

DECLARATION OF RESTRICTIONSKMP&E, 9/5/86
Draft #2OLCOTT COMMERCE PARKWILDER, VERMONT

Olcott Corporation, as Owner of land commonly known as the Olcott Commerce Park and also known as the "Hartford Industrial Park" (hereinafter "the Park"), situated easterly of U.S. Route 5, westerly of the southbound lane of Interstate 91, and abutting and immediately southerly of the Hartford/Norwich, Vermont town boundary line, in said Town of Hartford, County of Windsor, State of Vermont, does hereby declare and establish this "Declaration of Restrictions" to be in effect for all owners and occupants of land within the Park.

I. LOCATION: The land subject to this "Declaration of Restrictions" is that certain parcel of land conveyed to Lotus Enterprises, Inc., predecessor corporation of Olcott Corporation (hereinafter "Developer"), by warranty deed of Norwich Associates, Inc., dated March 20, 1980, and recorded in Book 89, Pages 619-20 of the Hartford Town Land Records. Said parcel is more particularly described on the plan entitled "Subdivision of A. B. Farrell, Hartford - Norwich, Vt.", drawn by T & M Surveys of Lebanon, N.H., dated March, 1973. Said parcel constitutes the Park.

II. PURPOSE: In order to insure compatability among owners, occupants and the adjacent community, these restrictions and standards are established in addition to the zoning by-laws and regulations, subdivision regulations and other ordinances of the Town of Hartford, and environmental and other statutes and regulations of the State of Vermont. These restrictions are established to insure that all buildings, landscaping, and other physical characteristics of properties

within the park confines are well planned, constructed, and maintained to create a harmonious setting.

III. USES: The Park shall be restricted to commercial or industrial uses. No husbandry of either animals or fowls shall be conducted or maintained on any lot. No site or lot shall be used for any purpose or business which is considered dangerous or unsafe, or which constitutes a nuisance, or is noxious or offensive by reason of emission of dust, odor, gas, smoke, fumes or noise. No lot shall be used as a junkyard.

IV. APPLICATION: These standards, restrictions, covenants and conditions apply to all owners and occupants of land within the Park and run with the land in perpetuity (except for any overriding regulation, ordinance or law of the municipality of Hartford or the State of Vermont) and as to each lot in the Park shall be deemed to benefit the Developer and the owners and occupants of all other lots in the Park, except as hereinafter specifically limited.

V. UTILITIES: All utilities shall be underground, including but not limited to power, telephone, cable television, radio or other conduit or wiring. All sanitary and industrial wastewater shall be connected to municipal service, unless otherwise prohibited by the town, in which case such waste shall be removed from the site for disposal. Parking lot and roof drains will be connected to the municipal storm water system where provided.

Sanitary and industrial waste flowing into and through the municipal service system shall meet such standards as may be set by the municipality whose system services the Park. There shall be no private

onsite water or sewer systems within the Park. Lot owners shall bear the expense of connecting to utilities.

VI. BUILDING DESIGN, CONSTRUCTION, AND LANDSCAPING:

A. Materials

All buildings shall be finished with one or more of the following materials: Brick, Stone, Porcelain Enamel, Stucco, Glass, Precast Artificial Stone, Precast Painted or Exposed Aggregate Concrete. Buildings may be of pre-engineered steel construction. Building fronts may utilize wood finish, or equivalent material approved by the Review Committee.

B. Color

Colors shall be earthtones, such as beige or brown, and shall not be black, white or colors other than earthtones. No aluminum colored metal will be allowed.

C. Yard Clearance

For purposes hereof, the front property line shall be that lot line or lines abutting the Park access road or cul de sac. Main buildings shall be constructed no closer than forty (40) feet from the front property line for lots 1, 2, 3, 4, 5 and 6 and no closer than fifty (50) feet from the front property line for lots 7 and 8. Main buildings shall be constructed no closer than twenty (20) feet from any side or rear lot line. No main building shall be constructed within forty (40) feet from the right-of-way of Vermont Route 5. Any garage, storage structure or other accessory building construction in the side or rear yard of a lot shall be only as allowed by the Hartford Zoning Regulations and shall be adequately screened with plantings listed in Section M hereof and shall be

subject to prior written approval by the Review Committee. Fences may be used in conjunction with plantings subject to Review Committee approval. No outside storage will be allowed without prior written approval of the Review Committee in each instance, and then only with adequate screening. All buildings and grounds shall be maintained in good appearance and condition.

D. Parking

Off street parking will be provided by each owner or occupant onsite in quantities required by the Hartford Zoning Regulations. The parking area shall be surfaced with asphalt, cement or other hard surface paving, but crushed stone driveways and parking areas shall be allowed for a period of two (2) years after construction before installation of hard surface paving. Parking shall be set back from the Route 5 right of way by a minimum of thirty (30) feet and shall be a minimum of twenty (20) feet from the front property lines on lots 1 through 7, inclusive, and thirty (30) feet from the front property line on lot 8 (the south side of the access road right of way). Parking arrangements shall be considered as part of the general landscaping and circulation design of the buildings and shall be subject to Review Committee approval. Parking lots will be designed to include landscaping and screening necessary and appropriate to enhance contiguous and adjacent properties.

E. Loading and Unloading

Truck loading and unloading will be provided only at the rear of any building with adequate turning radius and ramp area to support the receiving and shipping functions of the facility. Loading and

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unloading may be permitted at front or side locations if adequate screening is provided, subject to approval by the Review Committee. Trash collection shall occur at the rear or side of any building with adequate screening and prior written approval by the Review Committee.

F. Building Area

All buildings combined shall not cover more than forty percent (40%) of the area of any lot and all buildings and storage areas combined shall not cover more than sixty percent (60%) of any lot, subject to approval by the appropriate municipal authority under any applicable zoning, subdivision or other municipal ordinance or by-law.

G. Subdivision

No parcel of land in the park, after being purchased from Developer, may be further subdivided.

H. Fences

Fences shall be constructed of a material and in such a manner and location as shall be approved by the Review Committee.

I. Signs

A Park Directory will be provided at the park entrance. No further signs or logos shall be erected other than directional signs of predetermined dimensions on the setback allowance as defined in Section VI-C: Company logos and signs may be erected on the facade or wall of the building below eave height with the approval of the Review Committee. The property owner and occupant shall integrate signage with building architecture. Individual applied letters are preferred and shall be used where possible. Company symbols shall

not exceed twenty (20) square feet in area. Lighting of signs may only be accomplished by use of flood or spot lights. Non-white backlit signs will be permitted if approved by the Review Committee. Flood or spot lights will not be directed to illuminate outside the property limits of the owner. The method of lighting of these signs will be restricted to avoid bright, glaring or moving signs. Temporary signs, if in accordance with local and State regulation, shall not exceed twenty (20) square feet in area, may be erected in the front yard of a parcel, at least twenty-five (25) feet from the abutting edge of the travelled portion of the street or road which the sign will face. The temporary sign shall be removed not later than the date of erection of a sign on the building or ninety (90) days after the substantial completion of the building, whichever occurs first.

J. Exterior Lighting

All exterior lighting shall be cut-off luminaire type or indirect luminaries. The intent is to provide adequate illumination for parking, access to buildings and to discourage vandalism. Cut-off luminaries and indirect lighting are mandated in an effort to insure that light does not spill onto abutting properties or off site, and to reduce glare in general. All bulbs shall be H.I.D. Metal Halide, to insure a cohesive appearance of the park at night, and to avoid the poor color renditions of other H.I.D. bulb types. Parking lighting shall have a twenty-five (25) foot maximum mounting height.

K. Energy Guidelines

All buildings will meet or exceed the intent and requirements of

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ASHRAE 90-1980. All buildings will meet or exceed requirements of sections 1 through 9 of the standard, meet the requirements for the building exterior envelope, HVAC systems, HVAC equipment, water heating and energy distribution systems and the lighting power budget as described in sections 4 through 9. Exceptions will be allowed as permitted in the standard.

Alternately, buildings may meet the intent of the 90-1980 standard by conforming with the requirements of section 10. The annual energy consumption shall be shown to be equal to or less than a similar building which meets the requirements of section 1 through 9 of the standard.

Main entries shall have vestibule arrangements and commercial loading docks shall be fully weatherstripped and have insulated doors.

L. Water Conservation

All buildings shall use water saving fixtures except where such use is prohibited by code or where shown to be detrimental to the proper use of the facility. These fixtures shall include but are not limited to low flow water closets, sink aerators and low flow shower heads. Kitchen faucets and all shower heads shall be restricted to 3 g.p.m. at 20-80 p.s.i. flowing. Water saving flush valve water closets or low flow flush tank-type water closets with usage less than 3.5 gallons per flush shall be used.

Lavatories in restrooms of public facilities shall meet the requirements of ASHRAE standard 90A-1980 section 7.7.2. Generally all fixtures shall meet BOCA plumbing code and ASJRAE 90-1980 requirements.

M. Landscape - Planting

Planting shall be of quantities equal to or exceeding the requirements of the Hartford Zoning Regulations. To ensure continuity of planting with surrounding area, plants shall be chosen from the following list of indigenous trees and shrubs. The list has been expanded to include three non-native low-maintenance ground covers which would be compatible with the existing plant material.

Trees:

Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Betula papyrifera	White Birch
Fagus grandifolia	American Beech
Quercus rubra	Red Oak
Tilia americana	Basswood
Abies balsamea	Balsam Fir
Pinus strobus	White Pine
Tsuga canadensis	Canadian Hemlock

Shrubs:

Cornus stolonifera	Red Osier Dogwood
Hamamelis virginiana	Witch Hazel
Prunus sp.	Cherry
Spiraea sp.	Spiraea
Taxus canadensis	American Yew
Viburnum sp.	Viburnum

Ground Cover:

Hedera helix baltica	Baltic Ivy
Parthenocissus tricuspidata	Boston Ivy
Vinca minor	Periwinkle

N. Landscape - Maintenance

The program of maintenance, to begin after planting is completed, shall include:

- provision for irrigation of plants as required.
- supervision of slopes to guard against erosion and to repair any slope damage.

- provision for the removal and replacement of dead plants.
- provision for mowing, pruning, and disease control measures as required.

D. Landscape - Planting Plan

As a part of site design the planting shall be subject to Design Review Committee approval. As a part of required plantings the owner or occupant shall plant and maintain *Quercus rubra* (Red Oak) at a spacing of 40' o.c. along the front property line. These are to be matched specimens relating to other *Quercus rubra* previously planted along the access road.

VII. REVIEW COMMITTEE: The Developer shall serve as a Review Committee to scrutinize proposed plans for construction within the Park, monitor maintenance of sites and conformance to covenants, agreements and conditions. The Developer may delegate the above responsibilities to designated agents.

VIII. ADMINISTRATIVE PROCEDURES: It shall be the responsibility of the owner and occupant of land within the Park to submit site and construction plans to the Developer for review and evaluation as to their compliance with the foregoing covenants and restrictions. No building, exterior sign, fence or other structure shall be erected, expanded, or otherwise modified with regard to exterior structural alterations or additions except pursuant to plans approved in writing in advance by the Review Committee as to landscaping and architectural conformity to the requirements of this "Declaration of Restrictions". In order to insure compliance with the intent of this "Declaration of Restrictions" and its rules and regulations, a preliminary plot plan (showing all land use), preliminary plans showing all elevations, and a

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general description of the proposed use of the premises must be submitted to the Review Committee for written approval prior to the start of construction. There shall be no significant deviation from the plans unless re-approved in advance in writing by the Review Committee. The Review Committee may from time to time, by written instrument, grant variances from application of particular provisions of this "Declaration of Restrictions" for particular buildings or sites where, in the opinion of the Review Committee, as certified in the instrument, desirable relief can be granted without substantial detriment to the development of the Park as a planned industrial/commercial park and without substantial detriment to the portions thereof theretofore built upon.

IX. ENFORCEMENT: Enforcement and remedies under this "Declaration of Restrictions" shall be by proceeding in equity or at law to restrain violations, or to recover damages and costs, including Attorney's fees. The owner or owners and occupant or occupants of each lot shall be jointly and severally liable for any violations of this Declaration and shall be subject to the remedies herein provided, which shall be cumulative and not exclusive or elective. Any construction, other than exterior signs, driveways, parking areas, grading and landscaping, completed for more than one (1) year, shall be deemed to comply, unless proceeding for enforcement has theretofore been commenced and notice thereof recorded appropriately to affect the record title to the land where the construction is occurring. Failure to enforce any restriction or provision of this "Declaration of Restrictions" shall not, except as provided above in this paragraph, be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto. Invalidation by judgment of Court of any one of

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said restrictions or provisions or any act done pursuant thereto shall not affect any other restriction or provision of this "Declaration of Restrictions" or act done pursuant thereto as herein provided, which shall remain in full force and effect. No occupant or owner other than the Review Committee may enforce these restrictions with respect to land which is more than five hundred (500) feet distant from his land.

X. AMENDMENT: These restrictions may be amended by the Review Committee with the consent of a majority of the occupants of the Park, and, when applicable, by the consent of the Town of Hartford Planning and Zoning Agencies.

IN WITNESS WHEREOF, a duly authorized corporate officer of Olcott Corporation has, for the corporation and its successors and assigns, signed this Declaration.

Dated at Hartford, Vermont, this 12th day of October, 1986.

Michael Conway Earle M. Simpson, Jr. - (Pres)
Donald R. Powers Earle M. Simpson, Jr., President

STATE OF VERMONT)
 WINDSOR COUNTY) SS.

At Town of Hartford, this 12th day of October, 1986,
Earle M. Simpson, Jr., Pres., personally appeared before me and acknowledged this instrument to be his free act and deed and the free act and deed of Olcott Corporation, and affixed seals hereto.

Donald R. Powers
 Notary Public
 My Commission Expires: 2-10-87

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Hartford Town Clerk's Office December 10, 1986 at 10:00 A.M. received the instrument of which the foregoing is a true record.

Attest: Mary C. Hill Asst. Town Clerk