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Woodstork Watch LLC

Declaration of Covenants and Restrictions

Lots 2 through 19 Stonehill Farm

Parcels:	40-09-0529-275	40-09-0529-276	40-09-0529-277
	40-09-0529-278	40-09-0529-279	40-09-0529-280
	40-09-0529-281	40-09-0529-282	40-09-0529-283
	40-09-0529-284	40-09-0529-285	40-09-0529-286
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	40-09-0529-290	40-09-0529-291	40-09-0529-292

WOODSTORK WATCH LLC
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE PRESERVE AT STONEHILL FARM

A. PREAMBLE

Woodstork Watch, LLC ("Owner") is the owner of Lots 2 through 19 as noted on the Final Subdivision and Land Development Plan ("Plan") for Stonehill Farm as recorded in the Cumberland Count Recorder of Deeds Office at Instrument No. 201710875. This Declaration of Building and Use Restrictions shall apply to Lots 2 through 19 of the Plan in perpetuity and shall be in addition to and further subject to any and all Restrictive Covenants and notes set forth on the Plan and included in the Restrictive Covenant Agreement executed between Owner and South Middleton Township as recorded in Cumberland County Recorder of Deeds Office at Instrument No. 201713036.

B. RESTRICTIONS

The Owner hereby declares that the following Building and Use Restrictions shall apply to Lots 2 through 19 of the Plan:

- 1. No dwelling house shall be erected or placed on any lot until the proposed builder and the building plans and specifications have been submitted to and approved in writing by Owner, or a designee whom the Owner may appoint from time to time, or their successors or assigns (any or all of whom shall be hereinafter be referred as "Approving Party"). The Approving Party may, upon any grounds, including, but not limited to purely aesthetic reasons, deny approval of any builder or building plans. Said approvals shall be at the sole discretion of the Approving Party. It is specifically noted that bi-level residences will not be approved.**
- 2. No alterations to the exterior appearance of any dwelling house shall be made without approval of the Approving Party, which shall not be unreasonably withheld. One copy of all plans and specifications including the identity of the builder shall be furnished to the Approving Party for its records. In the event that the Approving Party fails to approve or reject in writing any builder and/or plans submitted under**

this paragraph or paragraph 1 above within 30 calendar days of said submission date, which shall be noted in writing by the Approving Party on a set of plans to be retained by the submitting party, said builder and/or plans shall be deemed to be approved and construction may be carried out in accordance with them, subject to all other protective covenants, reservations and restrictions contained herein.

- 3. All lots shall be used for residential purposes only subject, however, to a home occupation to be conducted on the lot as such home occupation may be consistent with the Zoning Ordinance of South Middleton Township and as approved by the Zoning Hearing Board of South Middleton Township. Commercial or industrial uses shall not be permitted on any lot.**
- 4. No trailer, mobile home or similar structure may be located on any lot, temporarily or permanently, for any use whatsoever.**
- 5. No basement, garage, vehicle or structure of the temporary character shall be maintained or erected within the said subdivision and used as a residence or living quarter either temporarily or permanently.**
- 6. No advertising or display sign except an approved home occupation sign as permitted by South Middleton Township shall be erected, placed or maintained within the said subdivision other than the customary for rent and for sale signs when the same pertains to the premises on which they are erected.**
- 7. Sidewalks must be constructed on each lot as required by South Middleton Township. Each lot owner shall install or cause to be installed one American Red Oak tree for each full or partial 2000 square feet of house footprint in a location set forth on the land use development plan.**
- 8. All houses constructed within the development shall contain minimum living area as follows: two-story dwellings shall have a minimum of 2200 square feet; Cape Cod dwellings shall have a minimum of 2000 square feet; and one floor dwellings shall have a minimum of 2000 square feet. Each house, regardless of style, shall be built with an attached two car garage, but the area of said garage and any basement area shall not be included in computing minimum living area.**

9. **Certain lots are subject to on-lot drainage easements to facilitate continuity in storm water runoff flows between individual building lots within the final subdivision/land development plan of the Preserve at Stonehill Farm. The construction or placement of any building, accessory building, fence or other structure and the planting of trees or shrubbery within any such drainage easements are prohibited. The lot owner shall be responsible for maintenance of the easement to assure that the storm water management plan for the Preserve at Stonehill Farm is at all times compliant with South Middleton Township requirements.**
10. **Nothing shall be done within the subdivision of the Preserve at Stonehill Farm which may be or become an annoyance or nuisance to the neighborhood. It shall specifically be the responsibility of each lot owner to prevent the development of any unclean, unsightly or unkempt conditions of buildings or grounds on any lot which shall tend to decrease the beauty or character of the subdivision as a whole or the particular area affected.**
11. **No unregistered or unlicensed vehicles at any time shall be maintained on the premises unless completely concealed within the garage.**
12. **Recreational vehicles, including but not limited to trailers or self-propelled vehicles for boats and/or trailers, shall not be permitted or maintained on a permanent basis within the subdivision unless parked inside the garage. Recreational vehicles may be parked on a temporary basis in the lot owner's driveway for a period not to exceed two consecutive days.**
13. **Satellite television reception dishes, when located in the yard, shall be located in the rear yard only and shall be reasonably screened from the view of neighboring properties. All rooftop satellite television reception dishes are only permitted on rear facing roofs of a dwelling. Solar panels shall be permitted only on the rear facing roofs of a dwelling. No free standing solar panels shall be permitted.**
14. **Swimming pools shall be of the in-ground kind only, located in the rear yard only and fenced and screened as required by South Middleton Township.**
15. **No clotheslines shall be permitted anywhere on a lot. Wood piles for fireplace or wood stove use must be in the rear area of the lot. Wood piles shall not exceed four**

feet in height, eight feet in length and four feet in width and no lot shall be permitted to have more than one wood pile.

16. No animals shall be permitted to be kept on any lot within the subdivision except dogs, cats, or other domesticated animals. No such animals shall be commercially bred or used for commercial purposes. No animals shall be permitted to run at large and all animals must be housed within the dwelling.
17. No earth shall be removed from any building lot without the prior written consent of the Approving Party. Excess fill shall at the sole option of the Approving Party may be deposited at such sites as shall be determined by the Approving Party.
18. Whenever South Middleton Township or any other ordinance or law regulating the land-use and development in South Middleton Township is more restrictive than the protective covenants set forth herein, then such South Middleton Township ordinances or such other ordinances or laws shall take precedent.
19. The builder shall be solely responsible for obtaining any permit necessary for any driveway to be constructed on any lot and for the construction thereof. Driveways, as constructed, shall not obstruct the storm water management plan of the Preserve at Stonehill Farm.
20. All utility lines shall be installed underground on all lots.
21. All lots shall be seeded within six months of occupancy of the residence on such lot.
22. Only one single family residence with attached garage for not more than three passenger vehicles may be erected on a lot. Any accessory building must comply with the requirements of the Approving Party and any accessory building shall be no larger than 288 square feet and no larger than 12' x 24' and not taller than 12 feet measured from ground level to the highest point of the roof.
23. Construction of a dwelling in accordance with applicable restrictions set forth herein shall begin no later than twelve months from the day of conveyance by Owner to the new owner. In the event this time expires and no such construction has begun, the lot may be re-purchased by Owner at the same sales price as set forth in the deed from Owner and in such event the grantor in the re-conveyance to Owner shall be responsible for paying all transfer taxes applicable for such re-conveyance as well as

the recording charges for such re-conveyance. Each subsequent owner of a lot shall be granted a six month extension of this requirement starting on the day of the purchase of the lot from the previous owner. The construction or erection of any building or other structure must be completed within one year after the commencement of construction, except where the Approving Party grants in writing an extension of time for completion.

24. No cesspool shall be permitted on any lot. The disposal of sewerage will be accomplished by use of a connection to the publicly available sewer system and shall comply with the requirements of local and state health authorities. No outside privy shall be permitted.
25. No lot shall be further subdivided.
26. Freestanding television and radio towers are prohibited on each lot, and any such antennae shall be installed on or immediately against the dwelling. Additionally, windmills are prohibited on each lot.
27. Building setback lines shall be maintained in compliance with South Middleton Township requirements.
28. Prior to the occupancy of any dwelling, a landscaping plan for the lot showing the type, size and location of plants and materials shall be submitted to the Approving Party. Conformity and harmony with existing structures, topography and finished ground elevation shall be evaluated by the Approving Party or by a landscaping committee approved by the Approving Party. The grass plot on the lot and the plants and materials as shown on the landscaping plan shall be installed by the owner within 12 months of the commencement of construction of any dwelling on the lot.
29. No change shall be made in the approved building plans prior to the occupancy of any dwelling without the prior written approval of the Approving Party. No substantial change shall be made in the approved landscaping plan without the approval of the Approving Party.
30. After the initial occupancy of any dwelling on any lot, any addition of a structure, including but not limited to fences, walls, mailboxes, any additions or alterations to the exterior of the structure, or any change in the existing color or finish of any

exterior surface of any building on a lot shall not be done until plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to the harmony of external design, colors and location in relation to surrounding structures, and finished ground elevation topography, by the Approving Party. In the event the Approving Party fails to approve or disapprove such change, design and location within 30 calendar days after said plans and specifications have been submitted, approval will not be required and this requirement will be satisfied.

31. No building blocks shall be used in the construction of exterior walls of any building above the finish grade of the ground unless faced or covered with brick, natural stone, wood, hardy plank siding, or such other materials as shall have the prior approval of the Approving Party. It is noted that the exterior elevation of each home shall contain brick, natural stone, wood, hardy plank siding as approved by the Approving Party.
32. No modular or manufactured home is to be placed or built on any lot.
33. No dwelling shall be constructed except for use as a single-family residence. No buildings shall be erected, altered, placed or permitted to remain on any lot other than one single-family detached dwelling not to exceed 2 1/2 stories including any private garage attached to the dwelling.
34. Each lot owner will be provided with a mailbox and lamp post for installation on the lot in a location determined by the Approving Party.
35. All driveways must be paved with either concrete, asphalt or brick pavers.
36. No tanks for storage of gas or flammable liquids may be maintained outside of the building, provided that propane tanks used for outdoor grills may be maintained within the grill unit, screened from view of any adjoining property or Street.
37. All gas fireplaces in a dwelling must utilize natural gas as the fuel. No external propane tanks are permitted for cooking or fireplaces. Additionally, no outside wood burning home heating devices are permitted.

38. No repair of any motor vehicle shall be permitted outside of any garage. No garage shall be used for any activity which causes noise or is detrimental to the aesthetic appearance of the neighborhood.
39. The Approving Party, its successors, designees, or assigns shall be sole arbiter as to the interpretation of the Building and Use Restrictions.

C. ENFORCEABILITY

The Building and Use Restrictions set forth herein are designed for the benefit of the Owners of Lots 2 through 19 on the Plan and also for the benefit of the Owner of Lot 1 on the Plan. The Owners of Lots 1 through 19, along with their successors in title, may enforce these restrictions. The restrictions created hereunder shall be permanent in nature and shall run as a permanent restriction on Lots 2 through 19.

D. ASSIGNMENT

In the event Woodstork Watch, LLC or its assignee no longer owns any lot included in Lots 2 through 19, the enforcement authority and supervision granted to the Owner hereunder or the Owner's designated Approving Party shall be transferred to the owner of Lot No. 1 of the Plan and, thereafter, the Owner of Lot No. 1 shall have all authority and enforcement power granted to the Owner set forth above.

E. SEVERABILITY

The provisions of this Declaration shall be deemed independent and severable, and the invalidity or unenforceability of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof.

F. EFFECTIVE DATE

This Declaration shall become effective on the date on which it is recorded in the Cumberland County Recorder of Deeds Office.

IN WITNESS WHEREOF, the Declarant Woodstork Watch, LLC, intending to be legally bound hereby has duly executed this Declaration of Building and Use Restrictions as of the _____ day of August, 2017.

ATTEST:

WOODSTORK WATCH, LLC:

Secretary

By: _____

Damien Q. Elias
Damien Q. Elias, Owner

COMMONWEALTH OF PENNSYLVANIA

:

: SS

COUNTY OF CUMBERLAND

:

On this, 28th day of August, 2017, before me a Notary Public, personally appeared **Damien Q. Elias**, known to me to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purposes therein contained.

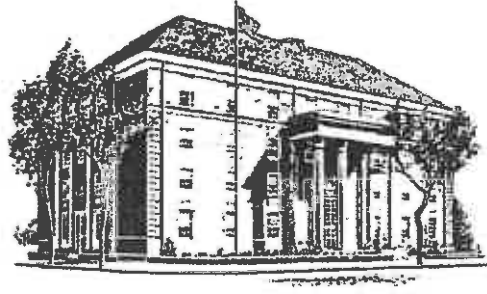
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kathy L. Mummert

Notary Public

Notarial Seal
Kathy L. Mummert, Notary Public
Carisle Borough, Cumberland County, PA
My Commission Expires August 11, 2019

**TAMMY SHEARER
RECORDER OF DEEDS
CUMBERLAND COUNTY
1 COURTHOUSE SQUARE
CARLISLE, PA 17013
717-240-6370**



Instrument Number - 201722050

Recorded On 8/28/2017 At 2:27:06 PM

*** Total Pages - 10**

*** Instrument Type - DECLARATION**

Invoice Number - 238202 User ID - KW

*** Grantor - WOODSTORK WATCH LLC**

*** Grantee - WOODSTORK WATCH LLC**

*** Customer - MARTSON**

*** FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES -	\$21.50
RECORDER OF DEEDS PARCEL CERTIFICATION FEES	\$270.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL PAID	\$297.00

Certification Page

DO NOT DETACH

**This page is now part
of this legal document.**

**I Certify this to be recorded
in Cumberland County PA**



A handwritten signature in black ink, appearing to be "T. Shearer", written over a horizontal line.

RECORDER OF DEEDS

*** - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.**

00H968



**STONEHILL FARM
SOUTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY**

GENERAL REQUIREMENTS

ALL LOTS

No Roof Leaders from any lot shall be tied directly into the storm water system.

Proper sight lines must be maintained at all street intersections. Any building or obstruction higher than thirty (30) inches above the grade of the center line of the streets within sight lines of the driver of a vehicle using the intersection is prohibited. The clear sight triangle will consist of an area calculated as per PENNDOT Publication 441 and 282 for driveways, and Pub. 70 for local roads.

The subject site is located within the Wellhead Protection District, Zone 2. The South Middleton Township Municipal Authority shall be held harmless for any property damages which may be attributable to operation of the production wells.

The lands depicted on this plan may be located adjacent to or involved in a normal agricultural operation as defined by Pennsylvania Act 133 of 1982, as amended, the "Right to Farm Law." If you purchase land that is depicted on this plan and said lands are located or involved as described above, you may be prohibited from filing a nuisance action against the operators of a normal agricultural operation. In addition you may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, dust, odor, and the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides.

Each lot shall install an outside electric yard light (two lights for corner lots). This light should be a minimum of 75 watts, at least six feet in height, and equipped with a photoelectric switching device to assure continuous operation between dusk and dawn. Wiring for such lights must be connected directly to the circuit breaker in the main electrical panel box in the dwelling, without an intervening switch between the circuit breaker and the photoelectric switching device. The applicant shall agree that the light shall be installed prior to issuance of a certificate of occupancy.

This property is subject to a restrictive covenants, conservation plan and wellhead protection-public awareness education program, a copy of which is recorded in the Cumberland County Recorder of Deeds Office at Miscellaneous Book ____ Page _____, and a copy of which is attached to this deed and marked Exhibit "A".

All sewer service lateral connections shall be located within the proposed road right-of-way.

LOTS 2 AND 19

Whenever a driveway accesses a corner lot in residential use, the driveway shall be located off the minor street.

EASEMENTS

ALL LOTS

All lots shown hereon are subject to a ten (10) foot overhead utility easement and a twenty (20) foot drainage and underground utility easement adjacent to all lot lines except the common lot lines. Common lot lines are lot lines that separate abutting lots. All common lot lines a ten (10) foot overhead utility easement and a twenty (20) foot drainage and underground utility easement centered on common lot lines.

LOTS 1-3, 5-17, 19

Drainage Easement

No Buildings, Plantings, and/or Landscaping (other than lawn grass) shall be located within any designated drainage easement.

LOTS 1, 5 AND 6

Water and sewer easements being granted to South Middleton Township Municipal Authority include the right for temporary maintenance and/or construction next to and alongside the permanent easements.

LOTS 10 AND 11

An Easement has been created on Lots 10 and 11 designated as an area reserved for the township to push snow during snow removal operations as per the requirements of Section 703.(f).2 of The Township's Subdivision and Land Development Ordinance, Ordinance No. 2 of 2014. A twenty (20) foot wide curb cut will be provided to access the easement area.

GEOTECHNICAL

ALL LOTS

The site may be underlain with carbonate rocks (Limestone and Dolomites). There is potential for sinkholes, therefore special construction procedures should be used. A geotechnical engineer shall be consulted prior to beginning any restoration or repair of a sinkhole.

This property may contain certain features or geologic conditions making the property susceptible to sink holes and/or fracture traces. The owner should be aware that sink hole insurance exists and may wish to be informed about the availability on the plan.

LOTS 4-7, 12-19 – CONDITIONAL ROCK REMOVAL AREAS