

DOCUMENT NO. 39150 ✓

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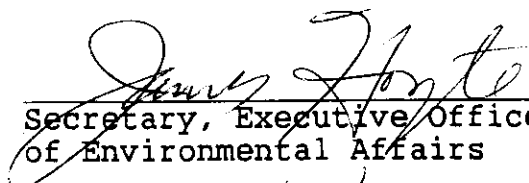
DEC 20 11 10 AM '85

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RECORDED

Dec 20, 1985  
Essex North Registry District  
Received for Registration

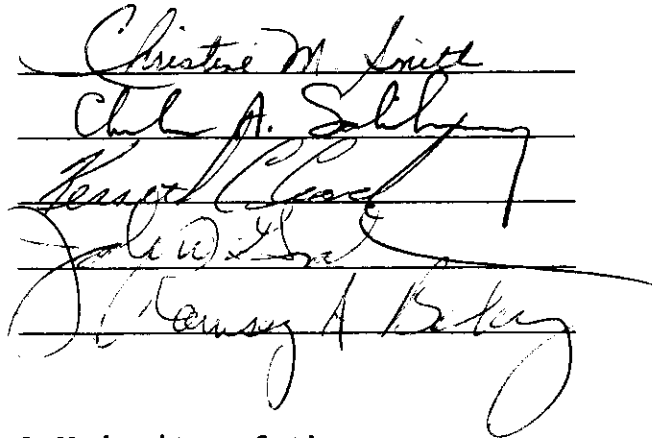
11 O'CLOCK 10 M a M  
NOTED ON CERTIFICATE NO. 9460  
IN REGISTRATION BOOK 65 PAGE 245

back to the date of acceptance of this Conservation Restriction  
by the Grantee.

  
Secretary, Executive Office  
of Environmental Affairs  
Date: 12/13/85

APPROVAL BY SELECTMEN

We, the undersigned Board of Selectmen of the Town of North Andover, hereby certify that the foregoing Conservation Restriction under G.L. Chapter 184, Section 32 is approved. This Approval shall be effective as of and relate back to the date of acceptance of this Conservation Restriction by the Grantee.



A Majority of the  
Board of Selectmen, Town of  
North Andover, Massachusetts

Date: December 2, 1985

APPROVAL BY THE SECRETARY OF ENVIRONMENTAL AFFAIRS

The Secretary of the Executive Office of Environmental Affairs, Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction under G.L. Ch. 184, Sec. 32 is approved. This Approval shall be effective as of and relate

back to the date of acceptance of this Conservation Restriction by the Grantee.

No deed excise stamps are required for the registration of this document.

WITNESS the execution hereof as an instrument under seal this 27<sup>th</sup> day of November, 1985.

Penelope P. Saxe  
Penelope P. Saxe

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

Nov 27, 1985

Then personally appeared the above-named Penelope P. Saxe and acknowledged the foregoing to be her free act and deed, before me,

Deane Lalli  
Notary Public

My Commission expires: 10/15/87

ACCEPTANCE OF CONSERVATION RESTRICTION

The terms of the above Conservation Restriction are hereby accepted and agreed to.

A M Crompton Jr.  
President, Essex County  
Greenbelt Association, Inc.,  
duly authorized

Date: Nov 29/85

employees or agents as holders of this Conservation Restriction, and all references herein to the Grantor and Grantee shall include references to their respective heirs, successors and assigns. This Conservation Restriction shall be in addition to and not in lieu of any other restrictions or easements of record. Interpretations of the meaning of this Conservation Restriction or any portions hereof made in good faith by the Grantee shall be conclusive.

Nothing herein shall impose upon the Grantee any duty to maintain or require that the Restriction Area be maintained in any particular state or condition, notwithstanding its acceptance hereof. In the event secondary tree growth or other advanced form of natural vegetative succession replaces the grass meadow presently existing upon the Restriction Area, the Grantee may, after prior notice to and approval by the Grantor or her heirs, successors or assigns, enter upon the Restriction Area for the purpose of clearing said secondary growth and restoring said grass meadow.

Neither the Grantee nor any successor or assign of the Grantee shall transfer this Conservation Restriction unless such transfer requires the transferee to continue to carry out the purposes of this Conservation Restriction and to continue to comply with all provisions of this Conservation Restriction.

This Conservation Restriction may be registered prior to approval thereof by the Selectmen of the Town of North Andover or the Secretary of Environmental Affairs or both and, if it is so registered, shall be reregistered when such approvals have been obtained. Such approvals shall be effective as of and shall relate

height, be of a split rail or other sight-pervious design such that the view of Lake Cochichewick available to persons passing by foot or automobile on Great Pond Road is preserved to the maximum extent possible;

(f) The placement and use, on a temporary basis, within Restriction Area 4B only, of apparatus and structures accessory to equestrian and other recreational activities, provided that such apparatus or structures do not constitute a building, and provided further that such apparatus and structures are removed promptly and completely from Restriction Area 4B upon the cessation of the activities to which they are accessory; and

(g) Such other activities requested by the Grantor and expressly consented to by the Grantee as are consistent with the purposes of this Conservation Restriction.

This Conservation Restriction does not grant to the Grantee or to the public any right to enter upon the Restriction Area, except that the Grantor hereby grants to the Grantee an easement of access, at reasonable times and after prior notice to the Grantor or her successors and assigns, for the purpose of inspecting the Restriction Area in order to insure compliance with the foregoing restrictions and to prevent, abate or remedy any violation thereof. The right hereby granted shall be in addition to any other remedies available to the Grantee for the enforcement of the foregoing restrictions.

This Conservation Restriction shall be binding upon and may be enforced against the Grantor and her heirs and assigns by the Grantee and its duly designated officers, directors, members,

appurtenances thereto, together with the right to carry out all necessary excavation, filling, sloping and other improvements as may be reasonably necessary in the exercise of the foregoing rights provided, that the surface of the Restriction Area shall be restored under the circumstances to reasonably the same condition that it was in prior to the disturbance thereof upon completion of any of the above-described work, and provided further, that in the event a municipal sanitary sewer is installed in that portion of Great Pond Road on which the Grantor's land has frontage, the use of any subsurface sewage leaching field or portion thereof which may be located within the Restriction Area shall be discontinued within a reasonable time after said sewer is installed and connection therewith becomes available;

(d) The maintenance of the Restriction Area including, without limitation, the planting and periodic cutting of grass, and the planting, selective cutting and pruning and periodic mulching with organic matter of trees, shrubs, brush or other vegetation to improve the scenic view and to implement disease prevention measures, provided all such cut vegetation shall be removed promptly from the Restriction Area;

(e) The installation and maintenance of a fence (i) along Great Pond Road, (ii) along the boundary between Restriction Area 3A and Restriction Area 4A, and (iii) within Restriction Area 4B, provided that any such fence shall not exceed four feet in height, shall be constructed only of wood, stone or other natural material, and shall, if more than two feet in

(c) No loam, peat, gravel, sand, rock, or other mineral resource or natural deposit shall be excavated or removed from the Restriction Area in such a manner as to affect the surface thereof;

(d) No trees or other vegetation upon the Restriction Area shall be cut or otherwise destroyed; and

(e) No activity detrimental to surface water drainage, ground water recharge, erosion control, soil conservation or the natural condition of the Restriction Area shall be conducted or permitted.

(2) Notwithstanding anything contained in Paragraph (1) above, the grantor reserves to herself, and her heirs and assigns the right to conduct or permit any of the following activities within the Restriction Area, subject to all applicable laws then in effect:

(a) The establishment of foot trails and paths, provided the surface thereof is not paved or otherwise rendered impervious;

(b) Activities and improvements designed to enhance the ecological, natural or historical value of the Restriction Area, including but not limited to bird houses, duck boxes and deer feeding stations, but excluding any building, barn, shed or like structure which would obstruct or otherwise impair the scenic view available to the general public;

(c) The installation, maintenance, replacement and use of underground utilities, pipes, mains, conduits, wires and appurtenances thereto for the transmission of water, sewage, gas, telephone and electricity, and also subsurface sewage disposal facilities including leaching fields and other

purposes of the Watershed Zoning District set forth in the Town of North Andover Zoning By Law and in conformance with the Water Supply Management Policies set forth in the Massachusetts Water Supply Policy Statement;

Whereas retention of the Restriction Area in its existing natural and open condition will protect and preserve scenic views, enjoyable by the general public, of and from Lake Cochichewick, its shores and Great Pond Road, which areas are designated as "distinctive" and "noteworthy" landscapes under the Massachusetts Landscape Inventory;

Therefore, in order to retain the Restriction Area in perpetuity in its existing natural and open condition, the terms of this Conservation Restriction are as follows:

(1) Except as hereinafter otherwise provided, the Grantor, and her heirs and assigns, shall neither perform nor permit others to perform any of the following acts within the Restriction Area:

(a) No building, sign, outdoor advertising display, mobile home, utility pole or other temporary or permanent structure or impervious surface shall be constructed, placed or permitted to remain on the Restriction Area;

(b) No soil, loam, peat, gravel, sand, rock, or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or unsightly or offensive material shall be placed, stored or dumped upon the Restriction Area;

CONSERVATION RESTRICTION

Penelope P. Saxe of Newton, Middlesex County, Massachusetts (hereinafter called "the Grantor") in consideration of one dollar and other good and valuable consideration, hereby grants, in perpetuity, without covenants to the Essex County Greenbelt Association, Inc., Essex County, Massachusetts (hereinafter called "the Grantee"), a non-profit charitable corporation duly organized and incorporated under the laws of this Commonwealth, a Conservation Restriction pursuant to the provisions of Massachusetts General Laws Chapter 184, Sections 31 through 33, as hereinafter specified, with respect to a certain parcel of registered land located in the Town of North Andover, bounded and described as follows:

A certain parcel of land, lying along Great Pond Road, containing 3.03 acres<sup>+</sup>, consisting of "Restriction Area 3A" containing 58,005 S.F.<sup>+</sup>, "Restriction Area 4A" containing 27,195 S.F.<sup>+</sup> and "Restriction Area 4B" containing 46,785 S.F.<sup>+</sup> (collectively hereinafter referred to as the "Restriction Area") as shown on a plan entitled "Plan Of Land In North Andover, Mass.", scale 1" = 40', dated October 3, 1985, drawn by Dana F. Perkins and Assoc. Inc., and filed with the Land Registration Office as Land Court Plan No. 25594B (hereinafter referred to as "the Plan").

OCT 22 1985  
Plan 25594B Lots 3 & 4  
(EXAMINED AS TO DESCRIPTION ONLY)  
Louis A. Moore, Engineer S.H.L.

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

For Grantor's title to said Restriction Area, see Land Court Certificate of Title No. 9460 registered in Book 65, Page 245 in Essex North Registry District of the Land Court.

Whereas retention of the Restriction Area in its existing natural and open condition will protect and preserve the watershed of Lake Cochichewick -- the primary source of public drinking water supply for the Town of North Andover -- in conformance with the



PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED.

*E. Perkins*

DATE: \_\_\_\_\_

NORTH ANDOVER PLANNING BOARD

# PLAN OF LAND IN NORTH ANDOVER, MASS.

SCALE: 1"=40' OCTOBER 3, 1988

DANA F. PERKINS AND ASSOC., INC.  
CIVIL ENGINEERS AND SURVEYORS  
185 MAIN ST., READING, MA 01867

RECORD OWNER:  
PENELPE P. Saxe



NOTE: LOTS 3 & 4 BEING A  
SUBDIVISION OF LOTS  
AS SHOWN ON L.C.C. 25594-A  
A) PROPERTY ZONED RESIDENCE  
B DISTRICT (D-4) B. WATER AND  
DISTRICT.  
3) AS OF THE DATE OF SUBMISSION  
OF THIS PLAN TO THE TOWN OF  
NORTH ANDOVER, MASSACHUSETTS,  
ALL RESTRICTIONS AREAL ARE  
CONSIDERED TO BE "PRODUCED" UNTIL  
EVALUATION OF ACCEPTANCE BY THE  
SEATTLE HANDBOOK, THE CHART,  
(COUNTY GRIFFIN) MASSACHUSETTS  
(GREAT ROAD) A.C.

I HEREBY CERTIFY THAT THIS ACTUAL SURVEY  
WAS MADE ON THE GROUNDS IN ACCORDANCE WITH THE  
LAND COURT INSTRUCTIONS OF 1971 ON OR BETWEEN  
MARCH 19, 1987 AND OCTOBER 1, 1988  
DATE: OCTOBER 3, 1988  
*Dana F. Perkins*  
REGISTERED PROFESSIONAL LAND  
SURVEYOR MASS. NO. 14187

