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HOBBS BROOK FARM CLUSTER SUBDIVISION - LINCOLN, MASSACHUSETTS

FIRST AMENDMENT OF DECLARATION OF EASEMENTS, COVENANTS, RESTRICTIONS AND HOMEOWNERS' ASSOCIATION

Hobbs Brook Farm Property Company Limited Partnership, being the Developer referenced in the Declaration of Easements, Covenants, Restrictions and Homeowners Association Governing the Hobbs Brook Farm Cluster Subdivision – Lincoln, Massachusetts dated May 8, 2003, and recorded with the Middlesex South Registry of Deeds as instrument no. 1491 on May 16, 2003, (hereinafter the "Declaration") who is the owner of each of the Lots shown on a definitive plan of a subdivision of land entitled, "Hobbs Brook Farm Cluster Design Plans In The Town Of Lincoln, Massachusetts," prepared by Design Consultants, Inc., and dated March 3, 2003 and recorded in the Middlesex South Registry of Deeds as Plan 411 of 2003, in Book 39128, Page 193 (hereinafter referred to as the "Plan"), hereby amends the Declaration, pursuant to paragraph 5.2 thereof, by deleting Paragraph 1.7 thereof, and substituting in its place the following new paragraph 1.7: * 39218-210

1.7 "Gross Floor Area" shall mean the sum, in square feet, of the horizontal interior areas of all floors of a building or structure, or several buildings or structures on the same Lot, measured from the exterior face of exterior walls, or from the center line of a party wall. Gross Floor Area shall include the portion of any attics suitable for human habitation and all gross floor area within private garages and other accessory structures, but shall not include basements.

The "portion of any attic suitable for human habitation," for purposes of calculating Gross Floor Area, shall be that portion of an attic with headroom of 6' 8", or greater.

The "basement," for the purposes of calculating Gross Floor Area, shall be that portion of a building which is partly or completely below grade. A basement shall be considered a first story above grade where the finished portion of the floor above the basement is: (1) more than six feet above the grade plane[1], (2) more than six feet above the finished ground level for more than 50% of the total building perimeter, or (3) more than 12 feet above the finished ground level at any point.

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[1] The "grade plane," for the purpose of calculating gross floor area only, is a reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.

Except as modified by this instrument, the Declaration is hereby ratified and confirmed as of this date.

THOMAS FRISARDI, ESQ.
DAVIS MALM & D'AGOSTINE, PC
ONE BOSTON PLACE, 37TH FL.
BOSTON, MA 02108

Executed as an instrument under seal at Lincoln, Middlesex County, Massachusetts this 12th day of January, 2004.

Hobbs Brook Farm Property Company Limited Partnership

By its General Partner:
The Hobbs Brook Corporation

By: _____
Christina Reiling Breiter, President

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this day 12th of January, 2004, before me, the undersigned notary public, personally appeared Christina Reiling Breiter, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, that it is the free act and deed of the Hobbs Brook Corporation, as the General Partner of the Hobbs Brook Farm Property Company Limited Partnership and that it is the free act and deed of the Hobbs Brook Farm Property Company Limited Partnership.

_____
Notary Public:
My Commission Expires:

LEAH MILLER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 14, 2010

The Lincoln Planning Board, acting pursuant to the Special Permit, R-1 Cluster Subdivision, Property Located on Cambridge Turnpike, Lincoln, MA dated January 22, 2003 and recorded in the Middlesex South Registry of Deeds on November 26, 2003 as instrument no. 1472, voted at a duly called and properly posted meeting of said Planning Board held on January 7, 2004 to approve the First Amendment of Declaration of Easements, Covenants, Restrictions and Homeowners' Association as set forth above.

LINCOLN PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this 15 day of January, 2004, before me, the undersigned notary public, personally appeared David Ries, proved to me to be that person through satisfactory evidence of identification, which was a Massachusetts Drivers License, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Planning Board.

Nancy J. Zuelle
Notary Public Nancy J. Zuelle
My Commission Expires: April 1, 2005

Attest. Middlesex S. Register