

N Declaration of Covenants and Restrictions
Woodbury Heights Subdivision, Phases 3 and 4
O F F I Auburn, Androscoggin County, Maine L
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This Declaration shall apply to all new lots which were approved as Phases 3 and 4 of the "Woodbury Heights, Subdivision" by the Auburn Planning Board, which are depicted on the recorded plan for said Phase 3 in the Androscoggin County Registry of Deeds in Plan Book 52, Page 3 and as depicted on the Phase 4 plan which is to be recorded in said Registry. This Declaration shall not apply to those lots of Woodbury Heights which were approved by the Auburn Planning Board prior to said Phases 3 and 4 and which are depicted on various recorded plans in said Registry in Plan Book 50, Page 197, Plan Book 51, Page 48, Plan Book 51, Page 119 and Plan Book 51, Page 167. All of the following covenants and restrictions shall run with the land, and shall be enforceable by B & M Developers, Inc. (hereafter "B&M") and any subsequent owners of lots deriving from said Woodbury Heights Phase 3 and 4 plans. All costs and fees, including attorneys' fees and costs, resulting from any enforcement action taken pursuant to this Declaration shall be paid by the prevailing party in said action. Said Phase 3 and Phase 4 plans shall collectively be referred to in this Declaration as the "Property", and any reference to "lot" or "lots" hereafter shall refer to any lot or lots deriving from the Woodbury Heights Phase 3 or Phase 4 Plans. RegKel LLC and WCB LLC join in this Declaration solely due to the fact that each entity currently holds title to portions of Phase 3 and Phase 4, respectively, of the Woodbury Heights Subdivision and concur with the content of this Declaration.

1. Residential Use. No lot within the Property shall be improved or used except for single-family or duplex residential purposes. Each lot shall be used only for residential and ancillary purposes, and no commercial, industrial, business or professional use or enterprise of any nature or description shall be allowed on the Property, unless: (a) such use is wholly confined to the interior of the residential structure located on the lot (such as a home office); (b) such use does not include the use of the lot by non-owner employees, (c) such use is not advertised on the lot; (d) the traffic, noise, odor and all other aspects of such use generated on the lot does not interfere with the enjoyment of the remaining lot owners within the Property; and (e) such use is in full compliance with all federal, state and municipal laws, codes, ordinances and regulations. No temporary structures, mobile homes, motor homes, carports or tents shall be used as a residence. No temporary structures, mobile homes, tents or carports shall be kept, maintained or stored on any part of any lot within the Property. Notwithstanding any provision in this Declaration to the contrary, B&M may place construction trailers and equipment on any lot which has not been sold or otherwise transferred to an arm's length third party purchaser.

2. Maintenance. All lots and buildings thereon, including all landscaping and lawns on any lot, shall be maintained in a neat and attractive manner and kept in good repair at all times. In addition to the foregoing, all lots owners shall have deemed to affirmatively permit B&M and its employees, agents, consultants and successors, including parties authorized by the Woodbury Heights Homeowners Association, to enter onto any lot without prior notice to the lot owner in order to address any issue relating to stormwater facilities, drainage, ditching or other related matter associated with Phases 3 and 4 of Woodbury Heights, which shall include, but in no way be limited to, all matters that were required by the Auburn Planning Board in its approval of Phases 3 and 4 of Woodbury Heights.

3. **Animals.** No livestock, animals or poultry, other than typical household pets (dogs and cats), shall be kept, maintained or allowed on any of the lots. No boarding or breeding kennels may be kept or maintained on any of the lots. Animals and pets shall not be a nuisance and shall be kept on their owner's lot. C O P Y

4. **Vehicles.** No business or commercial vehicles shall be brought upon, maintained or permitted to remain on any lot, except one (1) business vehicle normally used by a lot owner in his or her occupation, which vehicle shall be required to be garaged at all times when not in use. No unregistered or inoperable motor vehicles or trailers of any nature may be kept upon any lot unless such vehicle is stored in a garage or other fully enclosed and permitted structure. No tractor-trailers may be kept on any lot. Boats, motor homes, house trailers, recreational vehicles, camping trailers or similar vehicles must also be stored in an orderly, enclosed and permitted structure out of public view.

5. **Sport Vehicles.** No snowmobiles may be operated in any phase of Woodbury Heights Subdivision, including all roadways, with the sole exceptions however, being to use said roadways to directly reach a current snowmobile trail which may be located in part along or near the most northwesterly boundary of the Woodbury Heights subdivision and to operate snowmobiles only upon said trail. All all-terrain vehicles, motor bikes, go-carts, snowmobiles, jet-skis, wave runners or other like sports vehicles shall be stored either in a garage or other fully enclosed and permitted structure or out of plain view from both any other Woodbury Heights lot owners or roads.

6. **Nuisances.** No owner of a lot shall do or permit to be done any act upon the lot, which is, may be, or may become a nuisance as defined by state or municipal law, code, ordinance or regulation.

7. **Construction.** The initial dwelling and any permitted ancillary building to be constructed on any lot must be constructed by B&M or any successor thereto. B&M shall have sole and exclusive discretion as to the location of the dwelling, the type and style of architecture, and the type and quality of the building materials used. Any sheds or outbuildings of any nature shall be built of style and material similar to the dwelling structure. B&M shall also have the sole and exclusive authority to approve the locations, type and style of any expansions or remodeling of houses on any lot and the quality of materials to be used. The provisions of this Section 7 are necessary to maintain consistency with the structural types, styles and quality that currently exist on those lots of the Woodbury Heights subdivision that were constructed prior to the approval of Phases 3 and 4 of said subdivision.

8. **Trash.** No lot shall be used or maintained as a dumping ground for rubbish, trash, junk, cuttings or other refuse. Trash, garbage or other waste shall be kept in sanitary containers. Such containers shall not be visible from the street or from any other lot, except for limited periods that coincide with trash collection.

9. **Antennas.** Antennas or satellite dishes larger than 24" in diameter are not permitted, and any permitted antenna or satellite dish must be mounted on the residential structure

within each lot. Permitted antennas or satellite dishes shall not extend beyond the roof of any residential structure by more than two (2) feet.

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10. Miscellaneous. Clotheslines and drying racks shall be screened or located so as not to be visible from any point on public roadways or adjacent lots

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11. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

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Dated this 7th day of June, 2018

B & M Developers, Inc.

By: Reginald Bouffard
Reginald Bouffard, President

WCB LLC

By: Kyle Bouffard
Kyle Bouffard, Member

RegKel LLC

By: Kelsey Bouffard
Kelsey Bouffard, Member

State of Maine
Androscoggin, SS

June 7, 2018

Now come **Reginald Bouffard**, President of **B & M Developers, Inc.**, **Kyle Bouffard**, duly authorized Member of **WCB LLC**, and **Kelsey Bouffard**, duly authorized Member of **RegKel LLC**, and each of them acknowledged the foregoing to be their free act deed in each of their above stated capacities and the free act and deed of each of the entities herein referenced.

Before me,

K. Alexander Visbaras
K. Alexander Visbaras, Esq., Attorney at Law

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