

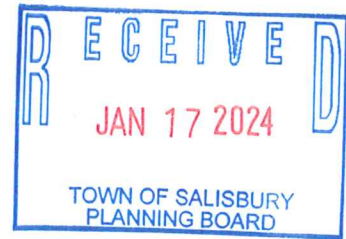


Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950

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www.mtclawyers.com



TO: Chair and Members of the Planning Board  
CC: Lisa Pearson, Planning Director  
FR: Lisa L. Mead, Esq  
DA: January 2, 2024  
RE: Sunset Ave as a Way

Reference is made to the above captioned matter. In that connection, you (the "Applicant") are proposing five Approval Not Required Plan ("ANR") lots of which three are off of a way known as Sunset View Lane in Salisbury (also referred to herein as the "Way"), which runs off of North End Blvd. and two off of North End Blvd.

As shown on your plan dated January 10, 2024, by Fieldstone Land Consultants, Sunset View Lane is twenty feet wide and includes approximately 440 linear feet. On the southern side of Sunset View Lane exists the condominium complex known as Sunset View Estates Condominium which includes five (5) units and was created in or around 2007. It is of note, but with no verification able to be located, that the condominium plans for Sunset View Estates Condominium filed in Plan Book 408 Plan 20 of the Essex South Registry of Deeds, indicate on the plan that Sunset View Lane is a "public way."

On the other hand, based upon our research it appears as though Sunset View Lane is a private way. Following an exhaustive search with the Town Clerk in 2021 – 2022 we were not able to verify that the Town of Salisbury (the "Town") ever accepted the Way. Similarly, the Way does not appear on any Town map prior to 1846 which would make it an historic public way. It should be noted, at one point the Way was known as "McCarthy Way." Indeed, the Master Deed for the Sunset View Estates Condominium describes its property as running by Sunset View Lane (aka McCarthy Way). Book 26587 Page 82.

Based upon the condominium development above which was permitted to be constructed on the Way, the deed description includes that the property is bounded by the Way. Second, and perhaps more importantly, in the Applicant's chain of title, at Book 234 page 167 in a deed dated 1913 from Thomas Lally, the then Grantor describes the "road to be laid out by me twenty feet wide" and extending from the state highway a total of 440 feet to the creek and granting to the Grantee the right to pass and repass over said way in common with others. By 1914, the road had been laid out and is described in a deed in the chain of title found at Book 2269 Page 364. These rights continue through the chain of title in deed descriptions until the current owner. Finally, the Town recognized the Way when it took an easement in the Way in 1996 for the purpose of a sewer easement. See Book 13765 Page 578 "a private way off of North End Blvd." at p. 580. In that taking the Town recognizes the Way as a private way.

As the Planning Board is aware, the law with regards to who has rights in private ways is well established. The owners of properties which abut the Way have the right to make improvements in and under and to the way but not to prevent other abutting properties who have interests in the Way from using same. See Guillet v. Livernois, 297

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone/Fax 508.376.8400

*New Bedford Office*

227 Union Street, Suite 606  
New Bedford, MA 02740

Mass. 337, 340-41, (1937) ("when an easement or other property right is created, every right necessary for its enjoyment is included by implication") (quoting Sullivan v. Donohoe, 287 Mass. 265 (1934)) ("whether improvements made are reasonable in view of the equal rights of others is largely a question of fact") (citing Meehan v. Barry, 97 Mass. 447 (1867)); Glenn v. Poole, 12 Mass. App. Ct. 292, 296 (1981) ("clearing limbs from a roadway, smoothing the surface of a way, placing gravel on a road, or even paving a road have been condoned as reasonable repairs, if necessary to enjoyment of the easement"). See also G.L. c. 187 §5 ("Installation of public utility services for abutting owners on private ways authorized")<sup>1</sup>.

That having been concluded then, and because there is already currently one development along Sunset View Lane, the analysis turns to whether the proposed private way meets the definition of frontage in the Town of Salisbury Zoning Bylaw (the "Bylaw"). The Bylaw defines frontage as follows: "The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line." The term front lot line is defined in part as "The property line dividing a lot from a street (right-of-way)." The Planning Board, when approving the ANR plan, must determine, in accordance with G.L. c. 41 §81L that Sunset View Lane has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

The road existed as of 1914 and the Town adopted the subdivision control law in December 1960. The road currently includes sewer service to a pump station owned by the Town and which services Sunset View Estates Condominium with a sewer manhole existing to the west of Sunset View Estates Condominium in the Way as shown on the plans. Additionally, there are currently 5 buildings which exist on the Way and include residential structures. The proposal is to add 3 additional lots, which would include 3 residences. This would not change how the road is currently used. Therefore, the road is suitable for municipal services as they currently exist. It also is sufficient to service the additional 3 residences as it currently services 5 residences. Finally, the road also allows the Town to service its sewer pump station.

As a result, the Planning Board should approve the proposed ANR as it includes frontage on a private way which meets both the requirements of the Bylaw as well as G.L. c. 41 §81L.

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<sup>1</sup> "The owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such way or other private ways shall have the right by implication to place, install or construct in, on, along, under and upon said private way or other private ways pipes, conduits, manholes and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, provided such facilities do not unreasonably obstruct said private way or other private ways, and provided that such use of the private way or other private ways does not interfere with or be inconsistent with the existing use by others of such way or other private ways; and, provided further, that such placement, installation, or construction is done in accordance with regulations, plans and practices..."

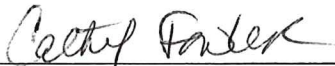


**SALISBURY PLANNING BOARD**  
**PLAN BELIEVED NOT TO REQUIRE APPROVAL**  
**FILING CHECKLIST**


*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

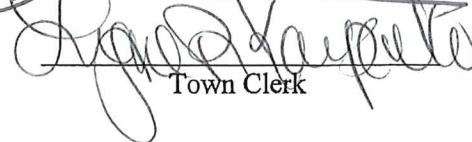
1. Ten copies of the plan and application
  - a. Assessor Office: 1 copy
  - b. Department of Public Works: 3 copies
  - c. Planning Department: 6 copies
2. Form A filing fee - checks payable to the Town of Salisbury.
3. One Mylar suitable for recording at the Essex County Registry of Deeds
4. Copy of Deed
5. Digital Data Submission Requirements – completed sign off form by MVPC **Attachment 6**

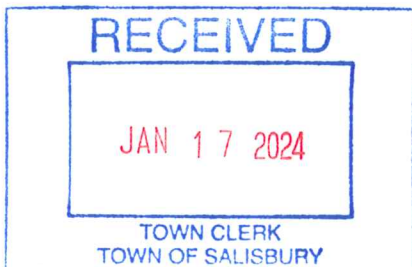
IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING DEPARTMENT SIGNS OFF.

  
\_\_\_\_\_  
Assessor's Office

  
\_\_\_\_\_  
Department of Public Works

  
\_\_\_\_\_  
Planning Department

  
\_\_\_\_\_  
Town Clerk



**Form A**  
**Application for Endorsement of Plan Believed Not to Require Approval**

1/17/24  
Date

Map 33 Lot 61  
Street Address 139 North End Boulevard

Applicant's Name: Northend 139 Realty Trust

Applicant's Address: 160 Bridge Road, Salisbury, Massachusetts 01952

Telephone #: 508-265-0123

Owner of Property: Northend 139 Realty Trust

Owner's Address: 160 Bridge Road, Salisbury, Massachusetts, 01952

Plan Entitled: Plan of Land - Tax Map Lot 33-61 -  
139 Northend Boulevard Dated July 28, 2021

Zoning District: R-3 (High Density)

Lot Size: 1.55 Acres

Amount of Frontage: 100 ft on North End Boulevard & 337.10 ft on Sunset View Lane

Other Permits Required and Status of Applications: None

\_\_\_\_\_

Waivers Requested: None

Does this ANR result in a change of address number for you or your neighbors? No

If you are applying under 81L, please be aware that this may result in a change of addresses for everyone on your street, which will cause them to incur a cost

***To the Salisbury Planning Board:***

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The Division of Land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Salisbury ZBA ordinance and is on a public way, namely, North End Blvd. or a Private way, namely Sunset View Lane
2. The division of land shown on the accompanying plan is not a subdivision for the following reasons:  
  
\_\_\_\_\_  
\_\_\_\_\_

3. The owner's title to the land is derived under deed from Khoury, dated 4/27/21, and recorded in Essex South Registry of Deeds Book 39811 Page 433 or Land Court certificate of Title No. \_\_\_\_\_, registered in District Book \_\_\_\_\_ Page \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Owner

Received: \_\_\_\_\_  
Town Clerk

## Attachment 6

The applicant shall submit two copies of the Form A Plan in a digital format to the Merrimack Valley Planning Commission (MVPC-160 Main St Haverhill, MA 01830 (978) 374-0519 JJWhitten@mvpc.org). Before any application for a Form A "Approval Not Required Plan" is accepted, the below form must be completed by MVPC. Failure to submit form will cause the application to be incomplete

### **Municipal Mapping –Digital Data Submission Requirements**

---

The following requirements apply to the submission of Form A or subdivision plans as well as for plans and as-built drawings for infrastructure projects (water/sewer installation or repair, road work, and other capital improvements).

1. All plans and specifications must be submitted on electronic media (3.5" floppy or CD\_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD \*.dwg, AutoCAD \*.dxf, ArcView \*.shp, ArcInfo \*.E00. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required for final release of the performance bond associated with any project.
2. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88. All lot lines and easements depicted on the electronic submittal will conform to survey accuracy. Where possible all bearings and distances should be adjusted for true north OR the applicant shall provide a listing of the number of degrees, minutes, and seconds of deviation between true north and magnetic north. If necessary data will be accepted in NAD27 using the aforementioned specifications.
3. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CAD layer or GIS file will not be accepted.
4. CAD data may be tiled on paper, PDF or other form of digital output as individual sheets for improved readability, but plans should be derived from a single master drawing. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly. All text in AutoCAD files will appear on top of other features and will be in separate annotation layer. Features under text should not be erased or 'broken' in order to make the text clearer.
5. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
6. Attributes or databases that are included in mapping files must have a definition of the meaning of each field as well as a definition of any values used in each field. Features that contain an elevation component (z-value) must have that elevation value within the attribute data.
7. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

### **DIGITAL DATE SUBMISSION SIGN-OFF**

**Note to applicant:** Please allow 10 days for MVPC review and response.

Applicant: Northend 139 Realty Trust Phone #: 508-265-0123

Plan Engineer: Fieldstone Land Consultants, PLLC Phone#: 603-672-5456  
Attn: Mike Ploof - Project Manager

Engineer Project Number: 2752.00

- 1) Date submitted to MVPC? 1/17/24
- 2) Street address of submitted plan? 139 North End Boulevard - Salisbury, MA
- 3) Map and lot of submitted plan if available? Map 33 Lot 61
- 4) Type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other – describe) ANR - 5 Lots
- 5) Projection used by engineering firm (state plane 1927, state plane 1983, or WGS 84)? NAD 1983
- 6) File name, file format and version of software (if applicable)? 2752SB00C\_ANR.dwg - CAD-2018
- 7) Additional comments or instructions (if necessary)?

#### **To be filled out by Merrimack Valley Planning Commission:**

- 8) Presence of latitude/longitude feature on paper plan (Y/N)?
- 9) Adjusted for true north or declination depicted on paper plan (Y/N)?
- 10) Arcs closed to create parcel polygons (Y/N)?
- 11) Are all features independent (Y/N)?
- 12) Is there documentation of each layer (Y/N/Partial)?
- 13) Has the accuracy been estimated?

MVPC has reviewed the digital data submitted and finds it acceptable and complete:

---

(signature)

(date)

**DIGITAL DATA SUBMISSION SIGN-OFF**

Note to applicant: Please allow 10 days for MVPC review and response.

Applicant: Northend 139 Realty Trust Phone #: 508-265-0123

Plan Engineer: Fieldstone Land Consultants, PLLC Phone#: 603-672-5456  
Attn: Mike Ploof - Project Manager

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- 4) Type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other - describe) ANR - 5 Lots
- 5) Projection used by engineering firm (state plane 1927, state plane 1983, or WGS 84)? NAD
- 6) File name, file format and version of software (if applicable)? 2752SB00C\_ANR.dwg - CAD
- 7) Additional comments or instructions (if necessary)?

**To be filled out by Merrimack Valley Planning Commission:**

- 8) Presence of latitude/longitude feature on paper plan (Y/N)? No
- 9) Adjusted for true north or declination depicted on paper plan (Y/N)? Yes
- 10) Arcs closed to create parcel polygons (Y/N)? Yes
- 11) Are all features independent (Y/N)? Yes
- 12) Is there documentation of each layer (Y/N/Partial)? Partial
- 13) Has the accuracy been estimated? No

MVPC has reviewed the digital data submitted and finds it acceptable and complete:

[Signature] (signature) 1/16/2024 (date)

## II. Planning Board Fees

### A. Application Fees

The fees detailed below are payable at the time of an application's submission to the planning department. An application will not be stamped as received by the Town Clerk without evidence that the fee has been paid.

#### Schedule of Application Fees (amended July 2008, May 2022)

Type of Application	Fee
Approval Not Required (ANR) Plan	\$200 plus \$200 per new lot line.
Preliminary Subdivision Plan	\$500 plus \$200 per lot.
Definitive Subdivision Plan submitted within 7 months of a preliminary plan	\$1,250 plus \$325 per lot
Definitive Subdivision Plan (without a preliminary)	\$1,500 plus \$625 per lot
Modification of an Approved Definitive Subdivision Plan	\$500 plus \$100 per lot
Planning Board Special Permit	\$200 Residential \$250 Commercial
Site Plan Review	Minor: \$200 Major: \$500 up to 5,000 square feet of new improvements, over 5,000 square feet includes \$0.10 per square foot. All major applications are also to include \$1 per abutter.
Special Permit Renewal	\$200
Special Permit Modification	Minor: \$100 Major: \$200
Site Plan Modification	Minor: \$200 Major: \$500 + \$100 per lot affected

ANR = \$ 200.00

(5) LOTS = \$1,000.00

TOTAL = \$1,200.00

#### Notes:

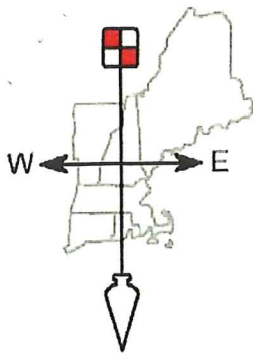
1. The above schedule of application fees supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applicants.
2. All fees for Planning Board applications are subject to approval from the Board of Selectmen.

3. Revised Applications: Where an Application Fee has been calculated by the number of lots, units or square footage of the total site, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed lots, units or square footage of the site increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots, units or square footage of the site. No review of these additional lots, units or square footage of the site shall take place until this additional fee is paid to the Town of Salisbury. Failure to make this payment after requesting additional lots, units or square footage shall be grounds for denial of the application.
- B. If the number of proposed lots, units or square footage of the site decreases, a refund of that portion of the application fee predicated on those lots, units or square footage of the site shall be granted if, the Planning Board finds that, no cost associated with the review of those lots or units has been incurred.

**Waivers:** The Planning Board may waive or reduce an Application Fee, if, in the opinion of the Board, unusual circumstances exist regarding the application.

**Refund:** Subsequent to the commencement of the application review process by the Planning Board, application fees shall not be refunded for any reason, including withdrawal of the application.



# FIELDSTONE

## LAND CONSULTANTS, PLLC

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456  
www.FieldstoneLandConsultants.com

January 17, 2024

Salisbury Town Hall – Planning Department  
5 Beach Rd  
Salisbury, MA 01952

RE: **Letter of Authorization:**  
Northend 139 Realty Trust (Owner)  
Tax Map Parcel 33-61  
139 North End Boulevard  
ANR Plan

To Whom It May Concern:

The undersigned being the owner and applicant of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary approvals from local, state and federal approvals for a division plan of Tax Map Parcel 33-61.

Very truly yours,

Tax Map Parcel 33-61  
Northend 139 Realty Trust  
160 Bridge Street  
Salisbury, MA 01952

Signature: \_\_\_\_\_

Print: \_\_\_\_\_

Joseph G. Hill

Date: 1-16-24

Property: 139 North End Boulevard, Salisbury, MA



SO.ESSEX #537 Bk:39811 Pg:433  
04/27/2021 03:39 PM DEED Pg 1/4  
eRecorded

MASSACHUSETTS EXCISE TAX  
Southern Essex District ROD  
Date: 04/27/2021 03:39 PM  
ID: 1448280 Doc# 20210427005370  
Fee: \$2,736.00 Cons: \$600,000.00

### QUITCLAIM DEED

EILEEN M. KHOURY and BRIAN A. KHOURY, both of Derry, New Hampshire,

for consideration of SIX HUNDRED THOUSAND AND 00/100 DOLLARS (\$600,000.00)  
paid,

grant with QUITCLAIM COVENANTS,

to JOSEPH G. HILL, TRUSTEE of NORTHEND 139 REALTY TRUST, u/d/t dated  
February 23, 2021 as evidenced by Trustee Certificate recorded with the Essex South District  
Registry of Deeds herewith, having an address of 160 Bridge Road, Salisbury, Massachusetts  
01952,

the vacant land situated in Salisbury, Essex County, Massachusetts, as more particularly  
described in Exhibit A attached hereto and made a part hereof.

The foregoing premises are conveyed subject to, and together with the benefit of, all rights,  
restrictions, covenants and agreements of record, insofar as the same are currently in force and  
applicable.

Being the same premises conveyed to Eileen M. Khoury and Brian A. Khoury by Deed of David  
Aptaker, Partition Commissioner, dated June 13, 2018 and recorded with Essex South District  
Registry of Deeds in Book 36797, Page 78, to which deed reference may be had for additional  
title references.

The within Grantors hereby state under the penalties of perjury that the property conveyed by  
this deed was never homestead property of any Grantor and said property was never the principal  
residence of any Grantor or any other person.

Executed as a sealed instrument this 23<sup>RD</sup> day of APRIL, 2021.

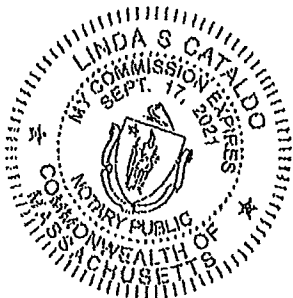
Eileen M. Khoury  
Eileen M. Khoury

Brian A. Khoury  
Brian A. Khoury

STATE/Commonwealth of Massachusetts

County: Essex

On this 23 day of April, 2021, before me, the undersigned notary public, personally appeared EILEEN M. KHOURY, 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, (☐) 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.



Linda S Cataldo  
Notary Public  
My Commission Expires: 09.17.2021  
[affix official seal]

STATE/Commonwealth of Massachusetts

County: Essex

On this 23 day of April, 2021, before me, the undersigned notary public, personally appeared BRIAN A. KHOURY, 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, (☐) 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.



Linda S. Cataldo  
Notary Public  
My Commission Expires: 09.17.2021  
[affix official seal]

**EXHIBIT A**  
**Property Description**

All of Grantors' right, title and interest in a certain parcel of salt marsh land situate in Salisbury, Essex County, Commonwealth of Massachusetts containing one and seven-eighths (1 7/8) acres more or less, and bounded as follows, viz:

SOUTHERLY            by marsh quitclaimed to John Armitage by Thomas Lally;

WESTERLY            by a small creek separating the land hereby conveyed from land of the heirs of Robert Wilson;

NORTHERLY           by land conveyed to John J. Niland by T. Currier, said land being used as a site for the Catholic Church;

EASTERLY            by the Beach Bank.

Said land being the Northerly part of the land conveyed to John Armitage and Thomas Lally by deed of Mary A. True, dated October 9, 1897, and recorded with Essex South District Deeds, Book 1527, Page 517. Being the same parcel of land conveyed to Thomas Lally by John Armitage by deed dated November 8, 1900, and recorded with Essex South District Registry of Deeds, Book 1626, Page 268.

Meaning and intending to convey the premises known and numbered as 139 North End Boulevard (formerly 155 North End Boulevard) Salisbury, Essex County, Massachusetts 01952. Said premises are also identified by the Salisbury Assessor as parcel ID 33-61.

The foregoing premises are shown as the parcel of land designated "33-61, 1.55 +/- Acres, 67,754 Sq. Ft." on plan entitled "Plan of Land, Tax Map Lot 33-61 (139 North End Boulevard), Salisbury, Massachusetts, Land of Eileen M. & Brian A. Khoury" dated April 14, 2021, by Fieldstone Land Consultants, PLLC and recorded with Essex South District Registry of Deeds as Plan #592 on April 21, 2021 in Book 39793, Page 335, said parcel is more particularly described as follows:

BEGINNING AT AN IRON PIN ON THE WESTERLY SIDELINE OF NORTH END BOULEVARD, SAID IRON PIN MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PREMISES AND THE NORTHEAST CORNER OF LAND NOW OR FORMERLY OF NORTH BOULEVARD SALISBURY REALTY TRUST (TAX MAP LOT 33-62) AS DESCRIBED IN DEED AT THE ESSEX SOUTH REGISTRY OF DEEDS IN BOOK 6808, PAGE 424; THENCE

1. NORTH 87° 12' 23" WEST ALONG THE NORTHERLY SIDE OF LAND OF SAID NORTH BOULEVARD SALISBURY REALTY TRUST, 123.00 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF LAND OF SAID NORTH BOULEVARD SALISBURY REALTY TRUST; THENCE

2. SOUTH 17° 50' 41" EAST ALONG THE WESTERLY SIDE OF LAND OF SAID NORTH BOULEVARD SALISBURY REALTY TRUST, 46.93 FEET TO AN IRON PIN. SAID IRON PIN MARKING THE SOUTHWEST CORNER OF LAND OF SAID NORTH BOULEVARD SALISBURY REALTY TRUST AND THE SOUTHEAST CORNER OF THE WITHIN DESCRIBED PREMISES AND LOCATED ON THE NORTHERLY SIDELINE OF A 20 FEET WIDE PRIVATE RIGHT-OF-WAY KNOWN AS SUNSET VIEW LANE; THENCE

3. NORTH 87° 12' 23" WEST ALONG THE NORTHERLY SIDELINE OF SAID SUNSET VIEW LANE, 337.10 FEET TO A POINT ON THE EASTERLY SIDE OF A SMALL CREEK, SAID POINT BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PREMISES, SAID CREEK SEPARATING THE HEREIN DESCRIBED PREMISES FROM LAND NOW OR FORMERLY OF THE HEIRS OF ROBERT WILSON; THENCE

4. 177 FEET MORE OR LESS ALONG THE EASTERLY SIDE OF SAID SMALL CREEK TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PREMISES. SAID POINT BEING THE SOUTHWEST CORNER OF LAND OF THE ROMAN CATHOLIC ARCHDIOCESE (TAX MAP LOT 33-63) AND LAND OCCUPIED BY THE STAR OF THE SEA CHURCH. THE TRUE COURSE AND DISTANCE FROM THE SOUTHWEST CORNER TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PREMISES BEING NORTH 87° 12' 23" EAST, 174.48 FEET; THENCE

5. SOUTH 86° 10' 22" EAST BY THE SOUTHERLY SIDE OF LAND OF SAID ROMAN CATHOLIC ARCHDIOCESE, 520.00 FEET TO A POINT. SAID POINT BEING THE SOUTHEAST CORNER OF LAND OF SAID ROMAN CATHOLIC DIOCESE AND THE NORTHEAST CORNER OF THE WITHIN DESCRIBED PREMISES; THENCE

6. SOUTH 01° 29' 40" EAST, 100.00 FEET ALONG SAID WESTERLY SIDELINE OF NORTH END BOULEVARD TO THE POINT OF BEGINNING.

CONTAINING 67,754+/- SQ.FT. OR 1.55+/- ACRES

SAID PARCEL BEING CONVEYED TOGETHER WITH THE RIGHT TO PASS AND RE-PASS OVER THE 20' WIDE PASSAGEWAY SHOWN AS SUNSET VIEW LANE ON THE ABOVE-REFERENCED PLAN, IN COMMON WITH OTHERS, AS REFERENCED IN DEED RECORDED WITH THE SOUTH ESSEX REGISTRY OF DEEDS IN BOOK 2234, PAGE 167.