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THIS SPACE RESERVED FOR REGISTRY OF DEEDS

CONVEYANCE OF OPEN SPACE
WITH CONSERVATION RESTRICTIONS

CHESTNUT FOREST SUBDIVISION

BARRINGTON, NEW HAMPSHIRE

KNOW ALL MEN BY THESE PRESENTS, that Chestnut Woods, LLC, a New Hampshire Limited Liability Company with a principal place of business at 7B Emery Lane, Stratham, New Hampshire 03855 ("Grantor", and shall, unless the context clearly indicates otherwise, include the Grantor's executors, legal representatives, devisees, heirs and/or assigns)

for consideration, hereby grants to **the Town of Barrington,** a municipal corporation with an address of 333 Calef Highway (Rte. 125), Barrington, NH 03825 ("Grantee", and shall, unless the context clearly indicates otherwise, include the Grantee's executors, legal representatives, devisees, heirs and/or assigns)

with QUITCLAIM COVENANTS, the premises located in Barrington, Strafford County, New Hampshire and shown as "Remaining Land" (hereinafter the "Premises") on a plan entitled "Subdivision Plan for Joseph Falzone, Tax Map 220, Lot 57, Route 125 & Tolend Road, Barrington, New Hampshire," by Doucet Survey, Inc., to be recorded in the Strafford County Registry of Deeds (the "Plan").

The Premises contains 63.84 acres according to the Plan.

SUBJECT TO such matters including but not limited to well easement(s) as set forth on the Plan.

CONSERVATION RESTRICTIONS APPLICABLE TO THE PREMISES

The Grantor declares and the Grantee accepts the Premises as open space, which is intended to be a buffer between the lots in the subdivision and abutting properties and are to remain in their natural state, including the preservation of perimeter landscaping.

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1. USE LIMITATIONS

A. The Premises shall be maintained in perpetuity as open space. It shall be managed as a buffer area to be maintained in its natural state, without there being conducted thereon any industrial, commercial, or residential activities, except as described below.

B. The Premises shall not be subdivided.

C. No structure or improvement, such as a dwelling, road, dam, or fence, shall be constructed, placed or introduced onto the Premises except such drainage facilities as may be approved by the Town of Barrington Planning Board and as shown on the Plan.

D. Subject to the permitted activities set forth in Section 3 hereof, no changes in topography, surface or sub-surface water systems, wetlands, or natural habitats shall be allowed that would harm state or federally recognized rare or endangered species. Otherwise, none of the aforementioned shall be allowed except as necessary in the accomplishment of the habitat management or conservation uses of the Premises.

E. The Premises shall be available for the use of and open to the public.

F. Stonewalls constituting property boundaries as presently existing shall remain undisturbed.

G. No outdoor advertising structures such as signs and billboards shall be displayed on the Premises except as necessary in the accomplishment of the conservation restrictions of the property and not detrimental to the purposes of these restrictions.

H. There shall be no mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, top soil, or other similar materials on the Premises. No vegetation removal shall be allowed unless such action is to remove dead, dying, dangerous, invasive or diseased plants.

I. There shall be no activities, actions or uses detrimental or adverse to water conservation, erosion control, soil conservation, and wildlife habitat.

J. There shall be no dumping, injection, burning, or burial of man-made materials or materials then known to be environmentally hazardous, including vehicle bodies or parts.

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3. PERMITTED ACTIVITIES.

Notwithstanding anything to the contrary contained herein, the following activities shall be permitted on the premises:

A. Invasive species may be removed.

B. The Premises may be used for walking, cross-country skiing, and snowshoeing.

4. ENFORCEMENT.

A. The Town of Barrington shall have reasonable access to the Premises and all of its parts for such inspection as is necessary to determine compliance with and enforcement of these restrictions.

B. Enforcement shall be via proceedings at law or in equity against any person or persons violating or attempting to violate these restrictions.

C. The Town of Barrington, and/or the Chestnut Forest Homeowners' Association, together or independently, shall have the right but not the obligation to enforce or prosecute by legal or equitable action any violation of the restrictions contained herein. If the Town of Barrington or the said Homeowners' Association prevails in any action to enforce these restrictions, it shall be entitled to collect from the violating party its reasonable costs, including attorney's fees, incurred in bringing said action.

D. The Conservation Restrictions contained herein may not be amended without the consent of the Planning Board of the Town of Barrington.

[*signature page follows*]

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IN WITNESS WHEREOF, Chestnut Woods, LLC has caused this document to be executed as a sealed instrument by its duly authorized manager on this ____day of _____, 2015.

Chestnut Woods, LLC

_____

By: Joseph Falzone, Duly Authorized Manager

STATE OF NEW HAMPSHIRE

_____, ss

On this ___ day of _____, 2015, before me, the undersigned notary public, personally appeared Joseph Falzone, duly authorized manager of Chestnut Woods, LLC, who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental 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, in the capacity indicated, and that he has the authority to sign in that capacity.

_____

Notary Public
My Commission Expires:

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