

RESTRICTIVE COVENANTS

Pursuant to the requirements of the Planning Board of the Town of North Andover in connection with its approval of the Definitive Subdivision Plan entitled:

DEFINITIVE SUBDIVISION PLAN OF SALEM FOREST III LOCATED IN NORTH ANDOVER, MASSACHUSETTS

Owner and Applicant: George H. Farr and Wanda H. Farr

Engineer: Thomas E. Neve Associates, Inc.

Recorded as Plan No. 10973 on January 7, 1988 at the Essex North District Registry of Deeds

The undersigned Farr Better Homes, Inc. a Massachusetts Corporation having its usual place of business in North Andover, Essex County, Massachusetts does hereby covenant and agree with the Town of North Andover Planning Board that the property shown on said Plan shall be subject to conditions one through sixteen inclusive contained in the Town of North Andover Planning Board Modification Approval of Salem Forest III dated October 22, 1987 and filed with the Town Clerk's office of North Andover as follows:

1. That the record owners of the subject land forthwith execute and record a "covenant running with the land", or otherwise provide security for the construction of ways and the installation of municipal services within said subdivision, all as provided by G.L. c 41, S. 81-U.
2. That all such construction and installations shall in all respects conform to the governing rules and regulations of this Board.
3. That, as required by the North Andover Board of Health in its report to this Board, no building or other structure shall be built or placed upon Lots No. (none) as shown on said Plan without the prior consent of said Board of Health.

NOTE: This decision replaces the Planning Boards initial decision on this definitive subdivision issued on May 6, 1987. The reason for this modification is to incorporate the Board's list of conditions into the plan as well as address the Order of Conditions

See Release Lot 2 B28420132
See Release B2849983
Lots 1, 3, 4 + 5

issued by the Conservation Commission on April 1, 1987.

4. The developer shall not place the coat of bituminous pavement until an interim As-Built and certification by the Design Engineer has been submitted and approved by the Planning Board indicating that all utilities have been installed and are correct in accordance with the approved definitive subdivision plans and profiles. Said certification will include as a minimum all drainage facilities.

5. No lot(s) or group of lots shall be released from the statutory covenant until the binder coat of bituminous pavement has been installed and a certification by the Design Engineer has been submitted stating that the pavement is in the correct vertical horizontal alignment as approved in the Definitive Plan.

6. The Planning Board recognizes that it would be environmentally correct in the minimizing of wetland filling and therefore waives the strict compliance with the Rules and Regulations in maintaining proper side slopes. The Board will require the applicant to increase the side slopes in the area of wetland filling to allow for a 1 to 1 slope provided, however, that a guard rail of acceptable standards be installed in those areas where directed by the Division of Public Works. Said guard rail shall be set a distance of six (6) feet from the gutter line of the roadway and at the top of the slope and provided further that the 1 to 1 side slope be rip-rapped for erosion control to the satisfaction of the Division of Public Works. This condition shall be incorporated and shown on the Definitive Plans.

7. No lots will be released from the statutory covenant until the Conservation Commission and the Board of Health have approved such lot construction and an Order of Conditions has been issued by the Conservation Commission.

8. The plans shall be revised to incorporate detail construction specifications for proper installation of the box culverts including, but not limited to: time and duration of installation, dewatering, base preparation, erosion controls and wing wall construction and will include a separate topographic at a scale of 1" to 20' of the vicinity of the crossing showing existing and proposed elevations and work with borings and peat depth for approval by the Planning Board and the Division of Public Works.

9. The applicant shall provide 30 foot wide easement granted to the Town running from Hawkins Lane to the land of the Commonwealth in the area between lots 2 and 3. Said easement will be used as a pedestrian access/egress right-of-way and provide emergency access to the land owned by the Commonwealth. The developer shall remove a 15' area wide of all natural vegetation found within this easement, grubbed and cleared. Stone monuments shall be placed adjacent to the Hawkins Lane right-of-way at each easement line. The monuments shall include the wording: "Public Access".

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10. The applicant shall show the existing stone bounds on Patton Lane and Granville Lane.

11. Parcel 'A' shown on the plans at the intersection of Patton Lane and Hawkins Lane shall be eliminated. Area shown as parcel 'A' will be deemed part of the right-of-way for both streets.

12. The water main and gas main installation shall be shown on the profile of Hawkins Lane in accordance with the Rules and Regulations of the Planning Board.

13. An additional hydrant shall be installed at the end of the cul-de-sac.

14. Applicant shall show proposed dwellings, driveways and septic systems along the proposed lot grading to indicate how each lot will support a habitative area and will not adversely effect abutting properties and other lots within the subdivision.

15. All easements shall be submitted and executed by the Planning Board prior to endorsing the plans.

16. A letter from DPW stating that the DPW has no problems regarding the redesign of the roadway, prior to endorsing the plans.

IN WITNESS WHEREOF the said FARR BETTER HOMES, INC. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by George H. Farr, its President and Treasurer hereto duly authorized, this 21st day of April, 1988

Signed and sealed in presence of

FARR BETTER HOMES, INC.

BY

George H. Farr, President
George H. Farr, President
and Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

April 21, 1988

Then personally appeared the above named George H. Farr and acknowledged the foregoing instrument to be the free act and deed of FARR BETTER HOMES, INC.

before me,

Michael J. [Signature]
Notary Public

My commission expires 10/25/90

Recorded Apr. 29, 1988 at 10:39AM #9298