

**DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions is made this <sup>14</sup>24 day of February, 2002, by WILLIAMS CROSSING ASSOCIATES, LLC, a Connecticut limited liability company having an office in the Town of Mansfield, County of Tolland and State of Connecticut (hereinafter "Declarant").

**WITNESSETH:**

**WHEREAS**, the Declarant is the owner of real property known as Lots 1-9 inclusive of Williams Crossing Estates, a subdivision approved by the Planning Commissions of the Towns of Windham and Lebanon; and

**WHEREAS**, the Conservation Commission of the Town of Windham has determined that the maintenance and conservation of the area shown on the subdivision map referred to on Schedule A attached hereto designated as "Restricted Conservation Area" can best be accomplished by the Declarant declaring the restrictions set forth herein; and

**WHEREAS**, Declarant is willing to declare the restrictions set forth herein and comply with the obligations of the Declarant set forth herein.

**NOW, THEREFORE**, the Declarant, for itself, its successors and assigns, does hereby declare that the following restrictions shall apply to the area described as "Restricted Conservation Area", being more particularly described on Schedule A attached hereto:

**I. PROHIBITIONS.**

**THE DECLARANT, ITS SUCCESSORS AND ASSIGNS, AGREE TO PROHIBIT AND REFRAIN FROM THE FOLLOWING ACTIVITIES UNDER, OVER OR UPON THE RESTRICTED CONSERVATION AREA:**

1. The construction or placing of buildings, fences, roads, signs, billboards or other advertising, or other structures, facilities or improvements on, below or above the ground;
2. The grazing of animals;
3. The dumping or placing of soil or other substances or materials as landfill or dumping of trash, ashes, waste, rubbish, junk, garbage and unsightly or offensive materials; and
4. The excavation, dredging or removal of loam, peat, gravel, soil, rock or other substances in such a manner as to affect the surface or the quantity or quality of ground or surface waters;
5. The removal or destruction of trees, shrubs or other vegetation, the destruction of wildlife or its habitat, the application of pesticides or herbicides, or any other activity or use which is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the maintenance of the land and water in their natural condition.

**II. EXCEPTIONS.**

**THE FOLLOWING SHALL CONSTITUTE EXCEPTIONS FROM THE RESTRICTIONS SET FORTH ABOVE:**

1. The Conservation Commission of the Town of Windham (hereinafter referred to as "Conservation Commission"), or its successor, may, upon written application of the Declarant, its successors or assigns, permit the construction, reconstruction, maintenance and repair within the Restricted Conservation Area of above-ground and below-ground public or private utilities, including sanitary sewer and/or water lines, subject to (a) demonstration by the Declarant of the need for the proposed activity within the Restricted Conservation Area; and (b) environmental review and

approval by the Conservation Commission, or its successor, of the siting and proposed methods of installation and maintenance of such utilities.

2. The Conservation Commission, its successor, or its designee, may, upon written application of the Declarant, or its successors or assigns, permit (a) the pruning and thinning of live trees and brush within the Restricted Conservation Area; and (b) the removal of dead trees and brush within the Restricted Conservation Area in a manner acceptable to the Conservation Commission, its successor, or its designee.

3. The Declarant, its successors or assigns, reserves the right to slope, remove trees and discharge surface water within the Restricted Conservation Area to the extent shown on the map described on Schedule A or any additional map sheets filed in connection with said map.

4. The Conservation Commission, or its successor, may, upon written application of the Declarant, its successors or assigns, permit such other activities as may be acceptable to the Conservation Commission in its sole discretion.

5. Application by the Declarant, its successors or assigns, for any approval provided for hereunder shall be made to the Conservation Commission, or its successor, and shall be made in accordance with the procedures established by the Conservation Commission, or its successor, in effect at that time.

6. The Declarant, its successors or assigns, herein reserve the right to make use of the Restricted Conservation Area for any and all purposes which are in keeping with the stated intent of these Restrictions and which shall in no way endanger the maintenance of the Restricted Conservation Area in its natural state.

7. This Declaration does not in any way restrict the activities of any parties who may have rights to use water from the two wells located within the Restricted Conservation Area.

### III. IDENTIFICATION OF RESTRICTED CONSERVATION AREA.

1. Before commencement of site work on any property of the Declarant which is part of or adjacent to a Restricted Conservation Area, Restricted Conservation Area boundaries are to be permanently and clearly marked in a manner acceptable to the Conservation Commission, or its designee.

2. The Declarant, its successors or assigns, hereby grant to the Conservation Commission the right of access to the Restricted Conservation Area for the purpose of maintaining pins identifying the boundaries of said Restricted Conservation Area and monitoring compliance with these Restrictions.

### IV. ENFORCEMENT.

These Restrictions may be enforced by the Conservation Commission, or its successor, by way of the following:

1. Issuance by the Conservation Commission of a cease and desist order against anyone who shall violate these Restrictions.

2. If a violation of these Restrictions is found by the Conservation Commission, or its successor, the Conservation Commission may order restoration of the Restricted Conservation Area as closely as possible to its natural state. Restoration shall be at the sole cost and expense of the violator of these Restrictions.

3. Imposition by the Conservation Commission of a civil penalty of up to \$100 per day until full restoration has been achieved.

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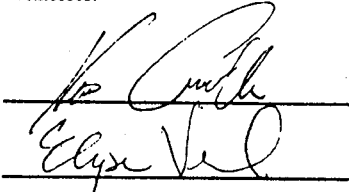
4. In addition for the foregoing, the Conservation Commission may bring an action at law or in equity at a court of competent jurisdiction to enforce these Restrictions, to enjoin any violation thereof, and to recover any damages to which it may be entitled for a violation thereof.

V. PUBLIC ACCESS.


NOTHING CONTAINED IN THESE RESTRICTIONS SHALL GIVE OR GRANT TO THE PUBLIC A RIGHT TO ENTER UPON OR USE THE RESTRICTED CONSERVATION AREA OR ANY PORTION THEREOF WHERE NO SUCH RIGHT EXISTED IN THE PUBLIC IMMEDIATELY PRIOR TO THE DECLARATION OF THESE RESTRICTIONS.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal this 24<sup>th</sup> day of February, 2003.

Witnesses:

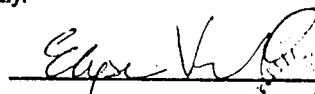
  
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Declarant: WILLIAMS CROSSING ASSOCIATES, LLC

By   
\_\_\_\_\_ William Wertz, Member

STATE OF CONNECTICUT     )  
  ) ss.     24 February     , 2003  
COUNTY OF                     )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February, 2003, by WILLIAM WERTZ, Member of WILLIAMS CROSSING ASSOCIATES, LLC, a Connecticut limited liability company, on behalf of the limited liability company, as his free act and deed, and the free act and deed of said limited liability company.

  
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Commissioner of the Superior Court  
**ELYSE VERNILE**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAR 31, 2007