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FORM 4

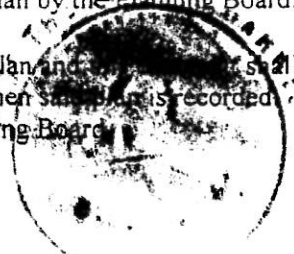
AGREEMENT AND COVENANT

Date: March 25, 2003

KNOW ALL PEOPLE by these presents that the undersigned has submitted an application dated **October 8, 2002**, to the Harwich Planning Board for approval of a definitive plan of a subdivision of land entitled: **Definitive Subdivision Plan of Land of Uncle Jack's Woods in Harwich Massachusetts**, plan by **Terry A. Warner, PLS and JC Engineering**, dated **October 3, 2002, revised 11/08/02, revised** and owned by **David and Carol Legendre**, address 240 Church Street, E. Harwich, MA 02645, land located at 240 Church Street, and showing 6 proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Harwich in the county of Barnstable, Massachusetts, approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of Harwich as follows:

1. The undersigned is the owner of record of the premises.
2. This covenant shall run with the land and be binding upon the undersigned and the executor, administrators, heirs and assigns of the undersigned and their successors in title to the premises shown on said plan.
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the rules and regulations of said Board as modified and amended by the plans and profiles submitted by the undersigned and approved by the said Board on the **26 day of November, 2002**, and by the agreement made by the covenantor dated **March 25, 2003** before such lot may be built upon or conveyed, other than by mortgage deed provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject to that portion of this covenant which provided that no lot shall be built upon until such ways and services have been provided to serve such lot.
4. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, or either the entire parcel or land shown on said subdivision plan or of all lots not previously released by the Planning Board.
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.



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The following are further agreements and/or conditions of approval:

Condition:

No variances from Title 5 shall be granted per the Harwich Board of Health and such a note shall be placed on the definitive plan prior to endorsement.

Waivers:

The following waivers were approved relative to §1 of the Rules and Regulations Governing Subdivision of Land and Major and Minor Site Plans (January 1997)

- 1. §1.IV.A(2.a) Design Standards for Street and Roadways: to allow a road width of 40' where 50' is required.
- 2. §1.IV - Table 1: to allow a minimum centerline offset of 100' where 125' is required.

Witness our hands and seals this 7th day of March, 2003

David Lynde Carol Legendre
 Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

Date March 7, 2003

Then personally appeared the above named David Legendre and Carol Legendre and acknowledged the foregoing instrument to be his free act and deed, before me,

Carole Masar
 NOTARY PUBLIC

My Commissioner expires July 4, 2008

Planning Board Signatures:
W. J. Dadd
James S. Egan
Bruce W. Nightingale
Angela H. Martin

Date: 3/25/03
Laurence E. Begley
William J. ...
Gregory H. ...

MAY 8 2003
 CLERK OF
 HARWICH, MASS.