

DEED RESTRICTION

It is the responsibility of the applicant to record the required deed restriction in accordance with 310 CMR 15.000, Title 5. The following is a suggested format, but the final document should be approved by your attorney prior to recording. It is not the responsibility of the Board of Health to provide a legal document for a chain of title issue.

NOTICE OF VARIANCE/DEED RESTRICTION/RESTRICTIVE COVENANTS

Pursuant to 310 CMR 15.000, Title 5 of the State Environmental Code, and as a condition of the Essex Board of Health, notice is hereby given that the real estate located at _____ in Essex, Massachusetts (a.k.a. Assessor's Map ___ Parcel ___) as described in a deed from _____ to _____, dated and received in the _____ County Registry of Deeds in Book ___ and Page ___ and a Document No. _____ is the subject of a restrictive covenant required by the Essex Board of Health and 310 CMR 15.000 of the State Environmental Code. The following restrictive covenant shall apply: No additional flow of added bedrooms shall be introduced to the sanitary system associated with the existing _____-bedroom residence. Any increase in flow, pursuant to 310 CMR 15.352, to the septic system requires a septic system expansion and compliance with the standards of new construction.

The restrictive covenant set forth herein shall remain in effect for the maximum purpose permitted under Massachusetts law, unless sooner amended or terminated by consent of the Essex Board of Health or the Massachusetts Department of Environmental Protection.

The provisions contained herein shall run and bind the owners of the land and their heirs, devisees, legal representatives, successors and assigns.

Signed and sealed this _____ day of _____, _____.

Signature of Owner(s)

COMMONWEALTH OF MASSACHUSETTS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, provided to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Signature and Seal of Notary

My Commission Expires