



2008 00068594

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DEED

The **Town of Mendon**, a Massachusetts municipality with offices at 20 Main Street, Mendon, Massachusetts

in consideration of Nominal Consideration of less than one hundred (\$100.00)

Grants to said **Town of Mendon**, under the care, custody, management and control of the **Mendon Conservation Commission** established under M.G.L. c. 40, s. 8C, for conservation purposes in accordance with this deed

with Quitclaim Covenants

the land in Mendon, Worcester County, Massachusetts described as follows:

Land consisting of approximately 24.1979 acres located on northwesterly side of Milford Street and shown as Lots 3A and 3B, on a plan entitled "Plan of Land in Mendon, MA. prepared for the Town of Mendon Community Preservation Committee, scale 1"= 100' Date May 1, 2008" by Shea Engineering & Surveying Inc. to be recorded herewith at the Worcester County Registry of Deed. Said Lots 3A and 3B are hereinafter referred to as the "Premises". For Grantor's title, see deed recorded at the Worcester Registry of Deeds at Book 37146, Page 9.

Grantor reserves an easement to use said Lot 3B for all purposes that public streets and ways are commonly used in the Town of Mendon. Said easement shall be appurtenant to Lot 2 as shown on the plan.

This conveyance is pursuant to a vote under M.G.L. c. 40, s. 15A by the Mendon annual town meeting on May 2, 2008 to permanently transfer care, custody, management and control of such land to the conservation commission. This conveyance is also intended to make such land subject to the provision of Article 97 of the Amendments to the Massachusetts Constitution.

Except to the extent of the Grantor's easement rights in Lot 3B, the Premises shall be subject to the following permanent restrictions:

The purpose of this Permanent Deed Restriction is to retain the Premises predominantly in its current natural, scenic and open condition.

A. PROHIBITED ACTS AND USES: Except as to Permitted Acts and Uses set forth in Paragraph B below, the following acts and uses are expressly prohibited on the Premises:

1. Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, fence, asphalt or concrete, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on or above the premises;

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock, or other mineral resource or natural deposit;

NORTH AVE + RT 16 MENDON

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3. Placing, filling, storing, or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, or other substance or material whatsoever or the installation of underground storage tanks;

4. Cutting, removing, or otherwise destroying trees, grasses, or other vegetation;

5. The subdivision of the Premises;

6. Activities detrimental to drainage, flood control, water conservation, erosion control, or soil conservation;

7. The use of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as reasonably necessary in exercising any of the reserved rights in paragraph B, or as required by the police, firefighters or other governmental agents in carrying out their lawful duties;

8. Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Permanent Deed Restriction or which would materially impair significant conservation interests unless necessary for the protection of the conservation interests that are the subject of this Permanent Deed Restriction.

B. PERMITTED ACTS AND USES: All acts and uses not prohibited in Paragraph A are permissible. Notwithstanding the provisions of paragraph A, the following acts and uses are also permitted only if such uses and activities do not materially impair the purpose of this Permanent Deed Restriction or other significant conservation interests:

1. Trails, Fences, Walls. The maintenance and use of existing ways, trails, fences, and stone walls on the Premises, substantially in their present condition, or as reasonably necessary for the current uses thereof or permitted hereunder; The construction, maintenance and marking of trails, including bridges and boardwalks, for pedestrian use. The placing of fences that do not interfere with the conservation purposes of the Permanent Deed Restriction;

2. Signage. The erection, maintenance and replacement of signs with respect to ownership, boundaries, regulations governing public use, temporary signs approved by the Selectmen and for identifying trails, natural features, flora and fauna;

3. Vegetation Management. The planting, selective cutting and removal of trees, shrubs and other vegetation for normal improvement and maintenance of the Premises, and to prevent threat of injury or damage to persons or property, provided such cutting, removal, and planting is consistent with the purposes of this Permanent Deed Restriction;

4. Orchard Management. Farming operations carried on in accordance with sound agricultural management practices, including but not limited to the cultivation of fields, mowing of meadows, and operation of an orchard;

5. Harvesting. Commercial harvesting of agricultural and/or horticultural products, provided said harvesting is performed in accordance with sound agricultural/horticultural practices;

6. Composting. The stockpiling and composting of stumps, tree and brush limbs and similar biodegradable materials originating on the Premises in locations where the presence of such materials will not have a deleterious impact on the purposes (including scenic values) of this Permanent Deed Restriction;

7. Recreational and Educational Activities. Hiking, nature study and other non-motorized outdoor recreational and educational activities that do not materially alter the landscape or degrade environmental quality. The construction, maintenance, repair and replacement of minor structures and facilities for use by the public for educational and passive recreational purposes, including but not limited to roads, parking, interpretive signs, exhibits and benches; or as temporary parking for events and as the venue for temporary events with the signed permission of the Board of Selectmen; and said structures and facilities shall be designed and located so as not to have a deleterious impact on the conservation purposes, including scenic values, of this Permanent Deed Restriction;

8. Municipal Use. Such municipal uses, including public water supply, as are not inconsistent with the purposes of this Permanent Deed Restriction. The installation, maintenance, and replacement of such utility lines, pipes, conduits, and structures (preferably placed underground) as may reasonably be required to provide utility services, including but not limited to water, sewer, electricity, and telecommunications, to the Premises and to Lot 2 and Lot 4 as shown on the Plan recorded herewith;

9. The conservation commission shall have the authority to grant slope easements and temporary construction easements in portions of Lot 3A for the construction of a roadway on Lot 3B.

Executed as a sealed instrument, **JUNE 16, 2008**

The Town of Mendon
By its duly authorized Board of Selectmen

[Signature]

DAVID BREEN
[Signature]

MICHAEL AMENDOLA
[Signature]

LAWNEY TINIO

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

On this 16 day of JUNE 2008, before me, the undersigned notary public, personally appeared * _____, proved to me through satisfactory evidence of identification, which was (~~not~~ a Driver License), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she/they) signed it voluntarily for its stated purpose.

* DAVID BREEN
MICHAEL AMENDOLA
LAWNEY TINIO

[Signature]
Notary Public:
My Commission Expires: 5-7-2012
ROBERT S. MANGIARATTI

** personal knowledge