

33 Waldo Street  
Worcester, MA 01608

Tel: 508-792-4500  
800-288-8123

[www.bscgroup.com](http://www.bscgroup.com)

October 28, 2021

Planning Board  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

RE: Lee's Farm 134 Boston Post Road – Form A Determination

Dear Members of the Planning Board:

In accordance with Section 302.16 of the Planning Boards Site Plan Review and Approval Regulations and Section 198-601 of the Zoning Bylaw, I respectfully transmit for your consideration the following:

- SPA Form A – Applicant's Determination that Site Plan Review and Approval Are Not Applicable
- Project Narrative
- Agriculture Exemption Legal from Opinion of Day Pitney LLC dated 11/20/2015
- Architectural Elevation and Floor Plans of Proposed Accessory Barn
- Recorded Easements
- Recorded Easement Plans
- Site Plan

Please do not hesitate to contact our office with any inquiries you may have.

Very truly yours,

BSC Group, Inc.



Russell J. Burke, AICP  
Special Projects Manager

cc: Building Commissioner  
Town Clerk

Engineers

Environmental  
Scientists

Custom Software  
Developers

Landscape  
Architects

Planners

Surveyors

SITE PLAN REVIEW AND APPROVAL  
**SPA Form A**  
**Applicant's Determination that**  
**Site Plan Review and Approval**  
**Are/Are Not Applicable**

The applicant, by completing this form and Form simultaneously a Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable (B), hereby makes a determination as to the applicability of site plan approval under the Zoning Bylaws, Article 6, to the proposed activity described herein. As required by the Site Plan Review and Approval Regulations, § 302-16A, one original and three copies of this completed Form A, together with any accompanying plans and materials, shall be submitted at the Planning Board office, and one original shall be submitted simultaneously at the Building Commissioner's office. Either of these offices can provide information, forms, and guidance with this process. One original of this Form A shall also be filed at the Town Clerk's office at the time of submittal, with a receipt for said filing included as part of the Planning Board submittal. Attach additional materials and the Supplemental SPA Form A if desired.

1. Name, address, and telephone number of applicant(s):  
Farm Stand Acquisition LLC  
71 Third Ave  
Burlington, MA 01803  
781-272-2424
2. Name, address, and telephone number of owner(s) of record (if different from applicant):
3. Name, address, and telephone number of design engineer(s)/surveyor(s)/architect(s):  
Brian G. Yergatian, P.E., LEED AP  
BSC Group, Inc.  
803 Summer Street  
Boston, MA 02127  
617-896-4590
4. Address, name, title description and/or other identification of proposed development/activity sufficient to locate the site on the ground and in the town's files:  
Lee's Farm  
136 Boston Post Road  
See Attached Project Narrative
5.
  - a. Will the proposed activity result solely in single or two family residential or owner-occupied multifamily structures or use or structures or uses accessory thereto? NO
  - b. Is the proposed activity for structures or uses that will be subject solely to Article 18, 19 or 20 of the Zoning Bylaws? No\_\_

If the answer to either of these two questions is "Yes," the proposed activity is exempt from site plan approval and an Application for Site Plan Review and Approval (Form C) is not required. If the answer to both of these questions is "No," the applicant must answer the following questions:

  - c. Will the proposed activity add one or more structures to a vacant site? NO
  - d. Will the proposed activity, together with all increases previously authorized by site plan approval or, if there is no previous site plan approval, together with all increases since the construction of the original structure, increase the size of existing structures in total by the amount specified in the table in § 302-4B(3) of the Site Plan Review and Approval Regulations? NO. See Attached Project Narrative

WAYLAND CODE

e. Will the proposed activity substantially alter areas of parking, loading or vehicular access, as defined in § 302-4B(2) of the Site Plan Review and Approval Regulations? NO See Attached Project Narrative

If the answer to all of these three questions is "No," the proposed activity is exempt from site plan approval and an Application for Site Plan Review and Approval (Form C) is not required, and the applicant shall obtain from and submit with this Form A at the Planning Board office a Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable (Form B). If the applicant chooses to proceed with the proposed activity before written Planning Board notification that site plan approval is not applicable, the applicant does so at his own risk. If the answer to any of these three questions is "Yes," site plan approval is applicable, and an Application for Site Plan Review and Approval (Form C) is required.

6. Building Commissioner's verification, comments, and recommendation to the Planning Board:

The Building Commissioner recommends that site plan approval is not/is required.

Signature of Building Commissioner. \_\_\_\_\_

Date; \_\_\_\_\_

Signature(s) and printed name(s) of applicant

[Signature] Date: 10/24/21  
James C. Coughlin, Authorized Signatory Date: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature(s) and printed name(s) of owner(s), if different

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

Form A received by (signature) [Signature] Date 10/27/2021  
Printed name Anne Ludwig, Clerk Date \_\_\_\_\_

(Cont'd on page 30225)

30224

10-1-9'

2021 OCT 27 PM 1:12  
WAYLAND TOWN CLERK

**Lee's Farm  
136 Old Post Road  
Wayland MA  
Project Narrative**

The Applicant seeks a determination from the Planning Board the Site Plan Review pursuant to Section 6 of the Zoning Bylaws and Section 302.16A of the Site Plan Review and Approval Regulations that the proposed improvements to the property at 136 Boston Post Road do not require Site Plan Review and Approval. Attached hereto is correspondence dated November 20, 2011 from the applicants Counsel to the Building Commissioner declaring the owners intent to place the property into and agricultural use consistent with Massachusetts General Laws Chapter 40A, Section 3. As such, the property would “not be subject to zoning because of its intended use for agricultural purposes” as stated in the correspondence.

The applicant seeks the renovation of the existing farm stand and site improvements of the remaining portion of the Lee's Farm property that has been operated since 1956. A portion of the property was sold in 2011 and developed as an assisted living community. The applicant, Farmstand Acquisition LLC, is a separate entity from the Northbridge Companies who developed, owns, and operates the Carriage House Assisted Living Community on the adjoining property. Farmstand Acquisitions LLC was formed individually by the President and Chief Executive Officer of the Northbridge Companies to purchase the property from the former owners of Lee's Farm (the Bongiorno family). The Lee's Farmstand property fronts the entrance to the Carriage House Assisted Living and the purchase was made to insure the continued agricultural use of the property.

The project proposes to operate the property under an agricultural exemption. The existing farm stand building is to be renovated within the confines of building footprint. Additionally, site improvements are proposed to upgrade and reconfigure the existing deteriorated paved parking area and to consolidate access to and from the site. As the existing farm stand is built on a slab and lacks any area for storage of equipment, material, outdoor furniture, supplies, and the like, a barn is proposed to be built to the west of the farm stand in proximity to proposed cultivation areas. The barn will have a footprint of approximately 1,040 square feet.

The proposed limit of work is located well outside of the wetand resource areas and their applicable buffers. The proposed improvements will increase the imperious coverage of the property from 12,370 square feet to 15,789 square feet. Stormwater runoff will be addressed through the employment of Low Impact Development (LID) stormwater management techniques, such as the design and construction of bio-retention areas (rain gardens) and the minimization of new impervious surface area.

The property owners have created a nonprofit entity which will operate the farm stand. The owners plan to move forward with he vision they articulated to the Town with the division and acquisition of the property in 2011. the operators and vendors which will be associated with the

operation of the site, will comply with the statutory requirements, and create an agricultural environment re-instituting the operation of the former Lee's Farm farm stand by introducing the new ('CO-OP at Lee's Farm". It is intended that the farm stand would be renovated as previously presented and discussed with the Town. As such, the parties would grow and sell produce and nursery stock along with specialty food items, coffee and tea, all in compliance with the requirements of Chapter 404, Section 3. They have conducted outreach and have forged partnerships with entities such as the STEM Program with the Wayland schools. This project involves the cultivation and sale of flowers to introduce students to the operation of an agriculture enterprise ranging from cultivation to product sales. Other uses contemplated for the property include activities designed to market to and bring the public to a farm for farm related educational experience by displaying a combination of the farm setting and products of the farming operation, with the ultimate goal to encourage the purchase of agriculture products. Product displays, demonstrations, fundraising activities, and community events are also contemplated to enhance the agricultural visibility of the farm and local agriculture.

Given the intermittent/seasonal nature of the contemplated farm stand coop use, traditional traffic generation metrics such as the Institute of Traffic Engineers (ITE) traffic generation rates do not have a corresponding use category that apply to the proposed use and operation. It is anticipated the normal operations will generate low volume when the stand is open. Often times traffic will be limited to agricultural cultivation. In the case of events where unusual traffic is anticipated, the farm stand shall coordinate the need/provision of traffic direction.

Notwithstanding the above, the proposed site improvements include improved access to the site with shared access from Boston Post Road via the Carriage House Assisted Living driveway. Access. Easements for the access and other cross easement between the properties were made as of record with the Carriage House special permit approval. The existing direct access to Boston Post Road is a opening of undefined width with a utility pole located in the middle. The proposed site improvements will comply with MassDOT design requirements and include defined new access driveway with a width of 24 feet and moved to the westerly edge of the current access thereby avoiding conflicts with the existing utility pole



November 20, 2015

Geoffrey Larsen  
Building Commissioner  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Re: Lee's Farm Property at 134 Boston Post Road, Wayland, Massachusetts

Dear Mr. Larsen:

As you may be aware, I represented the Bongiorno family and Northbridge Communities LLC during the development and permitting approval of the 64-bed, Assisted/Independent Living Facility with Memory Care located at the above-referenced property. At the time of that approval, there were ongoing discussions with your predecessor, the Town Planner and Town Counsel regarding the development of an ANR Plan (copy attached) in order to accommodate the Assisted/Independent Living Facility on the back parcel, Parcel 1 (4.9 +/- acres) and creating Parcel 2 (4.5 +/- acres) at the front of the site. At that time all parties anticipated Parcel 2 would be utilized to allow the farm stand to be redeveloped with the agricultural use at a later date fronting on Boston Post Road. In a memo to Mark Lanza, Town Counsel, dated May 5, 2011 (copy attached), I stated, **"It is intended that the front parcel will again be placed into an agricultural use after the permitting for the rear parcel is completed for the assisted living facility. At that time, as you are aware, because of the recent agricultural legislation instituted by the current administration, the front parcel would not be subject to zoning. Thus, the potential front, rear and side violations would not come into play and the client could incorporate the existing farm stand structure into the proposed agricultural use on Parcel Two."** It was determined that Parcel 2 would not be subject to zoning because of its intended use for agricultural purposes pursuant to Chapter 40A, Section 3 which was amended effective August 1, 2010 to allow for the commercial agricultural, use of parcels of 2 acres on more as well as for parcels of 5 acres or more. The Relevant text from the amended statute is .... **"or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture."** and **"For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and**

Geoffrey Larsen, building Commissioner  
November 20, 2015  
Page 2

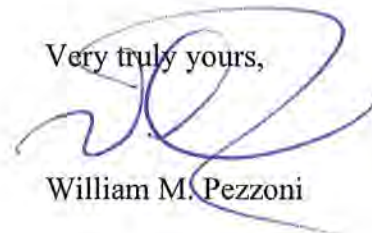
**the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.”** Thus, such an agricultural use on 2 acres or more will not be regulated by local zoning or require a special permit.

The current owners of Parcel 2, Shanachie Partners, LLC is a related entity to Northbridge Communities LLC which includes two of their principals. I am advised it is their intent, that the operators and vendors which will be associated with the operation of the site, will comply with the statutory requirements and create an agricultural environment re-instituting the operation of the former Lee's Farm farm stand by introducing the new **“CO-OP at Lee's Farm”**. It is intended that the farm stand would be renovated as presented and discussed by you, the Town Planner and the client. As such, the parties would grow and sell produce and nursery stock along with specialty food items, coffee and tea, all in compliance with the requirements of Chapter 40A, Section 3. Although the final site design has not been fully determined it is anticipated it would include raised beds, farming areas and areas for maintaining the nursery stock as well as other specialty items. It is the intent of the client that the operation will primarily utilize Massachusetts vendors and create the view, greenscape and vision which was previously anticipated for Parcel 2, so as to work in visual harmony with the facility in the rear.

Based upon the information reviewed and provided by my client and the intended use and operation at the site, it is our opinion that this development and use of the site is allowed by right and will not be subject to local zoning as it clearly falls within Chapter 40A, Section 3 of the Mass. General Laws as amended, effective August 1, 2010. In fact, it will spot-on address and accomplish exactly the intent of the legislature.

If there is anything further you or Mark Lanza, Town Counsel may require, please do not hesitate to contact my office or give me a call.

Very truly yours,



William M. Pezzoni

WMP/cmf  
Enclosure

cc: Kristin Gowdy  
James Coughlin  
Sarkis Sarkisian, Wayland Town Planner



## DAY PITNEY LLP

One International Place  
Boston, MA 02110  
(617) 345 4600  
Facsimile (617) 345 4745

Boston Connecticut New Jersey New York Washington, DC

**TO:** Mark Lanza  
(mjlanza@comcast.net)  
**FROM:** William M. Pezzoni  
**DATE:** May 5, 2011  
**RE:** Bongiorno-Lee's Farm Property at 134 Boston Post Road, Wayland, MA

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Dear Mark,

Pursuant to our past discussions relative to the above-referenced property and since we have been unable to connect by phone, I have attached herewith a copy of the concept plan which shows the proximate location of the property line which will create the subdivision of the single parcel into two lots. As you can see, on the front parcel (Parcel Two) the front, side and rear set backs of the existing farm stand structure may be in violation of the current zoning bylaw once the proposed lot line is incorporated into the ANR Plan. It is intended that the front parcel will again be placed into an agricultural use after the permitting for the rear parcel is completed for the assisted living facility. At that time, as you are aware, because of the recent agricultural legislation instituted by the current administration, the front parcel would not be subject to zoning. Thus, the potential front, rear and side violations would not come into play and the client could incorporate the existing farm stand structure into the proposed agricultural use on Parcel Two. Pursuant to the Purchase Agreement, we need to have an ANR plan submitted and approved within the next several weeks for the parties to proceed with the assisted living project on the rear parcel, I would suggest the following note be placed on the ANR plan, in bold and also noted within the boundary of Parcel Two as well:



**Note:** Parcel Two shall not be considered a buildable lot or a conforming lot pursuant to zoning unless:

- (i) the existing structure (farm stand) is removed or altered to comply with the front, side and rear setback requirements;
- (ii) a variance is obtained for the non-conformities; or
- (iii) an agricultural use or some other use exempt from zoning is utilized on said Parcel Two.

If the above Note language is acceptable, please advise and we will have a draft ANR plan prepared for the Building Inspector and your review. As you are aware, there is a ground swell within the community to reconstruct and keep the present farm stand building as part of the proposed use at the site in order to maintain the original character of the property. My clients would like to try to accommodate that sentiment, thus the proposed ANR and requested Note.

If you have any questions, please do not hesitate to call.

Very truly yours,

William M. Pezzoni

Recorded 8/26/2011

Western Registry of Deeds  
Southern District  
Cambridge, Massachusetts  
File No. 571 of 2011  
Rec'd 2-26-2011  
at 2:34 PM

Wm. C. Brown

THE RESULTS ARE "MAYBE"

PLANNING BOARD  
APPROVAL UNDER SUBDIVISION CONTROL LAW  
NOT REQUIRED

1.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$   
 2.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$   
 3.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

#### WAYS AND MEANS BOARD

NOTE: PARCELS TWO SHALL NOT BE CONSIDERED A FULLY-SET LOT ON A CONFORMING LOT PLANNED TO FORMING UNLESS:

- (1) THE EXISTING STRUCTURE (PARK STAND) IS REPAIRED OR ALTERED TO COMPLY WITH THE MODEL CODE AND MEET SEVERITY REQUIREMENTS;
- (2) A VARIANCE IS OBTAINED FOR THE WORK-COMPLIANCE; OR
- (3) AN AMENDATORY ZONING OR ZONING-EXEMPTION FROM ZONING IS OBTAINED ON SAID PARCELS TWO.

### GENERAL NOTES

- 1) THE PROPERTY WAS SHOWN HERE BY RECORDS OF AERIAL PHOTOGRAPHS DATED IN MAY 2011 AND FROM PLANS AND RECORDS OF RECORDS.
- 2) THE PURPOSE OF THIS PLAN IS TO IDENTIFY THE PROPERTY OF AN AERIAL PARCELS - 400 3
- 3) NO INFORMATION OF COMPLIANCE WITH EXISTING REQUIREMENTS HAS BEEN MADE ON PROPERTY.
- 4) THE USES IN THE "PROPOSED BUSINESS OBJECT" AND "PROPOSED EXISTING OBJECT" ARE THE SAME.

DEED REFERENCE  
BOOK 1074, PAGE 208[illegible]

تے سے کہہ دیا کہ یہ سب کچھ

*Adm. Bongiorno*

4-212

### CERTIFICATION

2-4-1971 11:45 AM. The following information was received from the Bureau of the Ministry of Health of the Government of the Republic of the Philippines:

IN THE EVENT OF ANY PROFESSIONAL DISCIPLINE, REPRISAL, OR RETALIATION, THIS PLAN CONFORMS TO THE STANDARDS AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAW SERVICES IN THE DISTRICT OF COLUMBIA.

Друга і третя!

1. *Journal of the American Medical Association*, 1998; 279: 1000-1005.

PLAN OF LAND  
in  
**WAYLAND**  
MASSACHUSETTS

PREPARED FOR: MAYPOINT CONSTRUCTION CONSULTANTS, INC.

PREPARED BY: VS LAND DATA  
35 WINDFORD ST., SUITE 713  
SOMERVALE, MA 02462  
(603) 896-5850

SCALE: 1 inch = 50 feet      DATE: JULY 12, 2017



32x32 Lennox  
Cover





32x32 Lennox  
Overview 1



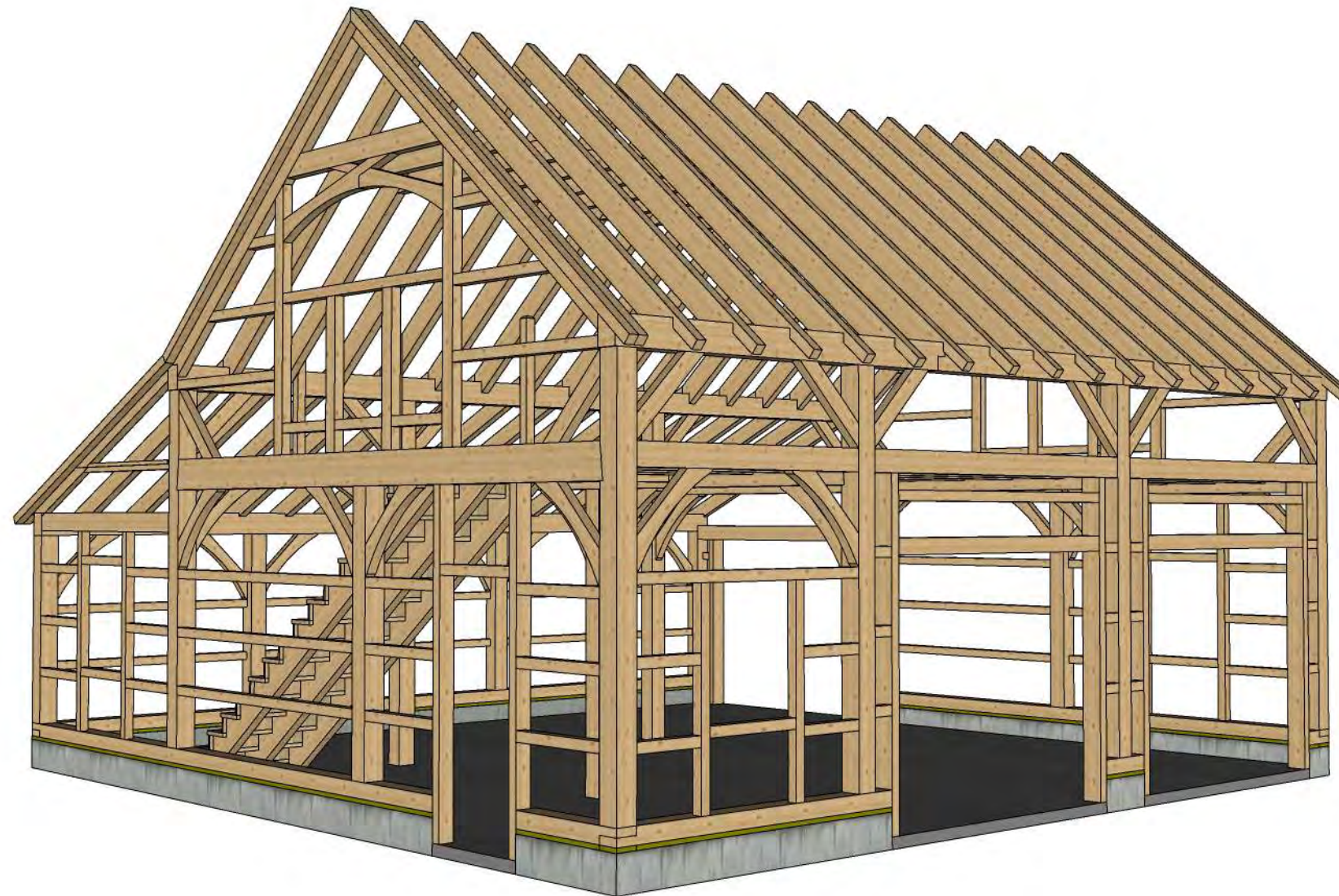


32x32 Lennox  
Overview 2



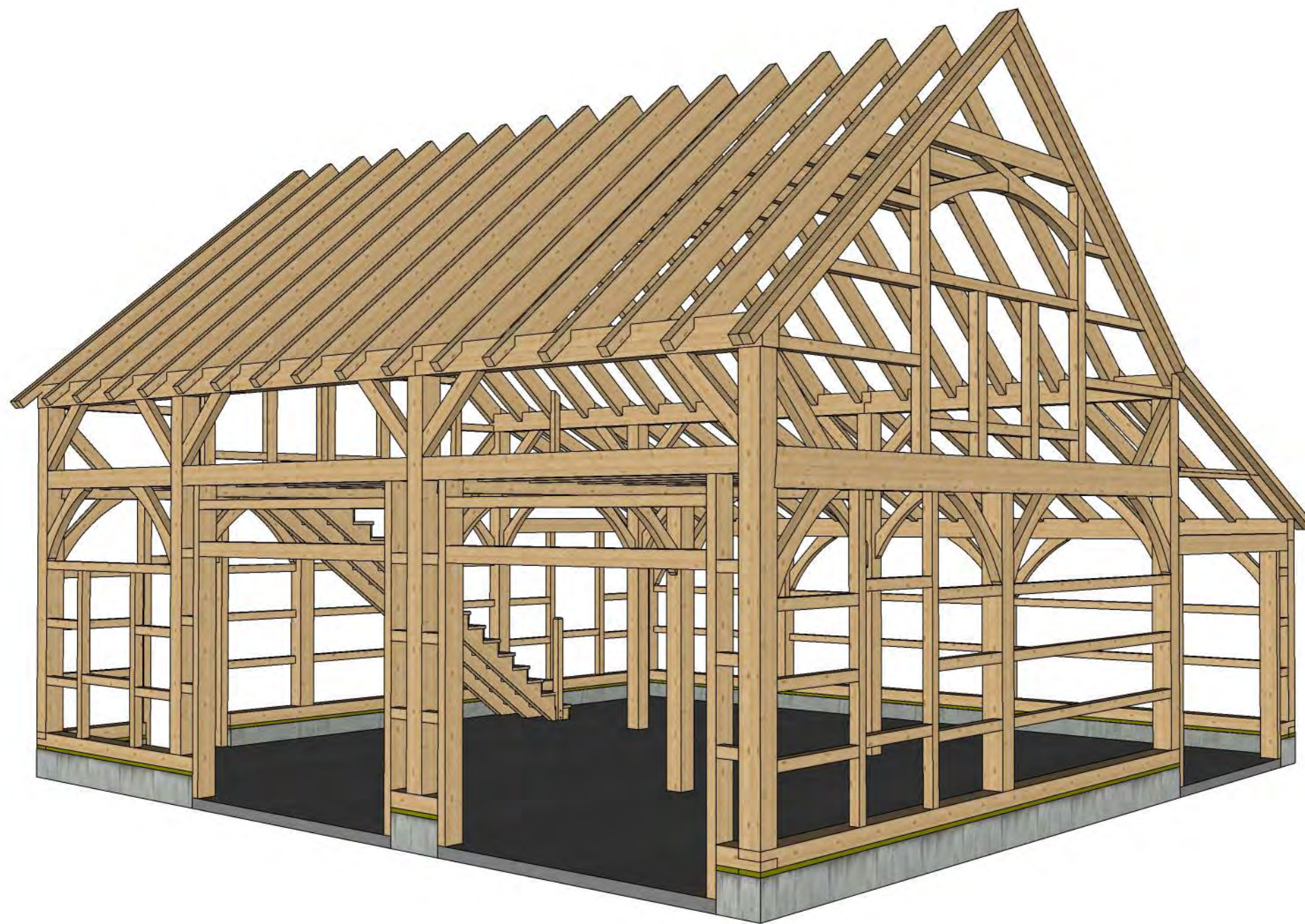
32x32 Lennox  
Overview 3





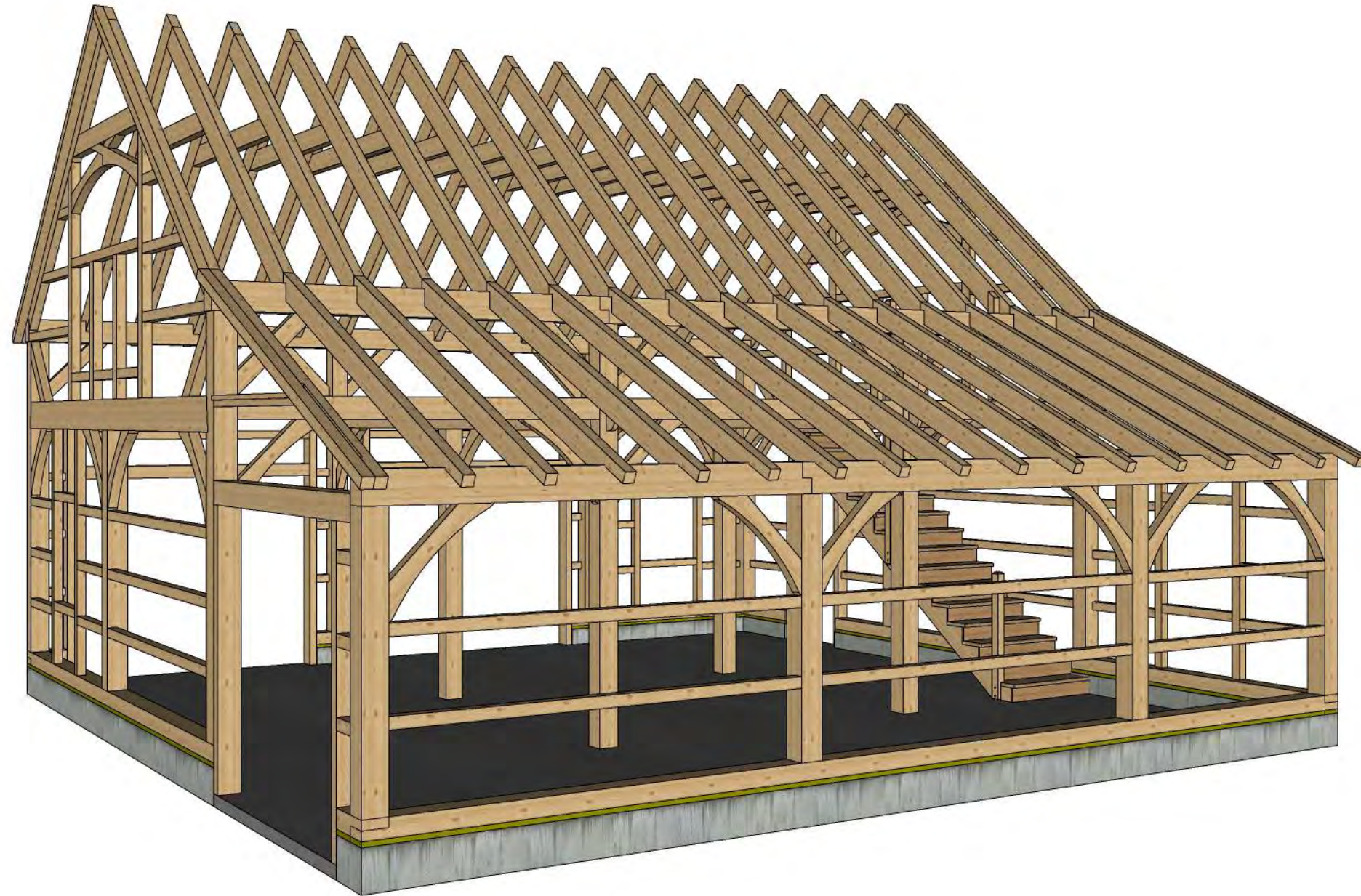
32x32 Lennox  
Timber Frame Overview 1



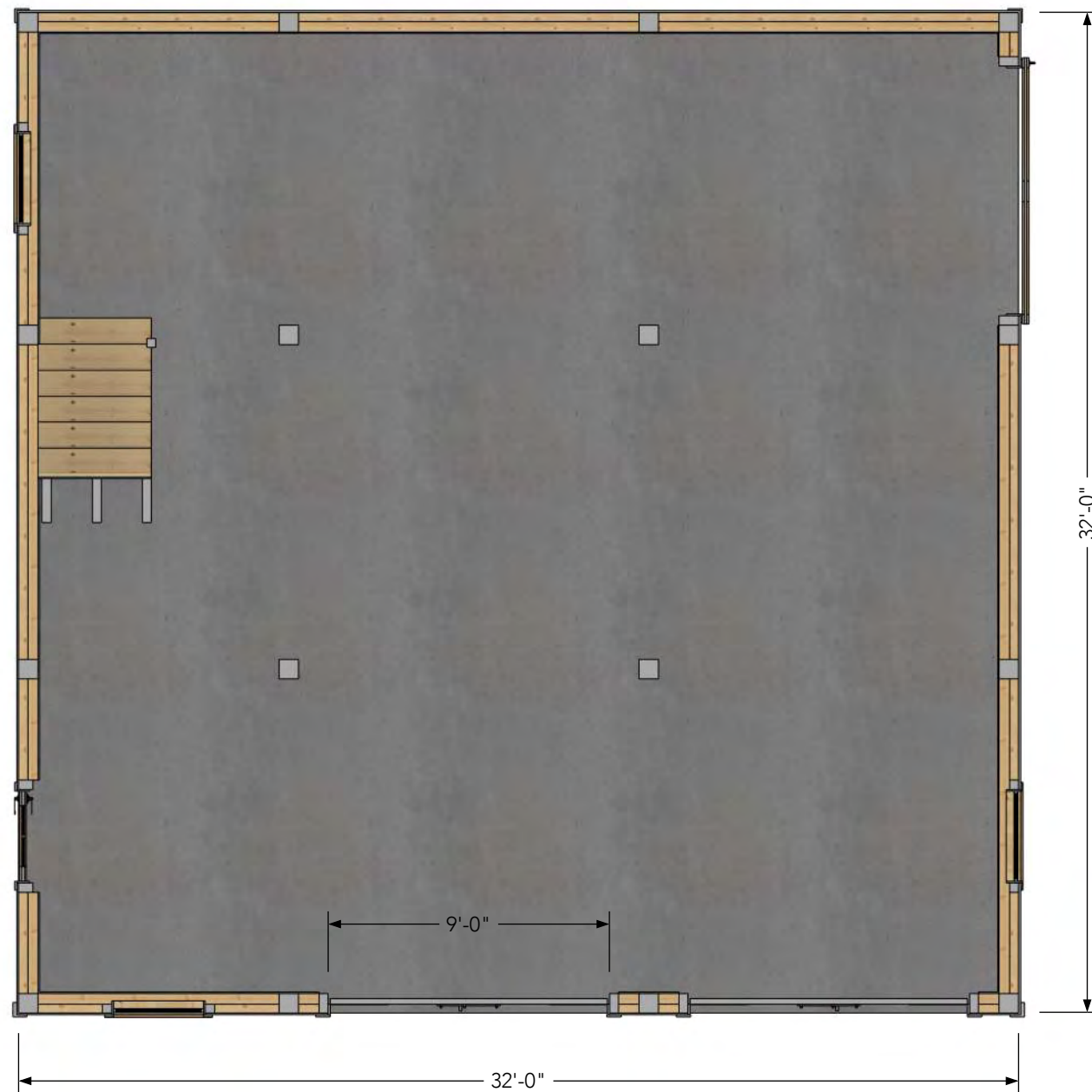


32x32 Lennox  
Timber Frame Overview 2





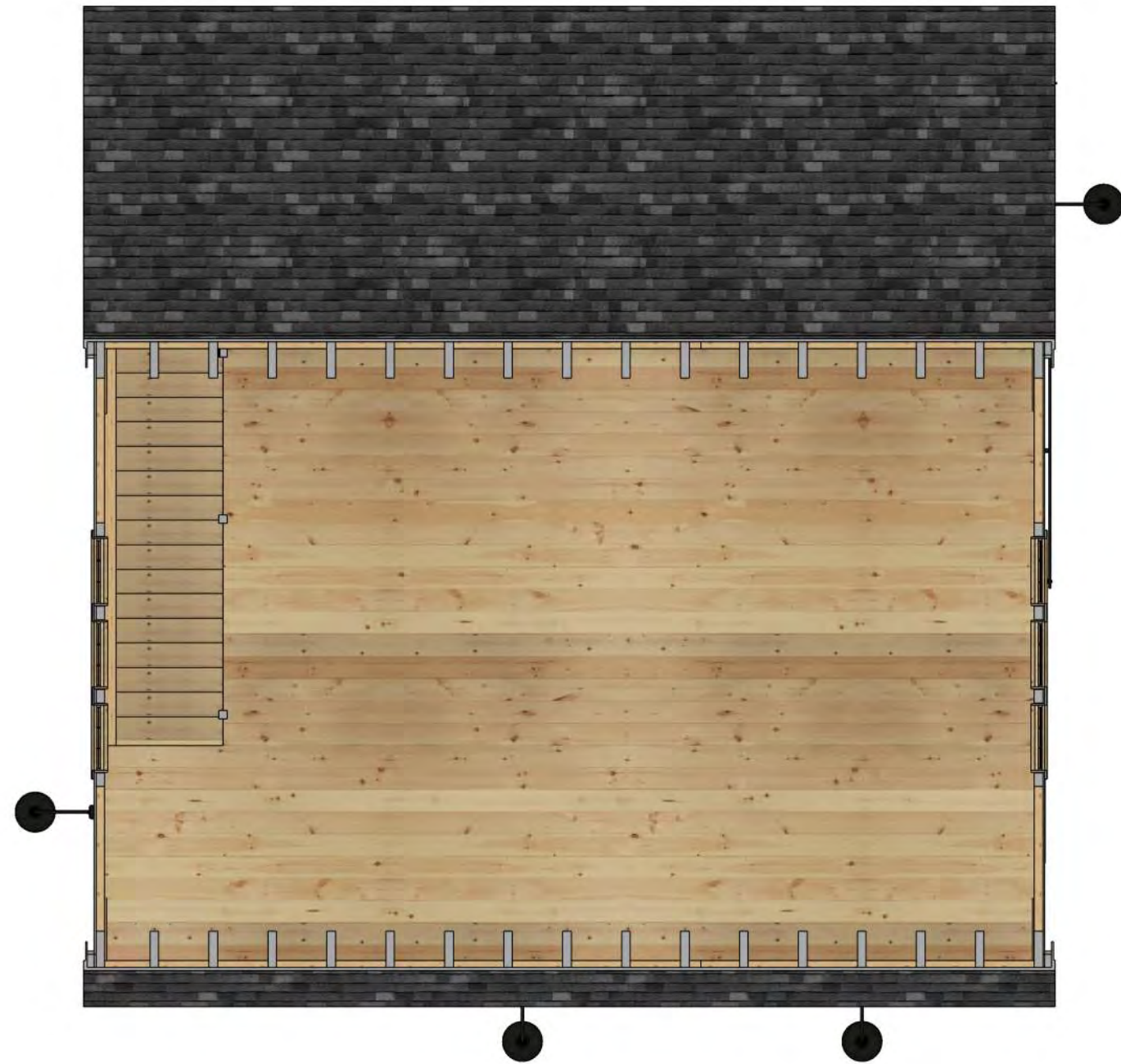
32x32 Lennox  
Timber Frame Overview 3



32x32 Lennox  
Plan







32x32 Lennox  
Loft Plan

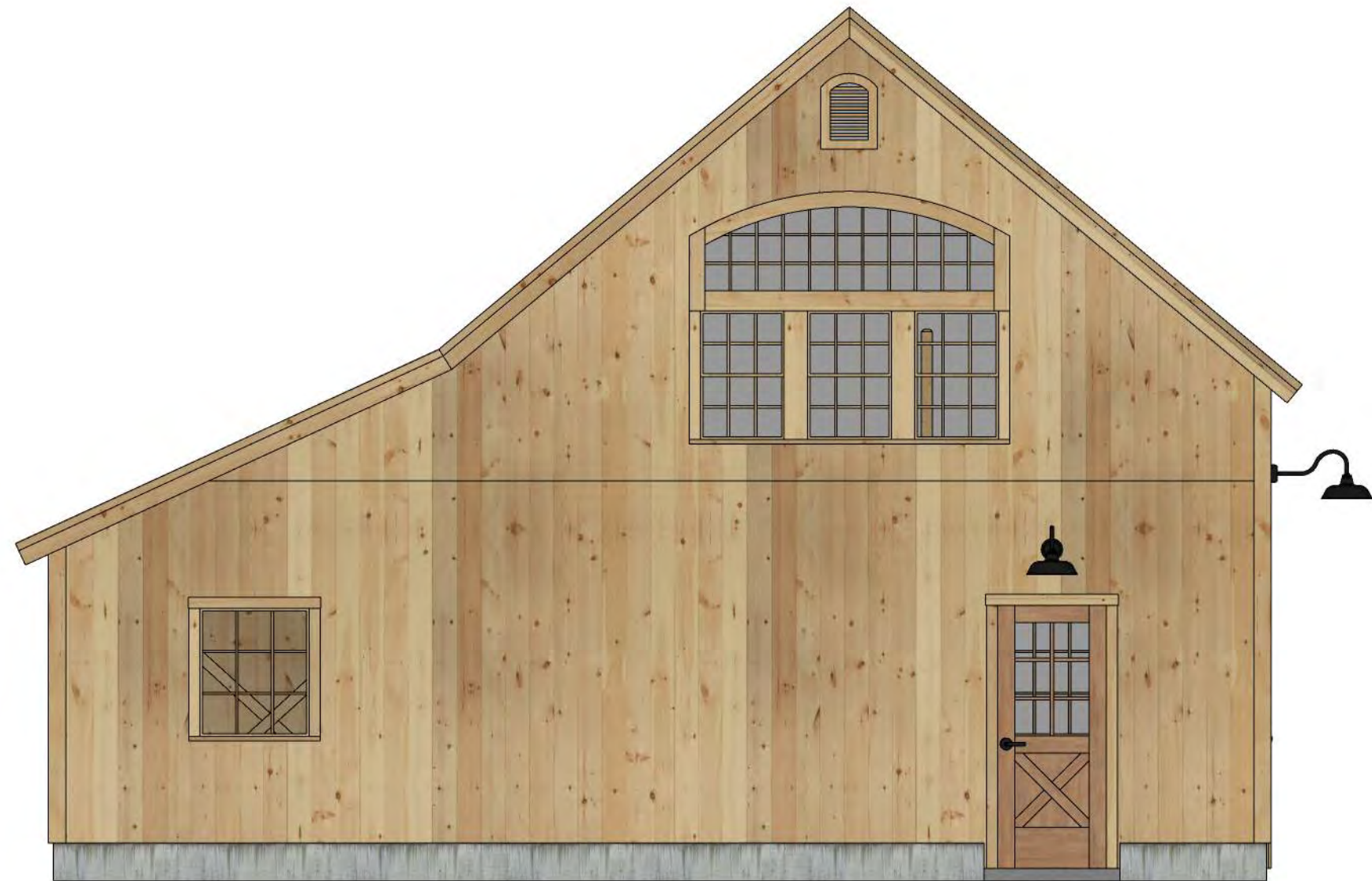


32x32 Lennox  
Elevation 1

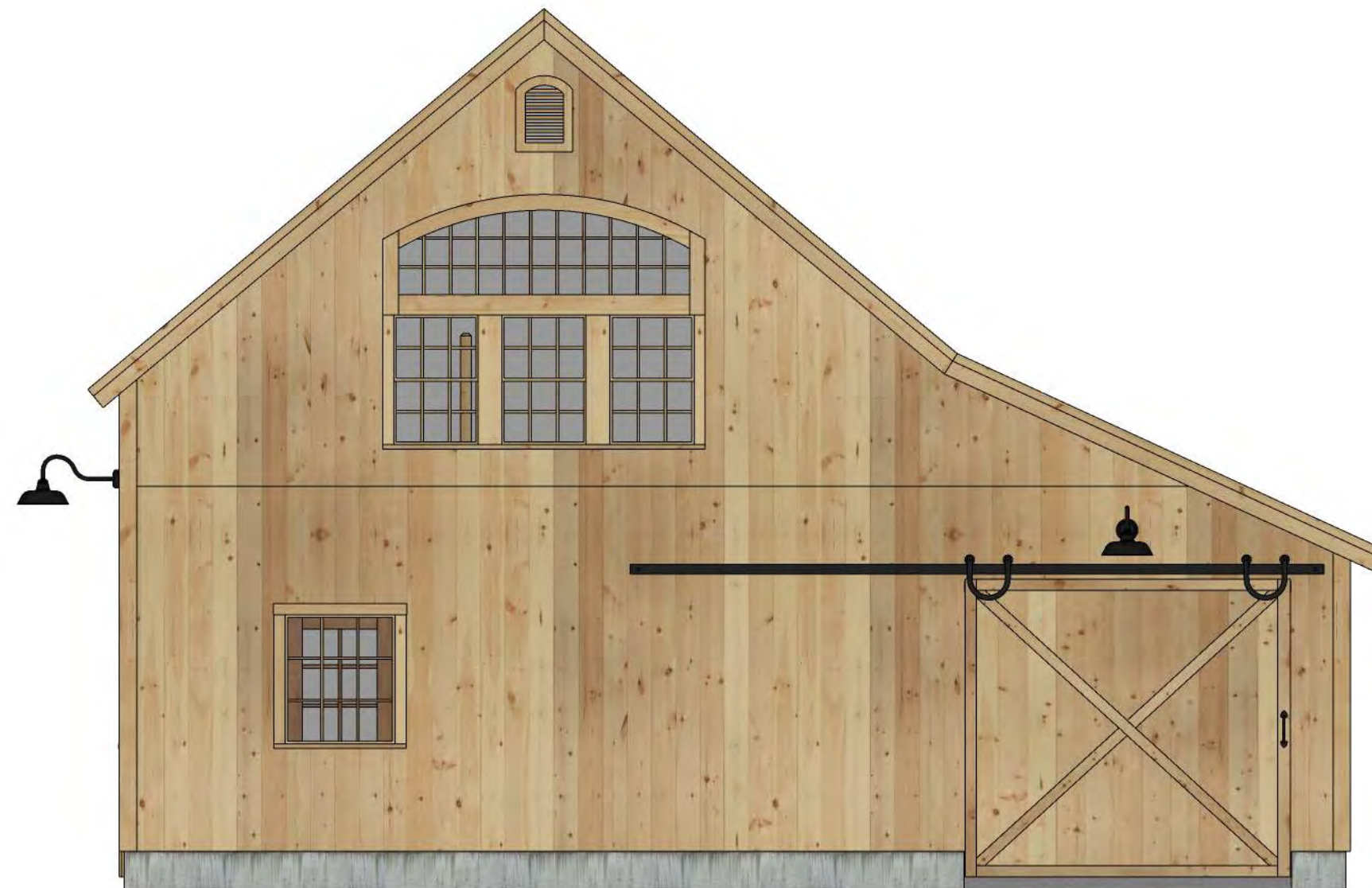




32x32 Lennox  
Elevation 2



32x32 Lennox  
Elevation 3



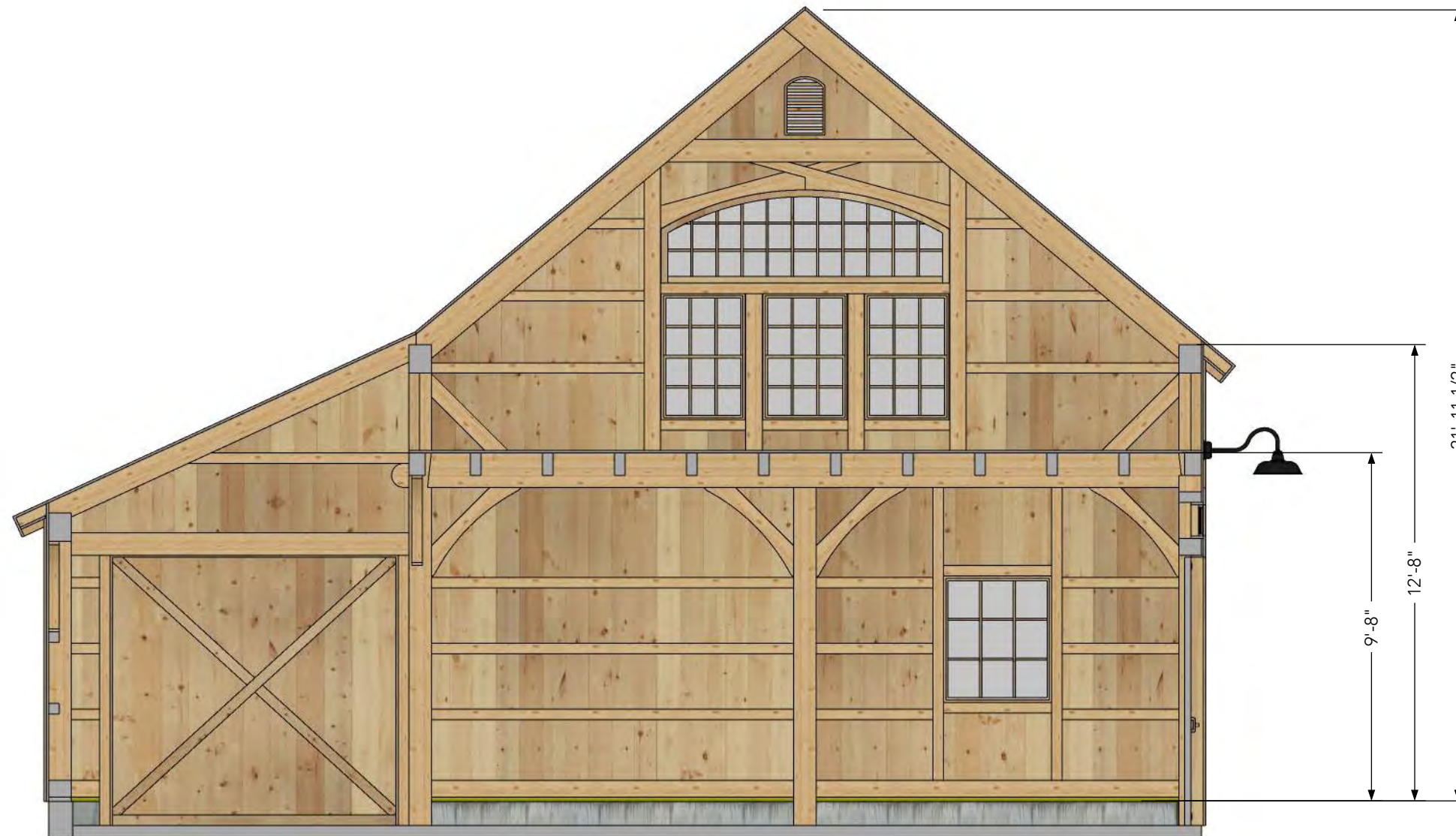
32x32 Lennox  
Elevation 4





32x32 Lennox  
Section 1





32x32 Lennox  
Section 2

## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 10/21/2021 6:07:24 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
195751	EASEMENT		59982/554	09/12/2012	1.00
<b>Property-Street Address and/or Description</b>					
134 BOSTON POST RD					
<b>Grantors</b>					
134 BOSTON POST ROAD LLC, NORTHBRIDGE WAYLAND ASSISTED LIVING LLC					
<b>Grantees</b>					
WAYLAND TOWN					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					



Bk: 59982 Pg: 554 Doc: EASE  
Page: 1 of 8 09/12/2012 12:24 PM

ABOVE FOR REGISTRY USE

GRANT OF TITLE 5 COVENANT AND EASEMENT

(property served by Shared System)  
310 CMR 15.000

This GRANT OF TITLE 5 COVENANT AND EASEMENT made as of this 10th day of September, 2012, by **134 BOSTON POST ROAD LLC**, a Massachusetts limited liability company with an address of 2 Clock Tower Place, Maynard, MA 01754 (the "Parcel 2 Grantor") and **NORTHBRIDGE WAYLAND ASSISTED LIVING, LLC**, a Delaware limited liability company with an address at 15 Third Avenue, Wayland, MA 01803 (the "Parcel 1 Grantor"; each of the Parcel 1 Grantor and the Parcel 2 Grantor being hereinafter referenced collectively as the "Grantors").

WITNESSETH

WHEREAS, Parcel 2 Grantor is the owner of the land shown as Parcel 2 ("Parcel 2") on the plan entitled "Plan of Land in Wayland, Massachusetts" by VS Land Data dated July 12, 2011 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 571 of 2011 (the "Subdivision Plan");

WHEREAS, Parcel 1 Grantor is the owner of the land shown as Parcel 1 on the Subdivision Plan ("Parcel 1") and collectively with Parcel 2, the "Property") pursuant to the Deed from Parcel 2 Grantor to be recorded herewith;

WHEREAS, there is appurtenant to, and the Property has the benefit of, a Shared System, as defined in 310 CMR 15.002, said Shared System being located within those areas of the Property delineated as "Easement 'A' Wastewater Management Easement 45,620 ± SF" (collectively, "Shared System Easement Area") on the plan entitled "Easement Plan of Land in Wayland, Massachusetts" Prepared For: Waypoint Construction Consultants, Inc., Prepared By: PFS Land Surveying, dated June 11, 2012, and recorded with the Middlesex South District Registry of Deeds herewith (the "Easement Plan"); and

WHEREAS, the Shared System has been approved by the Approving Authority, as defined in 310 CMR 15.002, in accordance with Title 5, 310 CMR 15.000, as amended ("Title 5"), said approval being based upon the agreement by Grantors to incur certain

Title 5 Covenant - Execution Copy

Plan 644/2012

1

PLEASE RETURN TO:  
LAWYERS TITLE/Commonwealth Land Title  
COMMERCIAL SERVICES OFFICE  
265 FRANKLIN STREET, 8TH FLOOR  
BOSTON, MA 02110  
ATTN: ADW FILE NO. C18095



obligations regarding the construction, inspection, maintenance, upgrade and expansion of the Shared System and to grant to the Approving Authority a perpetual easement to construct, inspect, maintain, upgrade and expand any component of the Shared System and in connection herewith a perpetual easement to pass and repass over the Property for purposes of inspecting the Shared System to insure compliance with and fulfillment of the terms of this Covenant/Easement as hereafter set forth;

NOW, THEREFORE, pursuant to the provisions of 310 CMR 15.290, the Grantors do hereby GRANT to the Town of Wayland, a Massachusetts municipal corporation situated in Middlesex County, having an address at 41 Cochituate Road, Wayland, Massachusetts 01778, acting through its Board of Health ("Wayland"), for nominal, non-monetary consideration, with QUITCLAIM COVENANTS, a TITLE 5 COVENANT AND EASEMENT ("Covenant/Easement") in, on, upon, through, over and under the Shared System Easement Area, the terms and conditions of which are as follows:

#### OBLIGATIONS AND EASEMENT

1. Inspection and Pumping. Grantors agree to have the Shared System inspected at least once annually by a System Inspector, as defined in 310 CMR 15.002, and pumped on an as needed basis, but in no event shall the Shared System be pumped less than every three years. The System Inspector shall submit the results of the inspection on a System Inspection Report to the Wayland Board of Health and to the Commonwealth of Massachusetts Department of Environmental Protection ("DEP") within 30 days of the Shared System's inspection. The Grantors shall provide the Wayland Board of Health and DEP with a copy of the receipt obtained from the duly registered septage hauler upon pumping of the Shared System within 30 days of the Shared System's pumping.
2. Financial Assurance Mechanism. Grantors agree to provide the Wayland Board of Health and DEP with the financial assurance mechanism, naming the Wayland Board of Health and DEP as additional beneficiaries, which shall provide for upgrade of the Shared System in the event the Shared System fails to protect public health and the environment pursuant to the criteria established in 310 CMR 15.303 as follows:
  - (i) the payment of Shared System Maintenance Costs and Expenses provided under the terms of the Declaration of Owners Association, Easements, Covenants and Restrictions for Shared Septic System executed by the Grantors and recorded herewith (the "Declaration") shall be deposited and maintained in an interest bearing account in the names of and jointly controlled by the Association Manager and the Town of Wayland; and
  - (ii) in the event that the Shared System from time to time requires maintenance or repairs in an amount exceeding the balance of the dedicated account referenced in this paragraph 2, the Association Manager shall, upon notice of said deficiency, assess the Parcel Owners (as that term is defined in the Declaration) pursuant to the Declaration, an amount sufficient to meet such maintenance and repair obligation.

3. Maintenance. Grantors agree to construct the Shared System such that the Sanitary Sewage, as defined in 310 CMR 15.002, from any Facility, as defined in 310 CMR 15.002, owned by any Grantor may be denied access to the Shared System in the event such Grantor fails to pay pursuant to the Declaration, its proportionate share of the construction, inspection, maintenance, upgrade and expansion costs incurred by said Shared System.
4. Easements. In creating this Covenant/Easement, each Grantor hereby grants to the Wayland Board of Health, its agents, contractors, subcontractors and employees, a perpetual EASEMENT to enter upon and the right to bring equipment onto the Shared System Easement Area to do any and all acts deemed necessary to construct, install, lay, operate, maintain, inspect, upgrade, repair, remove, excavate, replace, and expand any component of the Shared System, together with a right to pass and repass by foot and by vehicle over the Property for said purposes, including the removal and trimming of crops, vegetation, trees, or shrubs therefrom, and for purpose of inspecting the Shared System Easement Area to insure compliance with and fulfillment of the terms of this Covenant/Easement.
5. Lien Authority of Local Approving Authority. For purposes of enforcing a lien against the Property for the maintenance and repair of the Shared System, each Grantor hereby agrees that the phrase "...land upon which the structure is or was located..." as used in the second paragraph of M.G.L. c.111, §127B shall include the Property, thereby authorizing the Wayland Board of Health to impose a lien on the Property (or portions thereof) in the event the Wayland Board of Health incurred debt in accordance with the provisions of M.G.L. c.111, §127B.
6. Severability. If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirement for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.
7. Enforcement. Each Grantor expressly acknowledges that a violation of the terms of this instrument could result in the following:
  - (i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Shared System Easement Area in violation of the terms of this Covenant/Easement; and
  - (ii) in the assessment of penalties and enforcement action by the Wayland Board of

Health and DEP to enforce the terms of this Covenant/Easement, pursuant to Title 5; M.G.L. c. 111, §§ 17, 31, 122, 124, 125, 125A, 127A, through 1270, and 129; and M.G.L. c. 83, § 11.

8. Provisions to Run with the Land. This Covenant/Easement sets forth rights, liabilities, agreements and obligations upon and subject to which the Shared System Easement Area or any portion thereof, shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Property, as applicable thereto, and any portion thereof and shall inure to the benefit of and be binding upon each Grantor and all parties claiming by, through or under the Wayland Board of Health or any Grantor. The rights hereby granted to the Wayland Board of Health, its successors and assigns, constitute the perpetual right of the Wayland Board of Health to enforce this Covenant/Easement and each Grantor hereby covenants for itself and its successors and assigns, to stand seized and hold title to the Property, and any portion thereof, subject to this Covenant/Easement, provided, however, that a violation of this Covenant/Easement shall not result in a forfeiture or reversion of any Grantor's title to the Property. It is further agreed that the liability of each Grantor and of any successor in interest to each Grantor hereunder is limited to its interest in the Property or any portion thereof, and that upon any transfer of title thereto or any portion thereof, such liability shall vest in the successor in title thereto.
9. Concurrence Presumed. It being agreed that the Grantors and all parties claiming by, through or under them shall be deemed to be in accord with the provisions herein set forth and to agree for and among themselves and any party claiming by, through or under them, and their respective agents, contractors, sub-contractors and employees, the Covenant/Easement herein established shall be adhered to and not violated and that their respective interests in the Property, as applicable thereto, shall be subject to the provisions herein set forth.
10. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. Grantors hereby agree to incorporate this Covenant/Easement, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Property, or any portion thereof, is conveyed.
11. Recordation. Grantors shall record this Covenant/Easement with the Middlesex South District Registry of Deeds within 30 days of the latter of: receipt from the Wayland Board of Health of the approved Covenant/Easement or the expiration of the 60-day constructive approval period granted to DEP pursuant to 310 CMR 15.293. Grantors shall file with the Wayland Board of Health and the DEP a certified Registry copy of this Covenant/Easement as recorded within 30 days of its date of recordation.
12. Amendment and Release. This Covenant/Easement may be amended or released only upon approval by the Wayland Board of Health and DEP. Any such amendment or release shall be recorded with the Middlesex South District Registry of Deeds.



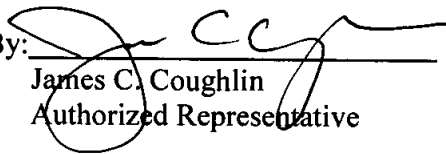
13. Term. The Covenant/Easement shall run in perpetuity and is intended to conform to M.G.L. c.184, §26, as amended.
14. Rights Reserved. This Covenant/Easement is granted to the Wayland Board of Health in connection with the approval of a Shared System pursuant to 310 CMR 15.290 through 15.293. It is expressly agreed that acceptance of this Covenant/Easement by the Wayland Board of Health or constructive approval of the Shared System by DEP, shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Wayland Board of Health or DEP to issue any future order with respect to the Property, as applicable thereto, or in any way affect any other claim, action, suit, cause of action, or demand which the Wayland Board of Health or DEP may have with respect thereto. Nor shall acceptance of this Covenant/Easement serve to impose any obligations, liabilities, or any other duties upon the Wayland Board of Health.

This Covenant/Easement shall become effective upon its recordation with the Middlesex South District Registry of Deeds. This Covenant/Easement may be executed in multiple counterparts (or with multiple signature pages), each of which shall constitute an original.

[THE REMAINDER OF THIS PAGE IS BLANK; SIGNATURE PAGES FOLLOW]

WITNESS the execution hereof under seal as of the date first written above.

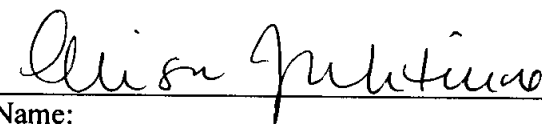
**PARCEL 1 GRANTOR:**  
**NORTHBRIDGE WAYLAND ASSISTED LIVING, LLC,**  
 a Delaware limited liability company

By:   
 James C. Coughlin  
 Authorized Representative

COMMONWEALTH OF MASSACHUSETTS

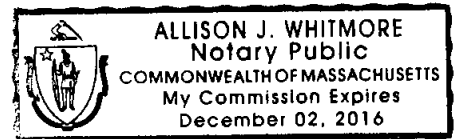
Middlesex, ss.

On this 6<sup>th</sup> day of September, 2012, before me, the undersigned notary public, personally appeared JAMES C. COUGHLIN, proved to me through satisfactory evidence of identification, which was ( ) photographic identification with signature issued by a federal or state government agency, ( ) oath or affirmation of a credible witness, (X) personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Authorized Representative of NORTHBRIDGE WAYLAND ASSISTED LIVING, LLC.

  
 Name:

Notary Public

My commission expires:



Signatures continued on next page...

WITNESS the execution hereof under seal as of the date first written above.

**PARCEL 2 GRANTOR:**  
**134 BOSTON POST ROAD LLC**

By: \_\_\_\_\_

Robert L. Bongiorno, Manager

By: \_\_\_\_\_

Anthony J. Bongiorno, Manager

Suffolk  
 Middlesex, ss.

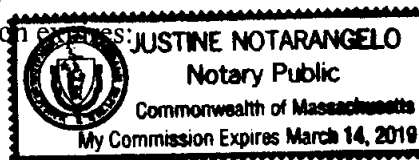
COMMONWEALTH OF MASSACHUSETTS

On this 7<sup>th</sup> day of September, 2012, before me, the undersigned notary public, personally appeared ROBERT L. BONGIORNO and ANTHONY J. BONGIORNO, proved to me through satisfactory evidence of identification, which was (X) photographic identification with signature issued by a federal or state government agency, ( ) oath or affirmation of a credible witness, ( ) personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Managers of 134 BOSTON POST ROAD LLC.

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

Notary Public

My commission expires: \_\_\_\_\_





The Wayland Board of Health hereby approves this Grant of Title 5 Covenant and Easement (as to form only).

**WAYLAND BOARD OF HEALTH**

By: Julia Junghanns  
Julia Junghanns, its Agent  
Duly Authorized

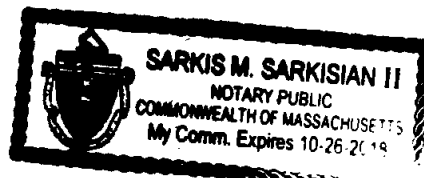
Date: Sept. 7, 2012

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this 7 day of September, 2012, before me, the undersigned notary public, personally appeared Julia Junghanns, proved to me through satisfactory evidence of identification, which was ( ) photographic identification with signature issued by a federal or state government agency, ( ) oath or affirmation of a credible witness, (X) personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Agent of the WAYLAND BOARD OF HEALTH.

[Signature]  
Name: \_\_\_\_\_  
Notary Public  
My commission expires:



## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

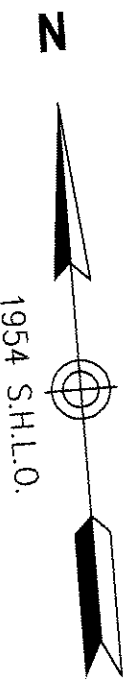
Current datetime: 10/21/2021 6:03:17 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
644	PLAN		02012/644	09/12/2012	
<b>Property-Street Address and/or Description</b>					
134 BOSTON POST ROAD EASEMENT PLANS OF LAND					
<b>Grantors</b>					
134 BOSTON POST ROAD, LLC					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					

Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 644 1st of 2012  
Rec'd 7 12 20 12  
at 10 H 25 M A M

Attest  
*Eugene C. Brennan*  
Register

FOR REGISTRY USE ONLY



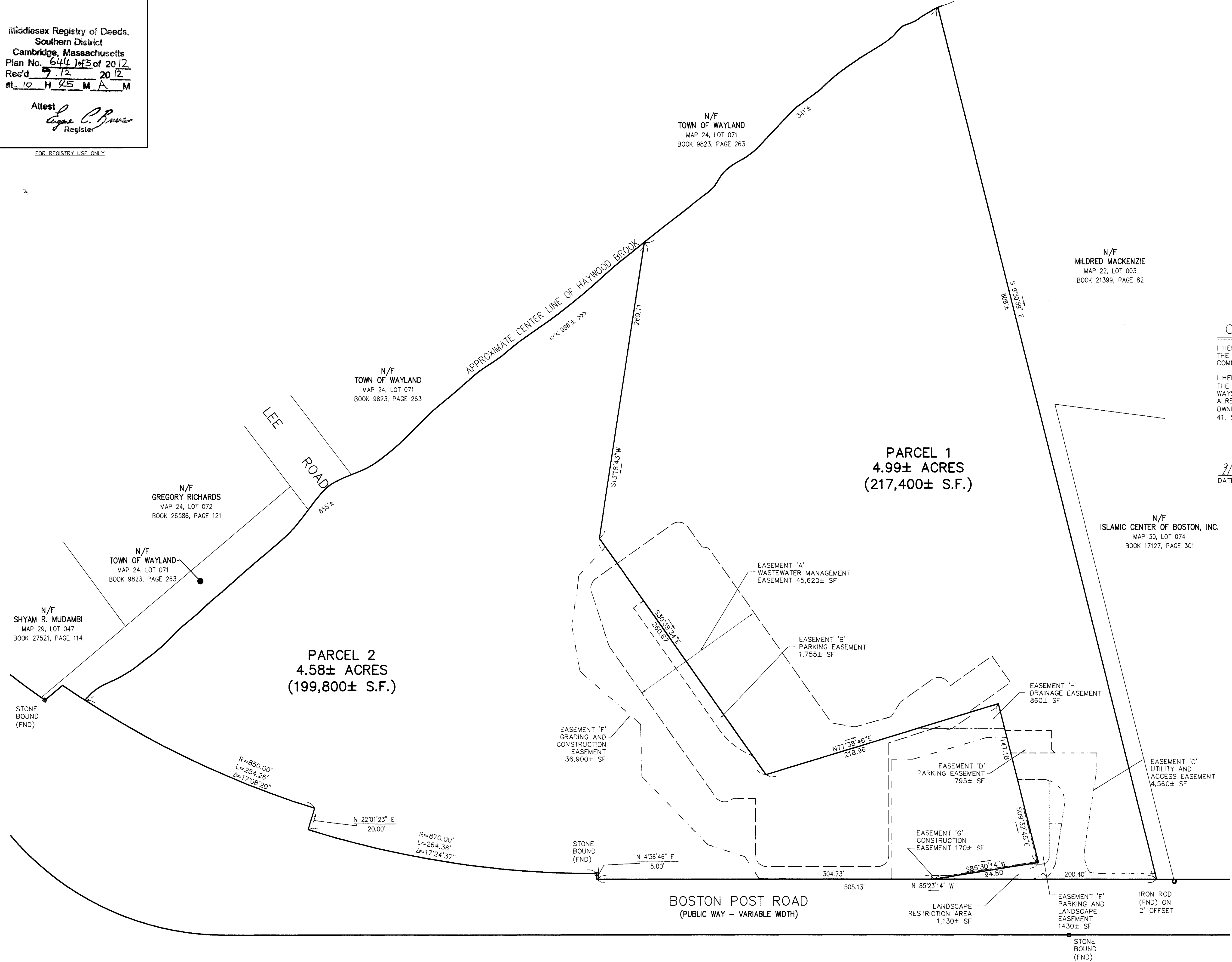
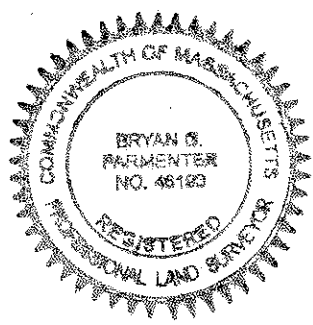
40 0 40 80  
SCALE IN FEET

Plan Reference  
Plan No. 571 of 2011  
Deed Reference  
BOOK 57002, PAGE 81

### Certification

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.  
I HEREBY CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP'S, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. (MASS. GEN. LAWS CHAPTER 41, SEC. 81-X)

9/6/2012 *Bryan Pann*  
DATE PROFESSIONAL LAND SURVEYOR



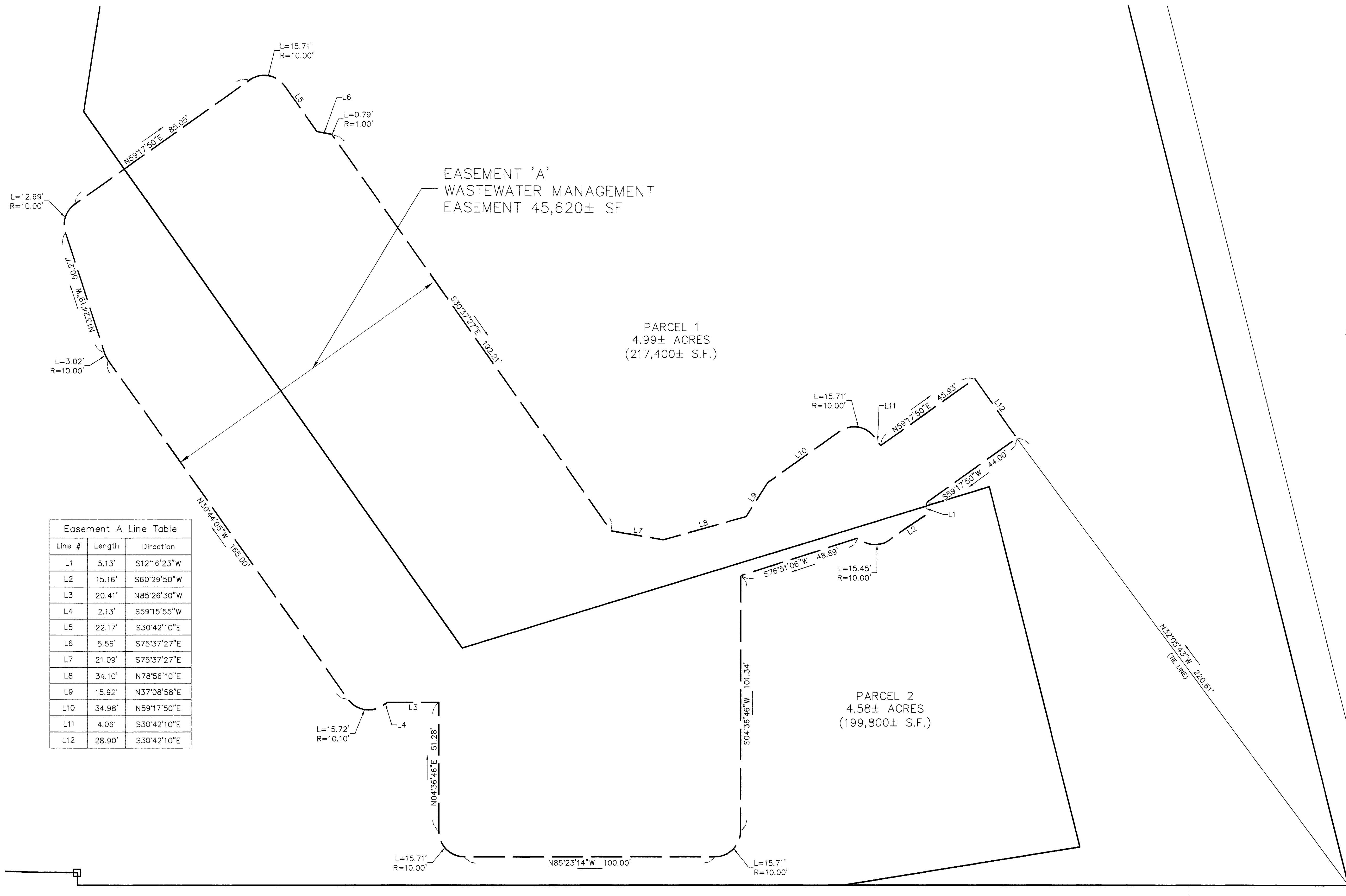
## EASEMENT PLAN OF LAND IN WAYLAND MASSACHUSETTS

PREPARED FOR: WAYPOINT CONSTRUCTION CONSULTANTS, INC.  
PREPARED BY: PFS LAND SURVEYING  
35 MEDFORD STREET - SUITE 113  
SOMERVILLE, MA 02143  
(617) 294-2049

SCALE: 1 inch = 40 feet DATE: JUNE 11, 2012  
SHEET 1 OF 5

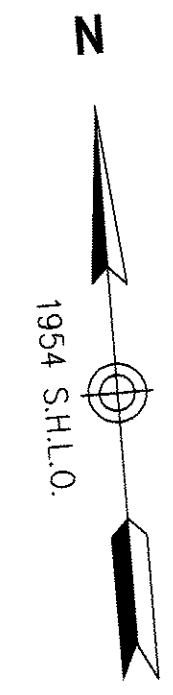
9-12-12  
PL: 644





Easement A Line Table		
Line #	Length	Direction
L1	5.13'	S12°16'23"W
L2	15.16'	S60°29'50"W
L3	20.41'	N85°26'30"W
L4	2.13'	S59°15'55"W
L5	22.17'	S30°42'10"E
L6	5.56'	S75°37'27"E
L7	21.09'	S75°37'27"E
L8	34.10'	N78°56'10"E
L9	15.92'	N37°08'58"E
L10	34.98'	N59°17'50"E
L11	4.06'	S30°42'10"E
L12	28.90'	S30°42'10"E

BOSTON POST ROAD  
(PUBLIC WAY – VARIABLE WIDTH)

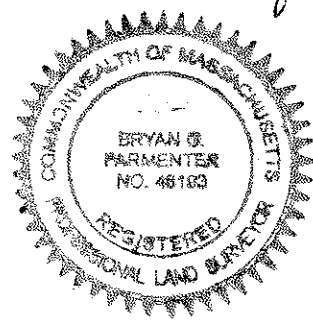


Plan Reference  
Plan No. 571 of 2011  
Deed Reference  
BOOK 57002, PAGE 81

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9/6/2012  
DATE  
Bryan G. Broun  
PROFESSIONAL LAND SURVEYOR



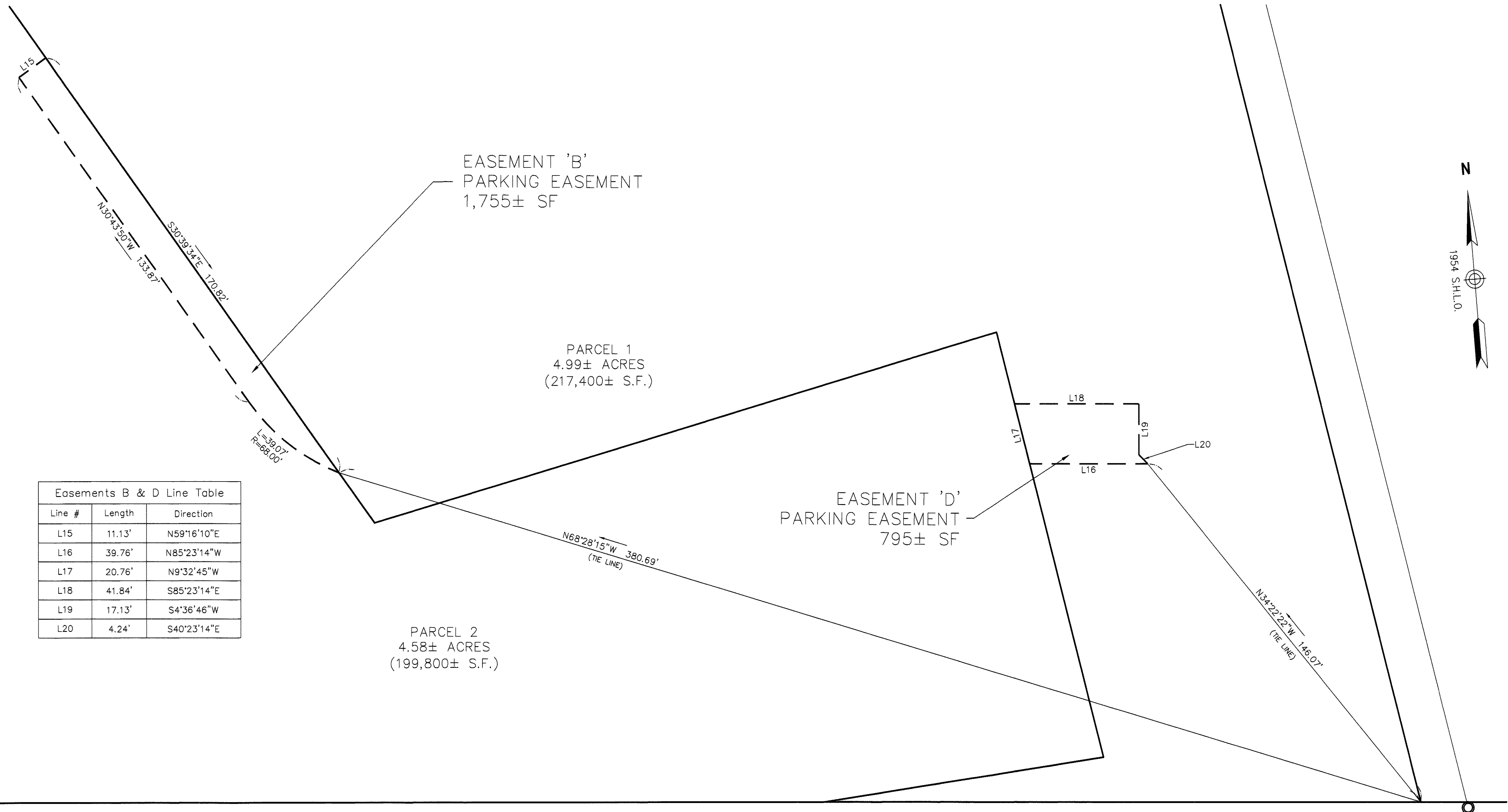
EASEMENT PLAN OF LAND  
IN  
**WAYLAND**  
MASSACHUSETTS

PREPARED FOR: WAYPOINT CONSTRUCTION CONSULTANTS, INC.  
PREPARED BY: PFS LAND SURVEYING  
35 MEDFORD STREET – SUITE 113  
SOMERVILLE, MA 02143  
(617) 294-2049

644 245

PLAN NO. 644 OF 2012  
SHEET 3 OF 5

FOR REGISTRY USE ONLY



Easements B & D Line Table		
Line #	Length	Direction
L15	11.13'	N59°16'10"E
L16	39.76'	N85°23'14"W
L17	20.76'	N9°32'45"W
L18	41.84'	S85°23'14"E
L19	17.13'	S4°36'46"W
L20	4.24'	S40°23'14"E

BOSTON POST ROAD  
(PUBLIC WAY - VARIABLE WIDTH)

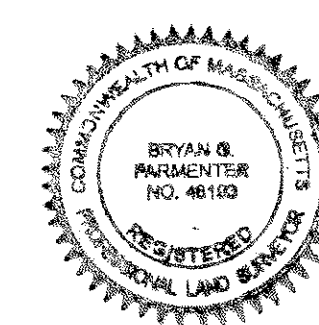
Plan Reference  
Plan No. 571 of 2011  
Deed Reference  
BOOK 57002, PAGE 81

20 0 20 40  
SCALE IN FEET

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9/6/2012  
DATE  
Bryan S. Pasmantier  
PROFESSIONAL LAND SURVEYOR

#### EASEMENT PLAN OF LAND IN WAYLAND MASSACHUSETTS

PREPARED FOR: WAYPOINT CONSTRUCTION CONSULTANTS, INC.

PREPARED BY: PFS LAND SURVEYING  
35 MEDFORD STREET - SUITE 113  
SOMERVILLE, MA 02143  
(617) 294-2049

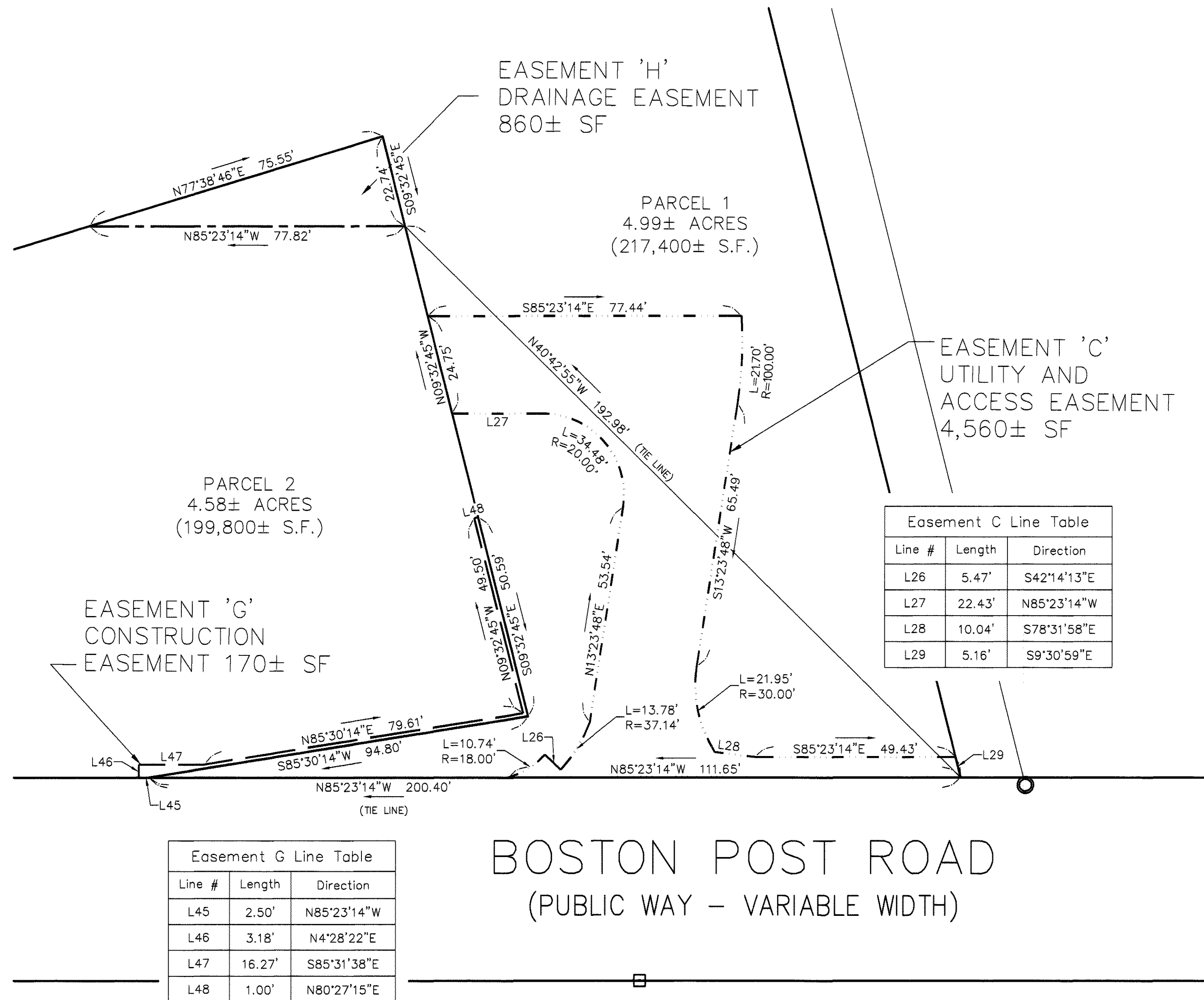
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SHEET 3 OF 5

644 30F5

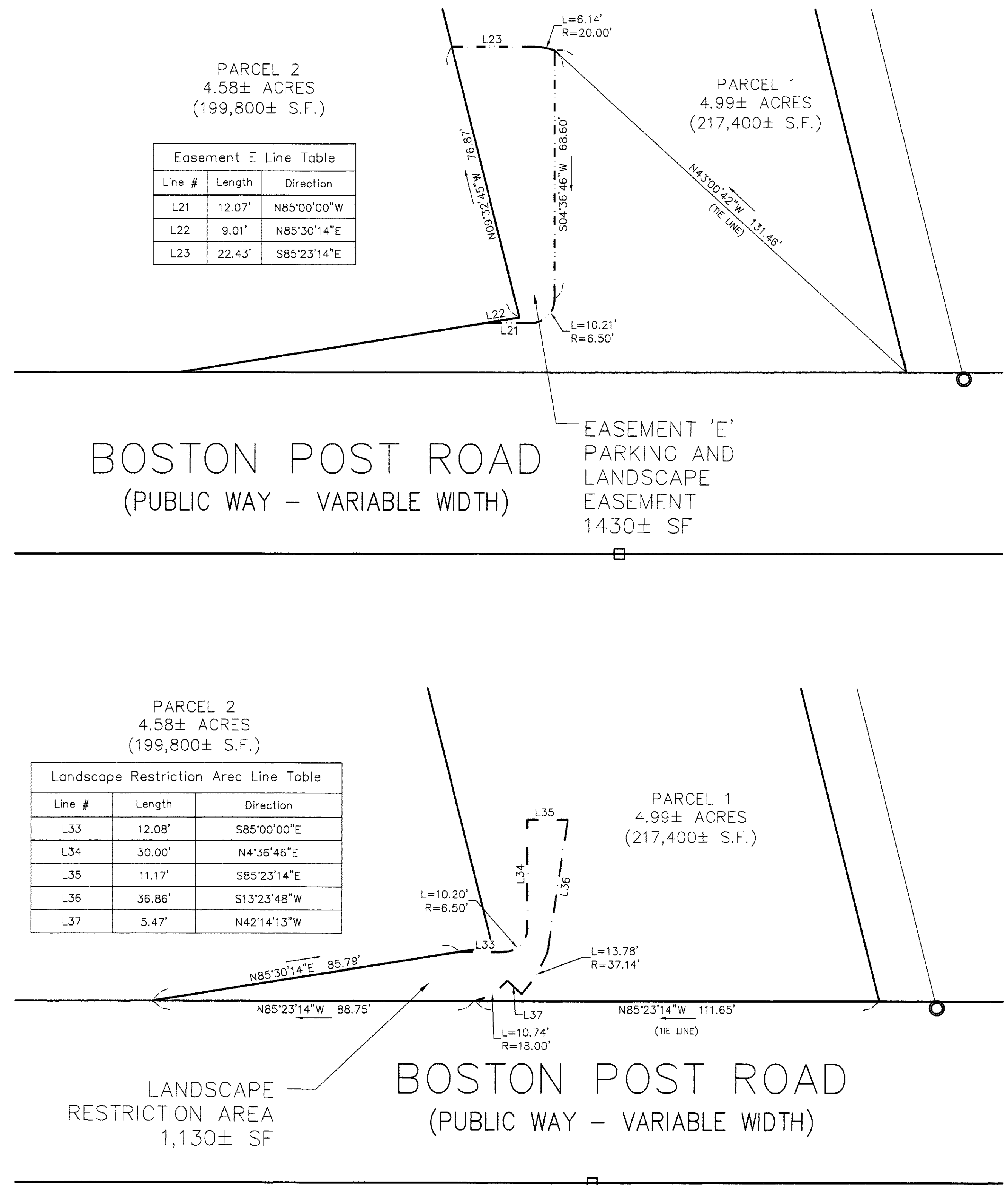
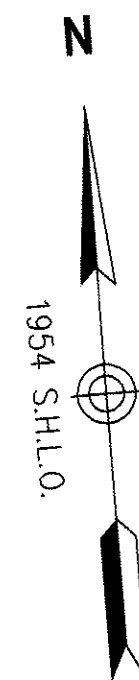
PLAN NO. 644 OF 2012  
SHEET 4 OF 5

FOR REGISTRY USE ONLY



Plan Reference  
Plan No. 571 of 2011

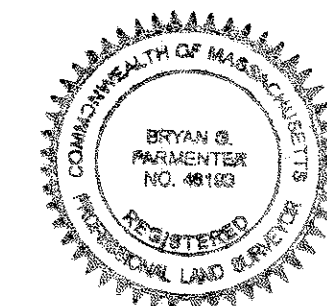
Deed Reference  
BOOK 57002, PAGE 81



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9/6/2012  
DATE

Bryan Parmenter  
PROFESSIONAL LAND SURVEYOR

### EASEMENT PLAN OF LAND IN WAYLAND MASSACHUSETTS

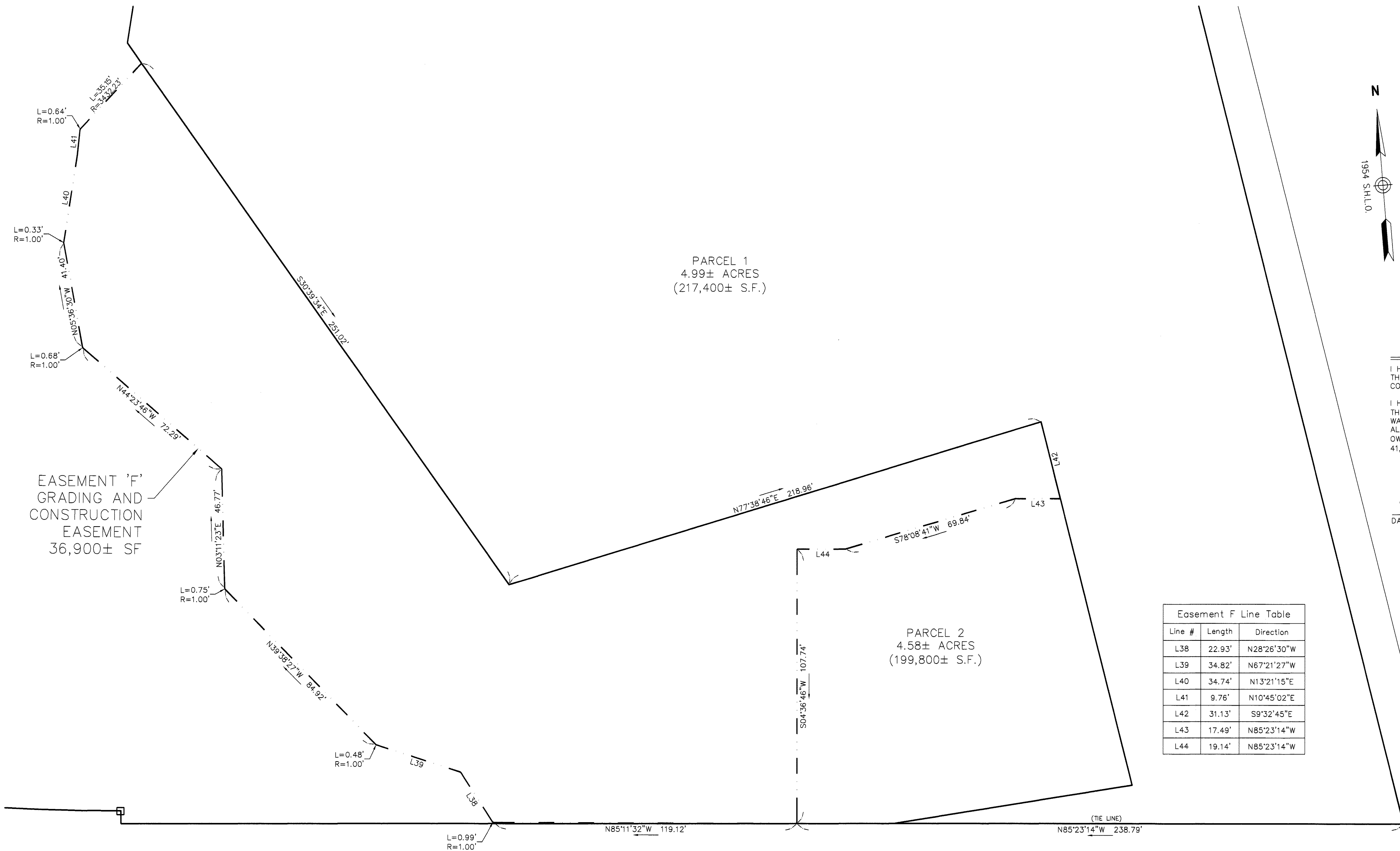
PREPARED FOR: WAYPOINT CONSTRUCTION CONSULTANTS, INC.

PREPARED BY: PFS LAND SURVEYING  
35 MEDFORD STREET - SUITE 113  
SOMERVILLE, MA 02143  
(617) 294-2049

SCALE: 1 inch = 20 feet DATE: JUNE 11, 2012

SHEET 4 OF 5





PLAN NO. 644 OF 2012  
SHEET 5 OF 5

FOR REGISTRY USE ONLY

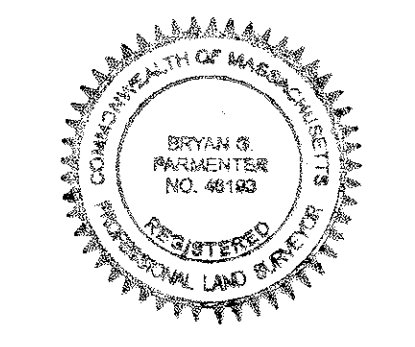
Plan Reference  
Plan No. 571 of 2011  
Deed Reference  
BOOK 57002, PAGE 81

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9/6/2012  
DATE  
Bryan S. Parnment  
PROFESSIONAL LAND SURVEYOR



Easement F Line Table		
Line #	Length	Direction
L38	22.93'	N28°26'30"W
L39	34.82'	N67°21'27"W
L40	34.74'	N13°21'15"E
L41	9.76'	N10°45'02"E
L42	31.13'	S9°32'45"E
L43	17.49'	N85°23'14"W
L44	19.14'	N85°23'14"W

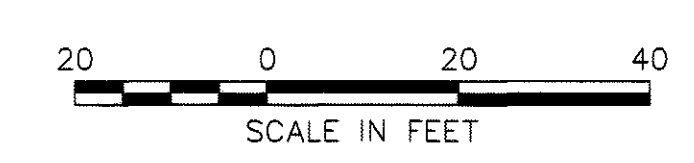
EASEMENT 'F'  
GRADING AND  
CONSTRUCTION  
EASEMENT  
36,900± SF

BOSTON POST ROAD  
(PUBLIC WAY - VARIABLE WIDTH)

EASEMENT PLAN OF LAND  
IN  
**WAYLAND**  
MASSACHUSETTS

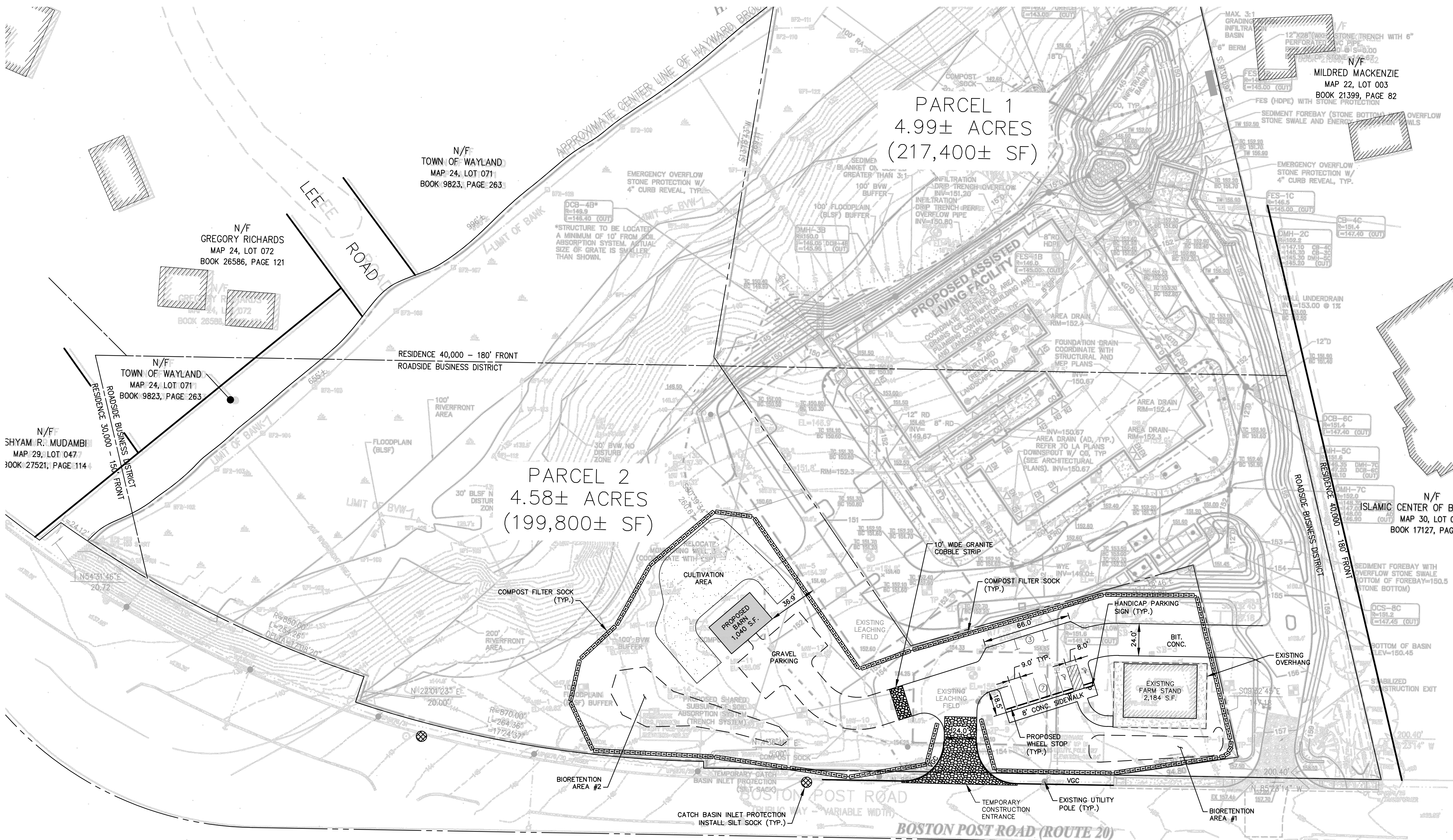
PREPARED FOR: WAYPOINT CONSTRUCTION CONSULTANTS, INC.  
PREPARED BY: PFS LAND SURVEYING  
35 MEDFORD STREET - SUITE 113  
SOMERVILLE, MA 02143  
(617) 294-2049

SCALE: 1 inch = 20 feet  
DATE: JUNE 11, 2012  
SHEET 5 OF 5



644 5F5





ROADSIDE  
FARM STAND

136 BOSTON POST ROAD  
IN  
WAYLAND  
MASSACHUSETTS  
(MIDDLESEX COUNTY)

SITE PLAN

OCTOBER 25, 2021

REVISIONS:		
NO.	DATE	DESC.

PREPARED FOR:  
NORTHBRIDGE COMPANIES  
71 THIRD AVENUE  
BURLINGTON, MA 01803

**BSC GROUP**  
33 Waldo Street  
Worcester, Massachusetts  
01608  
508 792 4500

© 2021 BSC Group, Inc.  
SCALE: 1" = 40'  
0 20 40 80 FEET  
FILE: WOR\6113600\C\6113600-CP3.dwg  
DWG: SHEET C-100  
JOB. NO: 6-1136.00

NOTE:  
THE BASE PLAN USED FOR THIS CONCEPTUAL DESIGN IS A PLAN ENTITLED,  
"NORTHBRIDGE WAYLAND, 134 BOSTON POST ROAD, WAYLAND,  
MASSACHUSETTS, GRADING, DRAINAGE, AND EROSION CONTROL PLAN",  
DRAWING NO. C-3, PREPARED BY STEPHENSON DESIGN GROUP, LLC, REVISED  
JULY 6, 2012.