

MCCANN & MCCANN, P.C.

ATTORNEYS AT LAW
89 NEWBURY STREET, SUITE 302
DANVERS, MASSACHUSETTS 01923
TELEPHONE: 978-739-8484
FACSIMILE: 978-739-8455
E-MAIL: NMCCANN@MCCANNLAW.COM

September 15, 2015

Topsfield Planning Board
Town Hall
8 West Common Street
Topsfield, MA 01983

RE: Preliminary Subdivision Plan
116 and 120 Hill Street, Topsfield, MA

Dear Board Members:

On behalf of the Applicant, New Meadows Development, LLC, enclosed for filing please find a Preliminary Subdivision Plan Application Package relative to the property located at 116 and 120 Hill Street and shown on Assessor's Map 68 as Lots 47 and 48. The property contains approximately 67.5 acres+/- in the aggregate on which the Applicant proposes to develop a 20 lot residential subdivision. The Applicant proposes an Open Space Development Plan concept. The application package consists of:

1. Application for Approval of a Preliminary Plan (Form B)
2. Owners' Authorization
3. Deeds to the properties
4. Checklist for Review of Preliminary Plan
2. Preliminary Subdivision Plan (6 sets)
3. Filing fees: \$ 2,600.00
4. Copy of Notice of Submission with Town Clerk receipt
5. Copy of receipt from Board of Health

We would appreciate this matter begin placed on the next available Planning Board meeting agenda. Thank you for your consideration.

Very truly yours,


Nancy A.S. McCann

R E C E I V E D
SEP 15 2015

TOPSFIELD
BOARD OF HEALTH

MCCANN & MCCANN, P.C.

ATTORNEYS AT LAW
89 NEWBURY STREET, SUITE 302
DANVERS, MASSACHUSETTS 01923
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September 15, 2015

Topsfield Board of Health
Town Hall
8 West Common Street
Topsfield, MA 01983

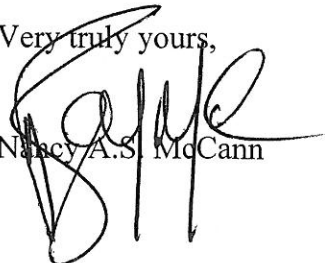
RE: Notice of Preliminary Subdivision Plan Filing
116 and 120 Hill Street, Topsfield, MA

Dear Board Members:

On behalf of the Applicant, New Meadows Development, LLC, and pursuant to G.L. ch. 41 Section 81S, and the Topsfield Planning Board Rules and Regulations, enclosed for filing please find a copy of the Form B Application for Approval of a Preliminary Subdivision Plan, together with a copy of the Preliminary Subdivision Plan, as filed with the Topsfield Planning Board, relative to the property located at 116 and 120 Hill Street and shown on Assessor's Map 68 as Lots 47 and 48. The property contains approximately 67.5 acres+/- in the aggregate on which the Applicant proposes to develop a 20 lot residential subdivision. The Applicant proposes an Open Space Development Plan concept.

If the Board of Health will be discussing this Preliminary Plan, please let me know the date and time of that meeting so that we can attend to answer any questions the members may have. Thank you for your consideration.

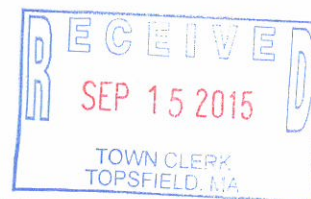
Very truly yours,


Nancy A.S. McCann

NASM/kjl
Enclosure

FORM BAPPLICATION FOR APPROVALPRELIMINARY PLAN ☒DEFINITIVE PLAN ☐

Check One



File one completed form together with six contact prints of the plan, a sketch plan, and a nonrefundable fee* payable to the Town of Topsfield, with the Planning Board and a copy of the completed form with the Town Clerk in accordance with the requirements of Section 4.2. When it is a Preliminary Plan submittal, one contact print of the plan shall be submitted to the Board of Health. For a Definitive Plan submittal, the reproducible original of the plan shall also be submitted to the Planning Board together with appropriate fees* payable to the Town of Topsfield, for each lot or dwelling unit, whichever is greater, plus two contact prints to the Board of Health. (See Section 4.3).

*Fee schedule for preliminary and definitive plan submissions are detailed on the last page of this form.

Topsfield, MA September 15, 2015

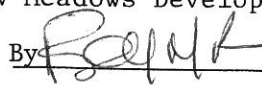
To: The Topsfield Planning Board
Town Hall
Topsfield, MA 01983

The undersigned hereby applies for Preliminary/~~Definitive~~ Plan approval and herewith submits six (6) copies of the accompanying Preliminary/~~Definitive~~ Plan of property located in the Town of Topsfield, Massachusetts for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations of the Planning Board Governing the Subdivision of Land in the Town of Topsfield, Massachusetts. The applicant certifies to the truth of the following facts as part of his application.

1. Name of Applicant New Meadows Development, LLC
Complete Address c/o Nancy A.S. McCann, Esq., McCann & McCann, P.C.
89 Newbury Street - Suite 302, Danvers, MA 01923
Phone Number 978-739-8484 Email nmccann@mccannlaw.com
2. Name of Engineer or Surveyor The Morin Cameron Group, Inc., Scott Cameron, P.E.
Complete Address 447 Boston Street, Topsfield, MA 01983
3. Deed to property is dated _____ and is recorded in Essex South District Registry, Book _____
Page _____. 120 Hill Street: Book 23054, Page 343, Dated 06/21/04
116 Hill Street: Book 13754, Page 188, Dated 09/04/96
4. The general location and description of Property is:
67.5 acres of land with frontage on Hill Street and Rowley Bridge Road
5. Attach hereto a copy of the deed.
6. The complete title of the subdivision plan with date is as follows: Preliminary Open Space
Development Plan at 116 & 120 Hill Street Topsfield Massachusetts
dated September 10, 2015 (continued on next page)

7. The exact names in which title to the property is held and the present addresses of persons named are:
(Indicate whether persons are married or single. If married, give spouse's name.)
- 116 Hill Street Karen L. Johnson & Paul S. Johnson (wife & husband)
120 Hill Street Debra L. DiBenedetto & James W. DiBenedetto
(wife & husband)
8. A complete list of persons with their addresses known to have mortgages, attachments, encumbrances, or liens of any kind upon the property is as follows:
See Attached
9. If the property is in the name of a trust, the complete and correct name of the trust, date of the trust declaration, book and page where it is recorded and names and addresses of all trustees are as follows:

10. If the property is in the name of a corporation, the complete and correct name of the corporation, the name and corporate capacity of all officers authorized to sign deeds and other instruments pertaining to real estate are as follows:

11. The date when the Preliminary ~~Definitive~~ Plan referred to herein was submitted to Topsfield Board of Health is as follows: September 15, 2015
12. The date when applicant gave written notice to the Topsfield Town Clerk of said plan submission to Board of Health and to Planning Board is as follows:
September 15, 2015
13. A copy of said notice referred to in No. 12 is attached hereto.
14. It is the intent of the owners of the proposed subdivision for which definitive approval is requested to exclude a right to fee in all access roads shown on said plan and in all drainage ways and/or other easements crossing the land in the conveyance of any and all lots in the subdivision.
15. The full names of all abutters on the subdivision are shown on the subdivision plan submitted herewith, as they appear upon the most recent tax assessors list.
- New Meadows Development, LLC
- Signature of Applicant By  it's Attorney
- Complete Address 89 Newbury Street - Suite 302
Danvers, MA 01923
- Telephone Number 978-739-8484
- Date of Submission _____
- Town Clerk _____
 Signature _____

Note: with submission of Definitive Plan, complete Form C and attach

FEES

PRELIMINARY PLAN:

\$500/application plus \$100/lot

DEFINITIVE PLAN:

Definitive Plan *with* preliminary plan on file: \$2,000/application plus \$500/lot and 1,000/lot in excess of the number of lots depicted in the preliminary plan.

Definitive Plan *without* preliminary plan on file: \$2,000 application plus \$1,000/lot

Changes to Definitive Plan: \$3,000/lot for major changes defined as an increase in the number of lots and/or change in the road length by more than 10%.

Form B Attachment

#8 List of persons known to have mortgages, attachments, encumbrances or liens:

116 Hill Street – none

New England Telephone and Mass Electric – Utility easements

120 Hill Street –

Mortgage Electronic Registration Systems, Inc (MERS), 1901 Voorhees Street, Ste. C Danville, IL 61834 - Mortgage

US Bank National association, as Trustee for CVF II Mortgage Loan GT Trust I, 9320 Excelsior Boulevard, Hopkins, MN 55343 - Mortgage

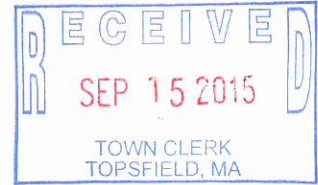
Town of Topsfield – Agricultural Tax Lien

New England Telephone and Mass Electric – Utility easements

PIB-1

MCCANN & MCCANN, P.C.

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September 15, 2015

Topsfield Town Clerk
Town Hall
8 West Common Street
Topsfield, MA 01983

RE: Notice of Preliminary Subdivision Plan Filing
116 and 120 Hill Street, Topsfield, MA

Dear Town Clerk:

Pursuant to G.L. c. 41 Section 81S, and Section 4.2.2 of the Topsfield Planning Board Rules and Regulations, notice is hereby given that an application for approval of a Preliminary Subdivision Plan has been filed this day with the Topsfield Planning Board and the Topsfield Board of Health by New Meadows Development, LLC, relative to the property located at 116 and 120 Hill Street, Topsfield, MA, shown on Assessor's Map 68 as Lots 47 and 48. The property contains approximately 67.5 acres+/- in the aggregate on which the Applicant proposes to develop a 20 lot residential subdivision. The Applicant proposes an Open Space Development Plan concept.

A copy of the application and plan as filed are attached hereto.

Thank you, and please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to be "Nancy A.S. McCann", written over the typed name.

Nancy A.S. McCann

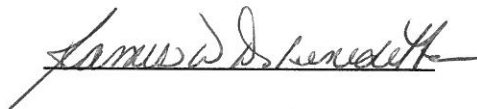
NASM/kjl
Enclosure

Owner's Authorization

The undersigned being the owners of the property located at 120 Hill Street, Topsfield, MA, do hereby authorize New Meadows Development, LLC to apply for Subdivision Plan approval and all permits, approvals and Orders that may be required or desirable to permit the construction of a single family residential subdivision on the property located at 120 Hill Street in conjunction with the land located at 116 Hill Street substantially in accordance with the a plan set entitled "Preliminary Development Open Space Plan at 116 & 120 Hill Street, Topsfield, Massachusetts" dated September 10, 2015.

Thank you.

Executed this 10th day of September, 2015.

A handwritten signature in cursive script, reading "James W. DiBenedetto", written over a horizontal line.

James W. DiBenedetto

A handwritten signature in cursive script, reading "Debra L. DiBenedetto", written over a horizontal line.

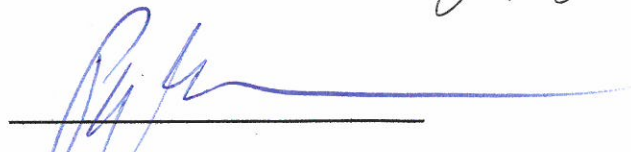
Debra L. DiBenedetto


Owner Authorization

The undersigned being the owners of the property located at 116 Hill Street, Topsfield, MA do hereby authorize New Meadows Development, LLC to apply for Subdivision Plan approval and all permits, approvals and Orders that may be required or desirable to permit the construction of a single family residential subdivision on the property located at 116 Hill Street in conjunction with the land located at 120 Hill Street substantially in accordance with the a plan set entitled "Preliminary Development Open Space Plan at 116 & 120 Hill Street, Topsfield, Massachusetts" dated September 10, 2015.

All costs associated to be covered by New Meadows Development LLC. PJ-KJ
Thank you.

Executed this day of September, 2015.



Paul S. Johnson

Karen L. Johnson

102
12

QUITCLAIM DEED

2004062800622 Bk:23054 Pg:343
06/28/2004 13:36:00 DEED Pg 1/6

DEED
OF
H
H
O
H

We, John R. Serhant and Ellen R. Serhant, husband and wife, of Stuart,
Florida

for consideration paid, and in full consideration of Three Million One
Hundred Twenty-five Thousand (\$3,125,000.00) Dollars

grant to James W. DiBenedetto and Debra L. DiBenedetto, husband and wife
as Tenants by the Entirety of 120 Hill Street, Topsfield, Massachusetts

With Quitclaim Covenants

A certain parcel of land with the buildings thereon, situated in
Topsfield, Essex County, Massachusetts, being shown as Lot 10 on a plan
entitled "Plan of Land in Topsfield, MA Property of Estate of Stephen Phillips
Trustees: A.P. Putnam, Arthur H. Emery, Lawrence Coolidge, Scale 1" = 200',
June 3, 1994", prepared by Hancock Survey Associates, Inc., 235 Newberry
St., Danvers, and containing 60.0056 acres, more or less, according to said
plan. Said plan is recorded in the Essex South District Registry of Deeds as
Plan Book 291, Page 62, and being further described as follows:

Beginning at a point on the Westerly side of Hill Street, at the
intersection of the Southerly line of Rowley Bridge Street and the Westerly
line of Hill Street, thence running

N 43° 05' 43" E by Hill Street, a distance of one hundred twenty-
three and 73/100 (123.73) feet to a point; thence
turning and continuing

N 45° 11' 45" E by Hill Street, a distance of one hundred twenty-
two and 68/100 (122.68) feet to a point; thence
turning and continuing

Net: to
Grantee

Deed

N 46° 06' 48" E	by Hill Street, a distance of four hundred forty-eight and 94/100 (448.94) feet to a point; thence turning and continuing
N 55° 01' 44" E	by Hill Street, a distance of three hundred eighty-six and 85/100 (386.85) feet to a point; thence turning and continuing
N 61° 16' 47" E	by Hill Street, a distance of forty-six and 53/100 (46.53) feet to a point; thence turning and running
S 25° 43' 28" E	by Lot 9 as indicated on said plan, five hundred twelve and 00/100 (512.00) feet to a point; thence turning and continuing
S 33° 28' 40" E	by Lot 9, two hundred forty-two and 00/100 (242.00) feet to a point; thence turning and continuing
S 06° 55' 50" E	by Lot 9, forty-five and 00/100 (45.00) feet to a point; thence turning and running
S 08° 23' 00" E	by Lot 9, one hundred forty-five and 00/100 (145.00) feet, to a point; thence turning and continuing
S 14° 05' 45" E	by Lot 9, four hundred twenty and 00/100 (420.00) feet, to a point; thence turning and running
S 58° 10' 01" W	by Lot 9, one hundred twenty and 00/100 (120.00) feet, to a point; thence turning and running

C
 SALEM
 DEEDS REG 10
 ESSEX SOUTH
 06/23/04 1:46PM
 000008-00544
 FEE \$14250.00
 CASH \$14250.00

S 31° 49' 59" E	by Lot 9, one hundred ninety-three and 00/100 (193.00) feet, to a point; thence turning and running
N 58° 10' 01" E	by Lot 9, two hundred forty-five and 00/100 (245.00) feet, to a point; thence turning and running
S 34° 25' 57" E	by Lot 9, one thousand twenty-eight and 30/100 (1,028.30) feet, to a point; thence turning and running
S 48° 59' 36" W	by land of Beverly J. Page as indicated on said plan, one hundred thirty-eight and 01/100 (138.01) feet, to a point; thence turning and continuing
S 51° 19' 04" W	by Page land, three hundred sixty-seven and 56/100 (367.56) feet, to a point; thence turning and continuing
S 52° 26' 04" W	by Page land, one hundred and 95/100 (100.95) feet, to a point; thence turning and continuing
S 64° 40' 36" W	by Page land, one hundred and ninety-five and 58/100 (195.58) feet, to a point; thence turning and continuing
S 61° 06' 10" W	by Page land, one hundred forty-eight and 31/100 (148.31) feet, to a point; thence turning and running
N 22° 58' 22" W	by land of Timothy J. & Helene P. Guinee as indicated on said plan, eighty-one and 51/100 (81.51) feet, to a point; thence turning and running

S 77° 09' 34" W	by Guinee land, three hundred nineteen and 24/100 (319.24) feet, to a point; thence turning and running
N 12° 46' 39" W	by land of Rocco & Winifred Annese as indicated on said plan, three hundred ninety-five and 19/100 (395.19) feet, to a point; thence turning and running
S 80° 57' 21" W	by Annese land, two hundred one and 52/100 (201.52) feet, to a point; thence turning and continuing
S 81° 09' 28" W	by Annese land, forty-six and 16/100 (46.16) feet, to a point; thence turning and running
N 15° 29' 37" W	by Lots 1, 2, 3, 4, and 5 as indicated on said plan, nine hundred ninety-eight and 55/100 (998.55) feet, to a point; thence turning and continuing
N 06° 34' 02" W	by "Private Cemetery" as indicated on said plan, five and 50/100 (5.50) feet, to a point; thence turning and running
N 71° 07' 40" E	by Lot 6 as indicated on said plan, one hundred eighty-seven and 68/100 (187.68) feet, to a point; thence turning and running
N 09° 00' 00" W	by said Lot 6 and Lot 7 as indicated on said plan, four hundred sixty-five and 30/100 (465.30) feet, to a point; thence turning and running
S 79° 39' 41" W	by said Lot 7, four hundred thirty-two and 85/100 (432.85) feet to a point; thence turning and running

N 09° 48' 07" W along said Rowley Bridge Street, one hundred
thirty-three and 55/100 (133.55) feet, to a point;
thence turning and continuing

N 10° 01' 44" W along said Street, one hundred eighteen and 97/100
(118.97) feet, to the point of beginning.

The premises are subject to the right of the grantor to use a water line from Hill Street across the premises hereby conveyed to Lot 9 as shown on said plan. The water line is partially shown by the lines marked "W" on said plan.

Together with the right and easement to use overhead and underground electrical services lines over remaining land of the initial grantor as shown by the lines marked "E" and "UE" on the above mentioned plan.

The premises are further conveyed subject to the restriction that no portion thereof shall be used for the outside storage of any boat, trailer, recreational or commercial vehicle, ski mobile, jet ski or similar recreational vehicle and that no solar or similar type panel or television, radar or microwave disk may be installed on the premises. Provided, however, that nothing herein shall extend to or otherwise limit the parking of horse trailers or keeping of horses on the premises.

Said premises are conveyed subject to and with the benefit of any easements, reservations, restrictions and covenants of record if any, insofar as the same are in force and applicable.

Being the same premises conveyed to us by deed of Lawrence Coolidge, Arthur H. Emery and Alfred P. Putnam, Trustees for the benefit of Bessie Wright Phillips and others under Article 8 of the Will of Stephen Phillips, dated June 30, 1994, recorded at Essex South District Registry of Deeds in Book 12660, Page 406.

WITNESS our hands and seal this 21 day of June, 2004

John R. Serhant
John R. Serhant

Ellen R. Serhant
Ellen R. Serhant

STATE OF COLORADO

Route, ss.

On this 21 day of June, 2004, before me, the undersigned notary public, personally appeared JOHN R. SERHANT AND ELLEN R. SERHANT proved to me through satisfactory evidence of identification, which was a ^{Florida} Drivers lic + ^{COLORADO} Drivers lic, 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.

Barbara E. Bond
Notary Public
My Commission Expires: 03-15-2008



& PLAN
SEE PL. B. 310
PL 69

DEED
CANCELED
RECEIVED
SEP 10
1996
TAX 1026.00
CASH 1026.00
EXCISE TAX 4059A000 12:14

DEED

PLAN

09/13/96 12:28 Inst 286
BK 13754 PG 188

We, Lawrence Coolidge, Arthur H. Emery and Timothy A. Ingraham, Trustees for the benefit of Bessie Wright Phillips and others under Article 8 of the Will of Stephen Phillips in consideration of Two Hundred Twenty-Five Thousand and 00/100 (\$225,000.00) Dollars paid and pursuant to an Order of the Essex Probate and Family Court (Probate No. 308948) dated September 4, 1996 and recorded herewith, do hereby grant, with QUITCLAIM COVENANTS, the following described parcel of land, together with the buildings thereon, to Karen L. Johnson and Paul S. Johnson, husband and wife, as tenants-by-the-entirety, of 116 Hill Street, Topsfield, Massachusetts 01970:

A certain parcel of land with the buildings thereon, situated in Topsfield, Essex County, Massachusetts, being shown as Lot 9A on a plan entitled "Plan of Land in Topsfield, MA Property of Estate of Stephen Phillips Trustees: A.P. Putnam, Arthur H. Emery, Lawrence Coolidge" Scale: 1" = 200' dated June 14, 1996, prepared by Hancock Survey Associates, Inc., 235 Newbury St., Danvers, and containing 13.6954 acres, more or less, according to said plan. Said plan is to be recorded herewith.

The property is more particularly bounded and described as follows: Beginning at a point on the southerly side of Hill Street and shown on said plan; thence running

- N 65° 22' 03" E along said Hill Street 329.98' to a point; thence continuing
- N 63° 54' 15" E along Hill Street, 109.81' to a point; thence turning
- S 08° 00' 00" W along land now or formerly of A.P. Putnam, Arthur H. Emery & Lawrence Coolidge, Trustees 100.00' to a point; thence turning
- S 25° 58' 35" E along said Putnam land, 431.83' to a point; thence turning
- S 61° 55' 04" W along land now or formerly of John L., Jr. & Katherine F. Shanahan, 73.82' to a point; thence turning
- S 29° 52' 24" E along said Shanahan land, 191.94' to a point; thence continuing
- S 30° 29' 08" E along land now or formerly of Leslie L. Pazura and David J. & Marsha M. Twitchell, 375.98' to a point; thence turning
- N 59° 25' 10" E along said Twitchell land, 62.81' to a point; thence turning
- S 34° 08' 43" E along land now or formerly of New England Telephone Company, 220.09' to a point; thence turning

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116
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DEED
13754 1180

- S 59° 55' 47" W along land now or formerly of Vantage Points Realty Trust, 375.41' to a point; thence turning
- S 32° 35' 33" E along said Vantage Points land 162.54' to a point; thence turning
- S 57° 11' 00" W along a portion of Lot 9B as shown on said plan, 101.13' to a point; thence continuing
- S 58° 10' 01" W along land now or formerly of John R. & Ellen R. Serhant, 245.00' to a point; thence turning
- N 31° 49' 59" W along said Serhant land 193.00' to a point; thence turning
- N 58° 10' 01" E along said Serhant land 120.00' to a point; thence turning
- N 14° 05' 45" W along said Serhant land 420.00' to a point; thence continuing
- N 08° 23' 00" E along said Serhant land 145.00' to a point; thence continuing
- N 06° 55' 50" W along said Serhant land 45.00' to a point; thence continuing
- N 33° 28' 40" W along said Serhant land 242.00' to a point; thence continuing
- N 25° 43' 28" W along said Serhant land 512.00' to the point of beginning.

Containing 13.6954 acres, more or less, according to said plan, including the pond as shown on said plan.

Being a portion of the premises conveyed to the grantors by deed of Augustus P. Loring, et al, Executors under the will of Stephen Phillips dated December 31, 1974 and recorded with the Essex South District Registry of Deeds in Book 6120, Page 590.

Executed as a sealed instrument this 4th day of September, 1996.

Lawrence Coolidge
Lawrence Coolidge, Trustee

Arthur H. Emery
Arthur H. Emery, Trustee

Timothy A. Ingraham
Timothy A. Ingraham, Trustee

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

September 4, 1996

Then personally appeared the above-named Lawrence Coolidge, Trustee and acknowledged the foregoing to be his free act and deed, before me

Henry C. Riden
Notary Public
My Commission Expires: 4-16-03

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.
[County]

September 4, 1996

Then personally appeared the above-named Arthur H. Emery as Trustee and acknowledged the foregoing to be his free act and deed, before me

Carrie M. Rose
Notary Public
My commission expires: 10-18-2002

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

September 4, 1996

Then personally appeared the above-named Timothy A. Ingraham as Trustee and acknowledged the foregoing to be his free act and deed, before me

Carrie M. Rose
Notary Public
My commission expires: 11111

10-18-2002