

USE RESTRICTIONS

ACADIA FROM BAILEY MOUNTAIN HOMEOWNERS ASSOCIATION

Adopted October 14, 2020
And As Amended December 9, 2023

ARTICLE I: COVENANTS AND RESTRICTIONS OF SUBDIVISION FORMED BY WICKED GOOD VIEW, LLC:

The following is a restatement without amendment of the “Covenants and Restrictions” as shown on the Subdivision’s Plan and as further recorded in that certain “Declaration of Covenants and Restrictions of Wicked Good View, LLC Subdivision and Acadia From Bailey Mountain Homeowners Association”, dated as of August 3, 2020, and as recorded in the Hancock County Recorder of Deeds Registry in Book 7042, Page 707 (Document #2020030530) on August 4, 2020 (the “**Declaration**”):

“This deed is subject to the following covenants, which are to run with the land and be binding upon the Grantees, their heirs, and assigns.

1. **Single Family.** The premises may only be used for single-family residential housing. Only one single-family dwelling shall be permitted on the premises, together with the usual and appropriate outbuildings appurtenant to said use.
2. **Mobile Homes.** No mobile homes will be allowed on the lots.
3. **Signs.** No sign on the premises may exceed 2’ x 4’.
4. **Limited Right of Way.** Use of the rights-of-way granted herein, or applicable to this subdivision, is for the purpose of utility services, ingress and egress by Grantee, its successors, heirs and assigns, and their guests and invitees.
5. **Weather Tight Buildings.** All buildings on the premises must be maintained in a weather tight condition.
6. **Property Maintenance.** The premises and all buildings and improvements thereon shall be kept and maintained by the Grantee, its successors, heirs and assigns, in a neat, clean, safe, attractive, and sightly condition, and in good repair.
7. **Unregistered Vehicles.** Not more than one unregistered vehicle will be allowed on the premises at one time.
8. **Subdivided.** No lot shall be divided or subdivided.
9. **Minimum Building Size.** The minimum residential building size on the premises shall be 1,600 square feet, exclusive of garage and basement.
10. **Setbacks.** Any building structure to be located on the lot shall conform to side lines and setback lines as follows:
 - a. Minimum setback from front shall be at least 55 feet from centerline of road.

- b. Minimum setback from sidelines shall be twenty-five (25) feet.
 - c. Minimum setback from rear property line shall be twenty-five (25) feet.
11. **Completion.** Completion of the exterior of any structure shall be completed within one (1) year from start of construction. Landscaping shall be completed within one (1) year from the completion of the first building erected on the lot. *[Note: by vote of the Board of Directors and Members on December 9, 2023, the one year period has been increased to two years, and the same vote approved amending the Declaration reflecting this change if needed.]*
 12. **Regulations.** Lots are subject to all other zoning regulations and building codes of the Municipality of Franklin, Maine.
 13. **Animals.** No poultry, swine, livestock, or other animals shall be kept on the property, except household pets of the kind and number normally housed in a residence. All pets shall be restrained so as not to become noisome or offensive to neighbors and shall not be allowed off of their owner's lot, except on a leash or other restraining device."

ARTICLE II: ADDITIONAL USE RESTRICTIONS.

In addition to the Covenants and Restrictions shown on the Plan and restated above without amendment, the Association hereby adopts the following additional use restrictions on the Subdivision property:

1. **Single-Family Residential Use; Garage Apartments; No Commercial Use.** Single-family residential use may include a garage apartment within a garage as an appropriate outbuilding appurtenant to such single-family residential use; provided that such apartment is not rented to an unrelated third party unless approved by the Association. No lots shall be used to provide commercial or professional services open to the public; provided, however, that home office and professional use of the premises shall be permitted as long as the principal use of the lot is single-family residential and provided that such office or professional use does not involve frequent ingress and egress of customers, clientele or large commercial trucks unless approved by the Association.
2. **Building Designs.** All proposed structures shall be approved by the Association prior to construction and shall be of a design compatible in appearance with other existing structures. Lot development and building construction shall not result in the disruption of water drainage so as to adversely affect other person's lots or damage the Association roads, and proper culverts shall be installed at lot owner's expense when accessing the Association roads and as approved by the Association. Modern, contemporary, traditional, and other building construction designs will be permitted on the condition that they are visually non-obtrusive and fit naturally into the landscape. All exteriors must be primarily of either wood (including composites that have superior qualities to wood and that do not have a materially inferior look to wood) or cement (stucco type), painted or stained in natural colors such as green, brown, slate, grey, dark red, or off-white. Trim must be of a subtle and complementary color to the body of the house. Roofing materials must be of natural colors including dark red, dark blue, dark green, dark brown, slate, black, or unpainted metal as currently constructed.
3. **No Junk Vehicles; Storage.** No junk or abandoned vehicles or other junk machinery or sightly or hazardous debris shall be stored on any lot without approval of the Association.
4. **No ATVS or Snowmobiles; Storage.** The use of ATVs, motorcycles, and snowmobiles is prohibited within the Subdivision without approval of the Association. The storage or parking of ATVs, motorcycles, snowmobiles, jet skis, boats, fishing traps and equipment, machinery, or unused building materials must not be clearly visible from the Subdivision road or land of other lot owners without approval of the Association.

5. **No Cell Towers.** No cell towers or other towers or similar structures of any kind shall be permitted within the Subdivision. Satellite dishes, standard home-sized antennas or other receivers shall be permitted, provided that the size and position are within limitations that may be established by the Association from time to time.
6. **No Clear Cutting.** Clearing and cutting of trees is limited so that no portion of a “private barrier” within the setback area between homes may be cut without consent from the abutting lot owner(s) and the Association; provided, however, that nothing in these Use Restrictions shall prevent the Declarant (as defined in the Declaration) from any necessary or appropriate lot development, determined in the Declarant’s discretion and without prior consent by or notice to the Association, in preparation for sale of lots.
7. **No Nuisance.** No lot owner or their invitees, guests, or agents, shall maintain a nuisance under with Maine statutory or common law.

ARTICLE III: Enforcement. The Association may enforce violations of these Use Restrictions in accordance with the Declaration and the procedures adopted by the Association in its Bylaws, as long as the Association has provided written notice to the offending lot owner and provided that such lot owner has an opportunity for a meeting or discussion with the Association in order to seek resolution prior to any further enforcement action.

ARTICLE IV. Amendment. These Use Restrictions may be amended in accordance with the Association Bylaws.

IN WITNESS WHEREOF, the Association has adopted these Use Restrictions in accordance with the Association Bylaws effective as of October 14, 2020, and as amended as of December 9, 2023.

ACADIA FROM BAILEY MOUNTAIN HOMEOWNERS ASSOCIATION

By: _____
Name: Jay Willmott
Title: President
Date: As of December 9, 2023

Attest:

By: _____
Name:
Title:
Date: As of December 9, 2023

COVENANTS & RESTRICTIONS

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GENERAL NOTES:

1) SOURCE DEED:

DALE HENDERSON LOGGING, INC. TO WICKED GOOD VIEW, LLC, DATED NOVEMBER 11, 2000,
RECORDED IN BOOK 2988, PAGE 269 OF THE HANCOCK COUNTY REGISTRY OF DEEDS.

2) TOTAL SUBDIVISION AREA = 29.50 ACRES ±

PARCEL ACREAGE = 101.56 ACRES ±

RIGHT-OF-WAY ACREAGE = 4.24 ACRES ±

LOT ACREAGE = 25.26 ACRES ±

3) ALL BOOK AND PAGE NUMBERS REFER TO THE HANCOCK COUNTY REGISTRY OF DEEDS.

4) RETAINED LAND NOT TO BE OFFERED FOR SALE OR LEASE TO THE GENERAL PUBLIC FOR
A PERIOD OF AT LEAST FIVE (5) YEARS FOLLOWING THE RECORDATION OF WICKED GOOD
VIEW SUBDIVISION PLAN.

5) THE LOCATIONS OF THE BOUNDARY LINES ABUTTING THIS SUBDIVISION ARE BASED ON A
BOUNDARY SURVEY CONDUCTED IN MARCH 2004, BY CES, INC.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY THE SUBJECT SUBDIVISION AREA HEREON IS SITUATED IN ZONE X AS
DEPICTED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 230282-0015B
WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 1991. THE MAP DOES NOT INDICATE THAT
THE PROPERTY IS SUBJECT TO A SPECIAL FLOOD HAZARD AREA ASSOCIATED WITH THE 100
YEAR FLOOD.