

March 9, 2026

DELIVERED IN HAND

Town of Billerica Planning Board
c/o: Katherine Malgieri, Planning Director
Town of Billerica
365 Boston Road
Billerica, MA 01821

Applicant: Craftsman Village Billerica, LLC

**Property: Graystone Estates Subdivision
Capodilupo Lane, Billerica, MA**

RECEIVED
2026 MAR 24 P 2:12
TOWN CLERK
BILLERICA

Dear Katherine and Members of the Board:

As you know, we represent Craftsman Village Billerica, LLC, the current owner of the above-referenced Property, as successor in title and ownership to Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust. Please accept this letter as application on behalf of the Applicant for rescission of the prior subdivision plan for Graystone Estates, endorsed October 27, 2008, and recorded in Plan Book 228, as Plan No. 10 with the Middlesex North District Registry of Deeds.

In further explanation of this request and application, I am also attaching my letter of November 19, 2025 as was previously submitted by email, together with the attachments and enclosures submitted therewith, and my prior email correspondence.

Again, and as we had previously discussed, the Planning Board has not adopted a form for application and does not have instructions available for seeking rescission of a prior subdivision plan, and this is also a matter where the new plan will be issued by the Zoning Board exercising the powers of the Planning Board pursuant to MGL c. 40B, so we have sought to outline in detail the circumstances for this request and we remain willing to provide any further information or additional materials reasonably needed for review and processing of this application. But we would appreciate the courtesy of response in order that we can proceed to resolve these issues and proceed with the new approvals as approved by the ZBA.

Please contact the undersigned with any questions. I can be reached via direct dial at (978) 327-5217 or via email at: bvaughan@smolakvaughan.com

Thank you.

{00312192;v1}

SMOLAK & VAUGHAN LLP

Billerica Planning Board

March 9, 2026

Respectfully submitted,

Craftsman Village Billerica LLC

By its Attorney

Smolak & Vaughan LLP

A handwritten signature in blue ink, appearing to read 'BV', is written over the typed name of the attorney.

Brian G. Vaughan

Cc: Mark LaLumiere, Building Commissioner
Billerica Zoning Board of Appeals, c/o ZBA Clerk
Billerica Select Board, c/o Select Board Clerk
Mark C. O'Hagan, Manager, Craftsman Village Billerica, LLC
Stephan Marsh

Brian Vaughan

From: Brian Vaughan
Sent: Friday, December 12, 2025 1:51 PM
To: kmalgieri@billerica.gov; mlalumiere@billerica.gov; zba@billerica.gov; selectboard@billerica.gov
Cc: markohagan@mcoassociates.com; Stephan Marsh
Subject: RE: Craftsman Village 40B - Rescission of Prior Graystone Estates Subdivision and Endorsement of New Subdivision

Hi Katherine, et al, I was just looking to follow-up on the status of this matter and see what if anything further is needed to proceed with rescission and amendment to clear up the record for the new development. I also left a voicemail for Katherine. Please let us know what is outstanding if anything.

Thank you.

Brian G. Vaughan, Esq.
Tel. 978.327.5217 (Direct) | 978.273.5259 (Cell)

SMOLAK & VAUGHAN
ATTORNEYS AT LAW

From: Brian Vaughan
Sent: Wednesday, November 19, 2025 4:14 PM
To: 'kmalgieri@billerica.gov' <kmalgieri@billerica.gov>; 'mlalumiere@billerica.gov' <mlalumiere@billerica.gov>; 'zba@billerica.gov' <zba@billerica.gov>; 'selectboard@billerica.gov' <selectboard@billerica.gov>
Cc: markohagan@mcoassociates.com; 'Stephan Marsh' <kingst435@comcast.net>
Subject: Craftsman Village 40B - Rescission of Prior Graystone Estates Subdivision and Endorsement of New Subdivision

Hi everyone,

We represent Craftsman Village Billerica LLC and Mark O'Hagan and are assisting them in this matter to rescind the prior subdivision, clear up the record title and record the new subdivision plan for the new 40B Project.

As follow-up to my prior discussion with Katherine, we are seeking to have the rescission of the old subdivision and related covenants handled by the Planning Board, and concurrently seeking to have the old easement amended to reflect the new roadway layout for Capodilupo Lane as contemplated by the 40B project.

Per my discussion with Katherine I have copied Planning Director, Building Commissioner, ZBA Clerk and Select Board Clerk so that everyone is informed and copied and I include herewith:

1. Letter to Planning Board Requesting Prior Plan Rescission (to serve as formal application in as much as the Planning Board does not have a form or instructions for rescission);
2. Copy of Proposed Instrument for Execution by Planning Board for Rescission, with copy of Prior Plan attached;
3. Copy of proposed New Subdivision Plan as being submitted to the ZBA for endorsement;

4. Letter to Select Board seeking Assent to Amendment to relocate prior Easement, together with proposed amendment and prior easement.

We look forward to working through this process as expeditiously as possible to clear up the old matters and record the new plan and proceed with the new project.

Please let us know if there is anything else that is needed to get the applications on the agenda of the Planning Board and Select Board or if there are any questions that I can assist with.

If you require hard copy filings to be stamped with the Town Clerk, please advise. But I thought it would be best to submit the intended filing for review electronically, as discussed with Katherine, since again we are working in the absence of a formal application, instructions or filing process and wanted to make sure we are providing what the board believes necessary.

Thanks,
Brian

Brian G. Vaughan, Esq.


East Mill, 120 Water Street, Suite 406
North Andover, MA 01845

Direct: 978.327.5217 | Cell: 978.273.5259

bvaughan@smolakvaughan.com | www.SmolakVaughan.com

SMOLAK & VAUGHAN
ATTORNEYS AT LAW

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November 19, 2025

Town of Billerica Planning Board
c/o: Katherine Malgieri, Planning Director
Town of Billerica
365 Boston Road
Billerica, MA 01821

Applicant: Craftsman Village Billerica, LLC

**Property: Graystone Estates Subdivision
Capodilupo Lane, Billerica, MA**

Dear Katherine and Members of the Board:

We represent Craftsman Village Billerica, LLC (the "Applicant"). The Applicant is the current owner of the above-referenced Property, as successor in title and ownership to Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust ("Prior Owner"). Please accept this letter as application on behalf of the Applicant for rescission of the Prior Subdivision Plan for Graystone Estates, which is to be superseded and replaced by the New Subdivision Plan which was approved and is to be endorsed by the Billerica Zoning Board of Appeals pursuant to the 40B Decision for the Property, all as further referenced below.

By way of background, we note as follows:

1. Upon application of the Prior Owner, the Billerica Planning Board approved a certain Definitive Subdivision of and the layout of Capodilupo Lane by Certificate of Approval recorded with the Middlesex North District Registry of Deeds at Book 10822, Page 216, as shown on subdivision plan endorsed February 14, 2000 and recorded in Plan Book 203, as Plan No. 42, as affected by Certificate of Decision recorded at Book 12488, Page 5, as amended and modified by Certificate of Approval recorded at Book 22516, Page 262, as shown on subdivision plan endorsed October 27, 2008 and recorded in Plan Book 228, as Plan No. 10 (the "Prior Subdivision Plan").
2. In connection with the endorsement and recording of Prior Subdivision Plan, the Prior Owner of the Property also granted (i) a Covenant in favor of the Billerica Planning Board recorded at Book 10822, Page 223, and (ii) a Covenant in favor of the Billerica Planning Board recorded at Book 22517, Page 1 (collectively, the "Covenants"), as well as a roadway and drainage easement dated September 30, 2008 and recorded at Book 22517, Page 4 (the "Easement").

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Billerica Planning Board

November 19, 2025

3. Notwithstanding the recording of the Prior Subdivision Plan and related documents, the originally proposed project was never built, Capodilupo Lane and the infrastructure improvements contemplated by the Prior Subdivision Plan were never constructed, and the Easement was never formally accepted by the Town.
4. The Prior Owner thereafter filed an application for a comprehensive permit with the Billerica Zoning Board of Appeals proposing an alternative development of the Property and, following denial, appeal, litigation and settlement, the Billerica Zoning Board of Appeals issued a final comprehensive permit for the Property by a Decision recorded at Book 34175, Page 88 (the "40B Decision").
5. The 40B Decision contemplates the rescission of the Prior Subdivision Plan and the approval of a new 20-lot subdivision with an alternative layout of Capodilupo Lane, as a private roadway, all as further described in the 40B Decision and as shown on the new subdivision plan to be endorsed and recorded in accordance with the 40B Decision (the "New Subdivision Plan").
6. The 40B Decision specifically contemplated the rescission of the Prior Subdivision Plan and Easement, to be replaced and superseded by the New Subdivision Plan and by easements contemplated thereby¹.
7. The Applicant has acquired the Property from the Prior Owner by virtue of a deed dated June 12, 2025 and recorded at Book 39312, Page 146, and now desires to rescind the prior subdivision, clear the title of encumbrances related thereto, record the New Subdivision Plan and related documents, and to undertake construction of the project as contemplated by the 40B Decision and New Subdivision Plan.

Now therefore, the Applicant would respectfully request that the Planning Board accept this submission as application for rescission of the prior subdivision and requests that the Planning Board vote to: (i) approve the rescission of the Prior Subdivision Plan, (ii) terminate the Covenants which related to lots on the old plan, and (iii) acknowledge its assent, to the extent necessary, to the amendment and relocation of the Easement, with such rescission, terminations and amendment all to be made subject to endorsement by the Zoning Board of the New Subdivision Plan and the recording thereof by the Applicant.

¹ The 40B Decision contemplated that the Prior Subdivision Plan and Easement be rescinded by the ZBA acting pursuant to its powers sitting as all other local boards and officials under Chapter 40B, §§ 20-23, but upon further consideration the ZBA has instead suggested to have the separate Boards act to rescind the prior grants; Further, rather than rescind the prior Easement it is proposed to be amended and relocated to provide the Town with rights in the new layout for emergency and other purposes, but with no obligation to maintain the same.

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Billerica Planning Board
November 19, 2025

In furtherance of this request, the Applicant has submitted herewith the following:

- a. An instrument entitled "Rescission, Termination and Release of Subdivision Approval and Covenants" which is proposed to be executed by the Planning Board and to be recorded by the Applicant with the Registry of Deeds, together with a copy of the Prior Subdivision Plan, and intending to evidence the vote and rescission of the plan of record;
- b. A copy of the New Subdivision Plan as submitted to the Zoning Board of Appeals for approval and endorsement by the Zoning Board of Appeals, and also to be recorded with the instrument referenced above; and
- c. A copy of Amendment to and Relocation of Easement proposed to be executed by Applicant and Select Board, and which is being submitted under separate for the consideration of the Select Board.

As discussed, the Planning Board has not adopted a form for application and does not have instructions available for seeking rescission of a prior subdivision plan, so we have sought to outline in detail the circumstances for this request. But please let us know if there is any further information or additional materials needed for your review and processing of this request.

Please contact the undersigned with any questions. I can be reached via direct dial at (978) 327-5217 or via email at: bvaughan@smolakvaughan.com

Thank you.

Respectfully submitted,

Craftsman Village Billerica LLC
By its Attorney
Smolak & Vaughan LLP



Brian G. Vaughan

Cc: Mark LaLumiere, Building Commissioner
Billerica Zoning Board of Appeals, c/o ZBA Clerk
Billerica Select Board, c/o Select Board Clerk
Mark C. O'Hagan, Manager, Craftsman Village Billerica, LLC
Stephan Marsh

Rescission, Termination and Release of Subdivision Approval and Covenants

This Rescission, Termination and Release of Subdivision Approval and Covenants is executed on this ____ day of _____, 2025, by the undersigned Billerica Planning Board.

Whereas the Billerica Planning Board approved a certain Definitive Subdivision of Greystone Estates and the layout of Capodilupo Lane by Certificate of Approval recorded with the Middlesex North District Registry of Deeds at Book 10822, Page 216, as shown on subdivision plan endorsed February 14, 2000 and recorded in Plan Book 203, as Plan No. 42, as affected by Certificate of Decision recorded at Book 12488, Page 5, as amended and modified by Certificate of Approval recorded at Book 22516, Page 262, as shown on subdivision plan endorsed October 27, 2008 and recorded in Plan Book 228, as Plan No. 10, a copy of which is attached hereto as Exhibit A (collectively, as so amended and modified, the "Prior Subdivision");

Whereas in connection with the Prior Subdivision, the owner of the land shown thereon granted (i) a Covenant in favor of the Billerica Planning Board recorded at Book 10822, Page 223, and (ii) a Covenant in favor of the Billerica Planning Board recorded at Book 22517, Page 1 (collectively, the "Covenants");

Whereas, the owner of Capodilupo Lane and of the Greystone Estates subdivision subsequently filed an application for a comprehensive permit for the property and, following denial, appeal, litigation and settlement, the Billerica Zoning Board of Appeals issued a final comprehensive permit for the property by a Decision recorded at Book 34175, Page 88 (the "40B Decision"), which 40B Decision contemplates the rescission of the Prior Subdivision and of a new 20-lot subdivision the Greystone Estates property and an alternative layout of Capodilupo Lane, as a private roadway, all as further described in the 40B Decision and as shown on the new subdivision plan recorded or to be recorded herewith (the "New Subdivision"); and

Whereas the Billerica Planning Board, in furtherance of the 40B Decision and New Subdivision, has voted to rescind the Prior Subdivision and to terminate, release and discharge the Covenants in all respects.

Now therefore, the undersigned Billerica Planning Board, does hereby acknowledge, state and agree as follows:

1. The Prior Subdivision is rescinded and superseded by the New Subdivision, with the layout of Capodilupo Lane being as it is now shown on the New Subdivision plan.
2. The Covenants are hereby terminated and shall be deemed to be void and of no further force or effect, and the property and lots referenced therein hereby forever discharged and released of record from any encumbrances or restrictions as were set forth in the Covenants.

LENDER ASSENT

Rockland Trust Company, having an address at 288 Union Street, Rockland, MA, being the holder of (i) a Mortgage in the face amount of \$1,871,550.00 recorded with the Middlesex North District Registry of Deeds at Book 39312, Page 150, (ii) a Collateral Assignment of Leases and Rents recorded therewith at Book 39312, Page 167, (iii) a Mortgage in the face amount of \$1,500,000.00 recorded therewith at Book 39312, Page 177, and (iv) a Collateral Assignment of Leases and Rents recorded therewith at Book 39312, Page 194 (collectively, the "Mortgage Documents"), does hereby assent to the foregoing Rescission, Termination and Release of Subdivision Approval and Covenants and subordinate its interests under the Mortgage Documents thereto.

Executed under seal as of this ___ day of _____, 2025.

Rockland Trust Company

By: _____

Name:

Title:

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this ___ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was driver's license, personally known to me, or personally known to 3rd party witness personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he, acting in her/his capacity as _____ for Rockland Trust Company, signed it voluntarily for its stated purpose,

Notary Public

Printed Name:

My Commission Expires:

LENDER ASSENT

Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust, u/d/t dated July 31, 2001 and recorded with the Middlesex North County Registry of Deeds at Book 11946, Page 200, having a mailing address of 271 Main Street, Suite 306, Stoneham, MA 02180, being the holder of a Mortgage in the face amount of \$737,500.00 recorded with the Middlesex North District Registry of Deeds at Book 39312, Page 204 (the "Mortgage"), does hereby assent to the foregoing Rescission, Termination and Release of Subdivision Approval and Covenants and subordinate its interests under the Mortgage thereto.

Executed under seal as of this ___ day of _____, 2025.

By: _____
Anthony D'Ambrosio, Trustee

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this ___ day of _____, 2025, before me, the undersigned notary public, personally appeared Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust, proved to me through satisfactory evidence of identification, which was driver's license, personally known to me, or personally known to 3rd party witness personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he, acting in her/his capacity as Trustee of Lot Two Gray Street Realty Trust, signed it voluntarily for its stated purpose,

Notary Public
Printed Name:
My Commission Expires:

November 19, 2025

Town of Billerica Select Board
c/o: Dawn McDowell
Town of Billerica
365 Boston Road
Billerica, MA 01821

Re: Request by Craftsman Village Billerica, LLC for Select Board Assent to Relocation of Easement

Dear Members of the Board:

We represent Craftsman Village Billerica, LLC (the "Owner"), who is the current owner of Graystone Estates Subdivision, now also known as Craftsman Village, and Capodilupo Lane in Billerica (the "Property").

The Owner is undertaking development of the Property pursuant to a comprehensive permit for the Property issued by the Billerica Zoning Board of Appeals and recorded at Book 34175, Page 88 (the "40B Project"). The 40B Project contemplates the rescission of the prior subdivision of the Property and recording of a new subdivision plan, with an altered layout of Capodilupo Lane. The prior owner of the Property had granted a roadway and drainage easement in favor of the Town of Billerica, dated September 30, 2008 and recorded at Book 22517, Page 4 (the "Easement"), but the roadway and improvements were never constructed and the Easement was never accepted. In connection with the Owner's application for rescission of the prior subdivision (which is being made separately with the Billerica Planning Board), the Owner is also by this letter requesting that the Billerica Select Board assent to the relocation and amendment of the Easement, so as to reflect the new layout of Capodilupo Lane that is contemplated by the 40B Project.

Enclosed herewith please find: (1) a copy of the Amendment to and Relocation of Easement which is proposed to be executed by Owner and Select Board; (2) a copy of the original Easement as it was recorded; (3) a copy of the new subdivision plan as submitted to the Zoning Board of Appeals for approval and endorsement and showing new layout of Capodilupo Lane; and (4) a copy of a letter concurrently sent to the Planning Board requesting rescission of the prior subdivision (submitted for informational purposes only and for further background as detailed therein.)

{00308832;v1}

SMOLAK & VAUGHAN LLP

Billerica Select Board
November 19, 2025

The Owner would respectfully request that the Select Board vote to assent to the proposed amendment and relocation of the easement, and execute the assent thereto, to be recorded with the amended easement and new subdivision plan by the Owner.

Please contact the undersigned with any questions. I can be reached via direct dial at (978) 327-5217 or via email at: bvaughan@smolakvaughan.com

Thank you.

Respectfully submitted,

Craftsman Village Billerica LLC
By its Attorney
Smolak & Vaughan LLP



Brian G. Vaughan

Cc: Mark LaLumiere, Building Commissioner
Billerica Zoning Board of Appeals, c/o ZBA Clerk
Billerica Planning Board, c/o Katherine Malgieri, Planning Director
Mark C. O'Hagan, Manager, Craftsman Village Billerica, LLC
Stephan Marsh

AMENDMENT TO AND RELOCATION OF EASEMENT

THIS AMENDMENT TO AND RELOCATION OF EASEMENT (this "Amendment"), is made as of the ____ day of _____, 2025, by Craftsman Village Billerica, LLC, a Massachusetts limited liability company with a principal address of 206 Ayer Road, Suite 5, Harvard, MA 01451 ("Owner"), in favor of the Town of Billerica, a municipal corporation (the "Town").

RECITALS:

- A. Whereas the Billerica Planning Board approved a certain Definitive Subdivision of and the layout of Capodilupo Lane by Certificate of Approval recorded with the Middlesex North District Registry of Deeds at Book 10822, Page 216, as shown on subdivision plan endorsed February 14, 2000 and recorded in Plan Book 203, as Plan No. 42, as affected by Certificate of Decision recorded at Book 12488, Page 5, as amended and modified by Certificate of Approval recorded at Book 22516, Page 262, as shown on subdivision plan endorsed October 27, 2008 and recorded in Plan Book 228, as Plan No. 10 (collectively, as so amended and modified, the "Prior Subdivision").
- B. Whereas in connection with the Prior Subdivision, an easement (the "Easement") was granted in Capodilupo Lane by Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust (the "Prior Owner") in favor of the Town, pursuant to a document entitled "Easement" dated September 30, 2008 and recorded at Book 22517, Page 4 (the "Original Easement").
- C. Whereas, Capodilupo Lane as contemplated by the Prior Subdivision and Original Easement was never constructed and the Prior Owner subsequently filed an application for a comprehensive permit for the property and, following denial, appeal, litigation and settlement, the Billerica Zoning Board of Appeals issued a final comprehensive permit for the property by a Decision recorded at Book 34175, Page 88 (the "40B Decision"), which 40B Decision contemplates the rescission of the Prior Subdivision and of a new 20-lot subdivision with an alternative layout of Capodilupo Lane, as a private roadway, all as further described in the 40B Decision and as shown on the new subdivision plan recorded or to be recorded herewith (the "New Subdivision Plan").
- D. Owner has purchased the property shown on the New Subdivision Plan from the Prior Owner and is the current owner of the property.

- E. The Town has executed a Rescission, Termination and Release of Subdivision Approval and Covenants with respect to the Prior Subdivision and, with respect to the 40B Decision and the New Subdivision Plan, Owner and Town desire to execute this instrument to acknowledge and confirm the relocation of the easement and to amend the Original Easement.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby agree as follows:

1. **Recitals.** The recitals as set above are true and complete in all material respects and are incorporated herein by reference.

2. **Acknowledgment.** Owner and Town each hereby confirm, acknowledge and agree that the location of the Easement as described in the Original Easement, over Capodilupo Lane as it was shown on the Prior Subdivision, is terminated and is of no further force and effect.

3. **Relocation.** Owner and Town each hereby confirm, acknowledge and agree that the Easement is and shall instead be relocated to Capodilupo Lane as it is now depicted and shown on the New Subdivision Plan. Capodilupo Lane, as so relocated, shall be constructed at no cost to Town with the roadway and all associated improvements (including all drainage improvements) to be built by Owner in accordance with the requirements of the Town of Billerica Zoning Board of Appeals as are set forth in the 40B Decision. The parties acknowledge and agree that the Easement described in the Original Easement agreement shall be deemed to have been relocated to Capodilupo Lane as it is shown on the New Subdivision Plan recorded herewith, and further that any references in the Original Easement to the Prior Subdivision shall be deemed to be superseded and replaced with reference to the New Subdivision Plan.

4. **Waterline and Sewer Easement.** For purposes of clarity, within the Easement the Town shall have the perpetual and non-exclusive easement and right to construct, inspect, repair, remove, replace, operate and forever maintain underground utilities, including underground municipal waterlines and an underground sanitary sewer system, without limitation any necessary manholes, pipes and other related facilities or appurtenances. Further, within the easement area, the Town shall have the perpetual and non-exclusive easement and right of access, to pass along and over such areas and to temporarily use and access such areas with equipment, from time to time, when necessary to inspect, repair or reconstruct the said waterlines and sanitary sewer system and utilities that are maintained in the Easement. Access to and any construction, reconstruction or repair of the waterline, sanitary sewer system and utilities shall be during daylight hours only, except in the event of emergency repair or inspection. In addition to the general Easement to install and maintain such utilities within Capodilupo Lane, the Owner does hereby also grant and convey to the Town the perpetual and non-exclusive easement and right to construct, inspect, repair, remove,

replace, operate and forever maintain underground sanitary sewer system lines on portions of the lots as follows: (i) on the portion of Lot 6 shown on the New Subdivision Plan as "Sewer Easement 298 Sq. Ft."; (ii) on the portion of Lot 9 shown on the New Subdivision Plan as "Sewer Easement 79 Sq. Ft."; (iii) on the portion of Lot 11 shown on the New Subdivision Plan as "Sewer Easement 399 Sq. Ft." and on the portion of Lot 12 shown on the New Subdivision Plan as "Utility Easement 392 Sq. Ft."; and (iv) on the portion of Lot 15 shown on the New Subdivision Plan as "Sewer Easement 106 Sq. Ft.", as all said areas are more particularly shown and described on the New Subdivision Plan.

5. **Ratification.** Except as otherwise contemplated or provided for in this Amendment, Owner and Town hereby ratify and confirm all of the provisions, covenants and conditions of the Original Easement, and such provisions, covenants and conditions shall continue in full force and effect.

6. **Entire Amendment.** This Amendment contains all the agreements of the parties with respect to the subject matter hereof and supersedes all prior dealings between the parties with respect to such subject matter.

7. **Binding Amendment.** This Amendment shall be binding upon, and shall inure to the benefit of the parties hereto, their affiliates and their respective successors and assigns, and shall run with the land. Each party represents and warrants that it is duly authorized to execute this Amendment and to bind itself and its principals.

8. **Counterparts.** This Amendment may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed under seal and delivered as of the date first above written.

Owner:
Craftsman Village Billerica, LLC

By: _____
Name: Mark C. O'Hagan
Title: Manager

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS

On this ____ day of _____, 2025, before me, the undersigned notary public, personally appeared Mark C. O'Hagan, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose, as the Manager of Craftsman Village Billerica, LLC, a Massachusetts limited liability company.

Notary Public
My Commission Expires:

LENDER ASSENT

Rockland Trust Company, having an address at 288 Union Street, Rockland, MA, being the holder of (i) a Mortgage in the face amount of \$1,871,550.00 recorded with the Middlesex North District Registry of Deeds at Book 39312, Page 150, (ii) a Collateral Assignment of Leases and Rents recorded therewith at Book 39312, Page 167, (iii) a Mortgage in the face amount of \$1,500,000.00 recorded therewith at Book 39312, Page 177, and (iv) a Collateral Assignment of Leases and Rents recorded therewith at Book 39312, Page 194 (collectively, the "Mortgage Documents"), does hereby assent to the foregoing Rescission, Termination and Release of Subdivision Approval and Covenants and subordinate its interests under the Mortgage Documents thereto.

Executed under seal as of this ___ day of _____, 2025.

Rockland Trust Company

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this ___ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was driver's license, personally known to me, or personally known to 3rd party witness personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he, acting in her/his capacity as _____ for Rockland Trust Company, signed it voluntarily for its stated purpose,

Notary Public
Printed Name:
My Commission Expires:

LENDER ASSENT

Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust, u/d/t dated July 31, 2001 and recorded with the Middlesex North County Registry of Deeds at Book 11946, Page 200, having a mailing address of 271 Main Street, Suite 306, Stoneham, MA 02180, being the holder of a Mortgage in the face amount of \$737,500.00 recorded with the Middlesex North District Registry of Deeds at Book 39312, Page 204 (the "Mortgage"), does hereby assent to the foregoing Rescission, Termination and Release of Subdivision Approval and Covenants and subordinate its interests under the Mortgage thereto.

Executed under seal as of this ___ day of _____, 2025.

By: _____
Anthony D'Ambrosio, Trustee

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this ___ day of _____, 2025, before me, the undersigned notary public, personally appeared Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust, proved to me through satisfactory evidence of identification, which was driver's license, personally known to me, or personally known to 3rd party witness personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he, acting in her/his capacity as Trustee of Lot Two Gray Street Realty Trust, signed it voluntarily for its stated purpose,

Notary Public
Printed Name:
My Commission Expires:



Bk: 22517 Pg: 4 Page: 1 of 2
Recorded: 10/26/2008 12:01 PM

EASEMENT

The undersigned, Anthony D'Ambrosio, Trustee of Lot Two Gray Street Realty Trust, of 271 Main Street, Stoneham, Middlesex County, Commonwealth of Massachusetts, u/d/t dated July 31, 2007 and recorded in the Middlesex North District Registry of Deeds at Book 11946, Page 200 in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to the Town of Billerica, a municipal corporation, the following easements in and across a certain parcel of land situated in said Billerica, Middlesex County, Massachusetts as shown on a plan entitled "Graystone Estates, Definitive Subdivision, Billerica, Massachusetts" dated September, 2004, as revised, prepared by CAQ Engineering Associates, Inc. Said plan is recorded with the Middlesex North Registry of Deeds, in Plan Book _____, Plan _____, to which reference may be made for a more detailed description.

Said easements are granted to allow, but not require, the Town of Billerica the right to enter the land to construct and/or maintain the various approved subdivision improvements in the event the subdivider does not complete same, whether in an emergency or otherwise. The Grantor further allows the Town of Billerica the right, but not the obligation to complete all subdivision improvements if the subdivider defaults and authorizes the Planning Board to utilize the Bond to complete such improvements.

DRAINAGE EASEMENT:

A permanent drainage easement for the location, placement, excavation, grading, construction, installation, use, maintenance, modification, repair, removal and replacement of drain pipes together with any related fixtures and equipment. This easement contains approximately 17,736 square feet and is located southeast of Lot 1 as shown on said plan. For a more detailed description of said easement, see the easement granted to Lot Two Gray Street Realty Trust by Michele DeSimone, Trustee of 102 Gray Street Realty Trust recorded in the Middlesex North Registry of Deeds at Book 13525, Page 246.

ROADWAY EASEMENT:

An easement over the land shown as Capodilupo Lane on said plan to allow the Town of Billerica the right to enter the land to construct and/or maintain the roadway and associated improvements within the right-of-way.

For Grantor's title, see deed of Vincent G. Capodilupo, Guardian of Rose Capodilupo, dated July 23, 2001 and recorded in the Middlesex North District Registry of Deeds at Book 11946, Page 207. See also the Confirmatory Deed of Vincent G. Capodilupo, duly appointed Guardian of Rose Capodilupo, recorded in the Middlesex North District Registry of Deeds, at Book 20281, Page 137.

Lot 2 Gray St, Billerica, Ma

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Witness my hand and seal this 30TH day of SEPTEMBER, 2008.



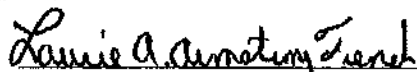
Anthony D' Ambrosio, Trustee
Lot Two Gray Street Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

9/30, 2008

Then personally appeared the above named Anthony D' Ambrosio, proved to me through satisfactory evidence of identification, which was MA DL #597144223, 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, before me



Notary Public

My Commission Expires: 3/20/09

