately addressed.

The applicant must submit a lot release FORM J to the Planning Board for signature.

A Performance Security (Roadway Bond) in an amount to be determined by the Planning Board, upon the recommendation of the Department of Public Works, shall be posted to ensure completion of the work in accordance with the Plans approved as part of this conditional approval. Items covered by the Bond may include, but shall not be limited to:

- as-built drawings
- sewers and utility lines
- roadway construction and maintenance
- lot and site erosion control
- street screening and street trees
- drainage facilities
- site restoration
- final site cleanup

All proper documents and assessments required through Condition 1 shall be in place.

Three (3) complete copies of plans and two (2) copies of all documents containing registry of deeds stamps must be submitted to the Town Planner as proof of filing.

Prior to FORM U verification for an individual lot, the following information is required by the Planning Department:

- The Planning Board must by a majority vote make a finding that the Phasing Plan in the Erosion and Siltation Control Program and the Erosion and Siltation Control Program are being adhered to and that any unforeseen circumstances have been adequately addressed.
- The applicant must submit to the Town Planner proof that the FORM M referred to in Condition 1(g) above, was filed with the Registry of Deeds office.
- A plot plan for the lot in question must be submitted, which includes all of the following:
  - location of the structure,
  - location of the driveways,
  - location of the septic systems if applicable,
  - location of all water and sewer lines,
  - location of wetlands and any site improvements required under a MDC order of condition,
  - any grading called for on the lot,
  - all required zoning setbacks, and
  - location of any drainage, utility and other easements.
- All appropriate erosion control measures for the lot shall be in place. Final determination of appropriate measures shall be made by the Planning Board or Staff.
- All catch basins shall be protected and maintained with hay bales to prevent siltation into the drain lines during construction.
- The lot in question shall be staked in the field. The location of any major departures from the plan must be shown. The Town Planner shall verify this information.
- Lot numbers, visible from the roadways must be posted on all lots.

Prior to a Certificate of Occupancy being requested for an individual lot, the following shall be required:

- The Planning Board must by majority vote make a finding that the Phasing Plan in the Erosion and Siltation Control Program and the Erosion and Siltation Control Program are being adhered to and that any unforeseen circumstances have been adequately addressed. Upon making such finding, the Planning Board, by majority vote, will direct the Planning Staff to verify additional Certificates of Occupancy.
- Prior to an occupancy permit for any lot uphill of Lot 5, the stone wall must be constructed along the roadway as shown on the plans.
- The roadway must be constructed to at least binder coat of pavement to properly access the lot in question. Prior to construction of the binder coat, the applicant shall ensure that all required inspection and testing of water, sewer, and drainage facilities has been completed. The applicant must submit to the Town Planner an interim as-built, certified by a professional engineer, verifying that all utilities have been installed in accordance with the plans and profile sheet.
- All necessary permits and approvals for the lot in question shall be obtained from the North Andover Board of Health and Conservation Commission.
- Permanent house numbers must be posted on dwellings and be visible from the road.
- All slopes on the lot in question shall be stabilized, as solely determined by the Planning Board in regards to erosion, water run off, and safety.
- All lots must be raked, loamed and seeded, sodded, or silted if the weather does not permit seeding or sodding.
- There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owners expense if such driveway is at a catch basin or stone bound position.

The Planning Board reserves the right to review the site after construction and require additional site screening as it deems necessary and reasonable.

Prior to the final release of security retained for the site by the Town, the following shall be completed by the applicant:

- The Planning Board will, by a majority, vote to release any security retained.
- The Open Space Parcel must be transferred to either the State or the Town.
- The detention pond adjacent to Molly Town Road must be loamed and seeded.
- An as-built plan and profile of the site shall be submitted for review and approval.
- The applicant shall petition Town Meeting for public acceptance of the street. Prior to submitting a warrant for such petition the applicant shall review the subdivision and all remaining work with the Town Planner and Department of Public Works. The Planning Board shall hold a portion of the subdivision bond for continued maintenance and operations until such time as Town Meeting has accepted (or rejected) in favor of private ownership) the roadways. It shall be the developer's responsibility to insure that all proper assessments have been recorded at the Registry of Deeds.
- The Town Planner shall ensure that all Planning, Conservation Commission, Board of Health and Division of Public Works requirements are satisfied and that construction is in strict compliance with all approved plans and conditions.
- Two to two and one half inch caliper (2-2.5") street trees are to be placed every fifty (50') feet along both sides of all new roadways.
- Sidewalks are to be constructed along one side of the roadway.

The applicant agrees to the following as per an agreement with the Department of Environmental Management:

- The applicant must create a series of small shallow detention basins along the swale system proposed to traverse the southeastern quadrant of the parcel. These basins will be approximately 15 to 20 feet in radius and will serve to detain some runoff during small events and act as a sediment trap during heavy events so that the detention pond will have a greater functional capacity and reduce the velocity of the discharge into the adjacent wetland area.
- The applicant must access along Molly Town Road to create these basins and the detention pond and improve the existing condition of the road by grading and smoothing out the surface.
- A sewer service connection from the sewer main to the property line must be provided for each house and lot along the route of the off site sanitary sewer.
- The sewer extension for the subdivision will be subject to the policies of the Division of Public Works regarding the mitigation of groundwater infiltration into the existing sewers.
- The Town Planner will review any signs utilized for this project. The applicant must obtain a sign permit as required by Section 6 of the Bylaw. The Planning Board shall approve any entrance structures. Any lighting used for the entrance signs must be removed prior to acceptance of the subdivision by the Town.

The applicant shall adhere to the following requirements of the Fire Department:

- Open burning is allowed by permit only after consultation with the Fire Department.
- Underground fuel storage will be allowed in conformance with the Town Bylaws and State Statute and only with the review and approval of the Fire Department and Conservation Commission.
- There shall be no burying or dumping of construction material on site.
- The location of any stump dumps on site must be pre-approved by the Planning Board.
- The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- Gas, Telephone, Cable, and Electric utilities shall be installed as specified by the respective utility companies.
- Any action by a Town Board, Commission, or Department which requires changes in the roadway alignment, placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board.

The following waivers have been granted by the Planning Board:

Section 7(A)(1)(b) Centerline radii greater than 150 feet (Centerline radii of 100 feet approved).

Section 7(A)(3)(d) Road grade greater than 6 percent waived. Grade of 8 percent maximum approved.

Section 7(A)(4)(a) Dead end street in excess of 600 feet (length of road to top loop is 2100 feet).

Section 7(A)(2)(a) Residential Street Right of Way waived from 50 feet to forty feet.

These waivers have been granted in an effort to minimize the amount of cutting and filling required on the slope of the hill thereby decreasing the amount of erosion and siltation on site.

This Definitive Subdivision approval is based upon a Special Permit granted in accordance with Section 4.125, 10.3 and 10.31 of the North Andover Zoning Bylaw. The Special Permit and Definitive Subdivision approvals are both based upon the following information:

Booklet entitled: Foxwood at North Andover  
Salem and Summer Streets  
Developer: Summer Street Realty Trust - Thomas D. Laudani  
Site Engineer: Merrimack Engineering Services  
Architect: Miquelle - MZO Group  
Date: November 30, 1993

Erosion and Siltation Control Program  
Foxwood, North Andover, Massachusetts 01845  
December 23, 1993  
Prepared for: Summer Street Realty Trust  
P.O. Box 6700  
North Andover, Massachusetts 01845  
Wetlands Preservation, Inc.  
569 North Street  
Georgetown, Massachusetts 01833

Hydrologic Impacts on Wetland Resource Areas  
Foxwood Subdivision  
North Andover, Massachusetts 01845  
January 4, 1994  
Prepared for: Summer Street Realty Trust  
733 Turnpike Street, Suite 209  
North Andover, Massachusetts 01845  
Wetlands Preservation, Inc.  
569 North Street  
Georgetown, Massachusetts 01833

Plans entitled: Definitive and Special Permit Plan  
Foxwood in North Andover, Massachusetts  
Owned & Developed by: Summer Street Realty Trust  
733 Turnpike Street, Suite 209  
North Andover, MA 01845  
As noted  
Date: May 1993, rev. 12-9-93  
Prepared by: Merrimack Engineering Services, Inc.  
66 Park Street  
Andover, Massachusetts 01810  
November 1993

DEFINITIVE AND SPECIAL PERMIT PLAN  
FOXWOOD  
IN  
NORTH ANDOVER, MASS.  
OWNED & DEVELOPED BY  
SUMMER STREET REALTY TRUST  
733 TURNPIKE STREET-SUITE 209, NORTH ANDOVER, MASS 01845

NOT TO SCALE 0 1 2 MAY, 1993  
REV. 12-9-93  
MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810

SHEET 21 OF 21

FOR REGISTRY USE ONLY  
Plan # 12371  
Registry of Deeds  
North Andover  
Received & Recorded  
March 21, 1994 at 2:21 PM  
Book # 400 Page 250  
Attest: [Signature]  
Registry of Deeds  
12371 2.25

STEPHEN E. STAPINSKI, R.L.S.