

# Middlesex North Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

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Doc#	Document Type	Town	Book/Page	File Date	Consideration
6222	AMENDMENT		08427/58	02/10/1997	0.00
<b>Property-Street Address and/or Description</b>					
OF RULES & REGULATIONS SEE RECORD					
<b>Grantors</b>					
ROPER ESTATES CONDOMINIUM ASSOCIATION					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					

**CERTIFICATE OF VOTE AND RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROPER ESTATES CONDOMINIUM ASSOCIATION**

This Certificate of Vote and Resolution is made this 2<sup>nd</sup> day of Jan, 1997 by the Board of Directors of the Roper Estates Condominium Association.

WHEREAS, Article II, §K(7) of the Master Deed as well as Article II, §4 of the By-Laws authorize the Board of Directors to adopt Rules and Regulations regarding the use of the condominium and each Unit Owner's unit; and

WHEREAS, Article XI of the By-Laws authorize the Board of Directors, on behalf of the Unit Owners, to enforce obligations of Unit Owners as well as to fine for violations of the Condominium Documents and Rules and Regulations, with said fine being in an amount not to exceed Ten and 00/100 Dollars (\$10.00) for any one (1) violation and with each separate day constituting a separate and independent offense; and

WHEREAS, Chapter 400 of the Acts of 1992 has authorized the Board of Directors to assess the costs of collection to Unit Owners as well as authorizing fines and collection of attorney's fees from Unit Owners, tenants, etc., who violate the Condominium Documents, By-Laws and Rules and Regulations, as they may be amended; and

WHEREAS, the Board of Directors of the Roper Estates Condominium Association desire to amend and/or create reasonable Rules and Regulations regarding the installation and use of satellite dishes/antennas and the maintenance of fireplaces.

NOW THEREFORE, the Board of Directors of the Roper Estates Condominium Association, acting pursuant to said authority and pursuant to a duly authorized meeting and quorum as set forth in Article III of the By-Laws, do hereby amend the Administrative Rules and Regulations of the Roper Estates Condominium Association as follows:

- I. The following Administrative Rule Number 25 is hereby adopted by the Board of Directors:

**RULE 25 - ANTENNA RESTRICTIONS**

Notwithstanding any provision of the Master Deed, By-Laws, and/or Rules and Regulations of the Association, the following Rules and Regulation regarding antenna restrictions shall take precedent over the same:

- 1. Reception Antenna means an antenna, satellite dish, or other structure used to receive video programming services intended for reception in the viewing area. Examples of video programming services include direct broadcast satellite services, multipoint distribution services, and television broadcast signals. The mast supporting the Reception Antenna, cabling, supports, guy wires, conduits, wiring, fasteners, bolts or other accessories for the Reception Antenna or similar structure is part of the Reception Antenna. A Reception Antenna that has limited transmission capability designed for the viewer to select or use video programming is a Reception Antenna provided that it meets Federal Communications Commission ("FCC") standards for radio frequency radiation.

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Structures similar to Reception Antennas are any structure, device, or equipment that is similar in size, weight and appearance to Reception Antennas.

2. Transmission antennas mean any antenna, satellite dish, or structure used to transmit radio, television, cellular, or other signals other than reception antennas. Transmission antennas are prohibited.
3. No resident shall install a Reception Antenna on any portion of the common areas and facilities unless the area is a limited common element or exclusive use area granted pursuant to the provisions of the Master Deed creating the Condominium.
4. A Reception Antenna which encroaches on the air space of another unit owner's exclusive use, limited common area or onto the general common areas does not comply with this Rule and Regulation.
5. Tenants must obtain the written permission of the owner before they may install a Reception Antenna on any limited common areas as defined in the Master Deed within the owner's exclusive use or control.
6. If a Reception Antenna is installed in a limited common area as defined in the Master Deed, such installation shall be subject to the following:
  - A. Reception Antenna shall be no larger than necessary for the reception of an acceptable quality signal; provided that under no circumstances shall Reception Antennas for direct broadcast satellite dishes be larger than one meter in diameter;
  - B. Due to safety concerns relating to wind loads and the risk of falling structures, masts, supports, and other structures more than twelve (12) feet must receive the prior written approval of the Board. The owner must submit an application including detailed drawings of the structure and methods of anchorage.
  - C. Reception Antennas must be placed in areas that are shielded from view from outside the project or from other units to the extent possible; provided that nothing in this Rule shall require a Reception Antenna to be placed where it precludes reception of an acceptable quality signal unless no acceptable reception is available in any exclusive use area. In no event may antennas be installed on roofs, lawns or other common areas. Residents must first attempt to install the antennas within the units. If an acceptable signal is not possible, residents must next attempt to install the antenna on their own exclusive use deck area. If an acceptable signal is not received in either of these two areas, then prior to installation on any other exclusive use area, if any, the resident must first provide the Board with written certification signed under the pains and penalties of perjury by a qualified antenna installer certifying that any acceptable quality signal cannot be received in the unit or deck area. Connections or wiring must be through the glass of the nearest window or sliding glass door of the unit and may not be connected through general common areas.

- D. Reception Antennas and similar structures shall not be placed in areas where it blocks fire exits, walkways, ingress or egress from an area, fire lanes, fire hoses, fire extinguishers, safety equipment, electrical panels, or other areas necessary for the safe operation of the project. The purpose of this Rule is to permit evacuation of the units and project and to provide clear access for emergency personnel.
- E. Reception Antennas and similar structures shall not be placed within two (2) feet of electric power lines and in no event shall they be placed within an area where it can be reached by the play in the electric power lines. The purpose of this Rule is to prevent injury or damage resulting from contact with the power lines.
- F. If Reception Antennas are allowed to be placed on the building, they must be painted to match, or be compatible with, the color of the building. In addition, the Board may require a resident to install and maintain inexpensive screens or plants to shield the Reception Antenna from view.
- G. Any resident installing, maintaining, or using a Reception Antenna shall do so in such a way that it does not materially damage the general common elements or the units, void any warranties of the Association or other owners, or impair the water tight integrity of the buildings.
- H. The residents who own or use the Reception Antenna are responsible for all costs associated with their Reception Antenna including, but not limited to, costs to (1) repair, maintain, remove and replace the Reception Antenna; (2) repair damages to the common elements, the unit, other units, and other property caused by the installation, existence, or use of the Reception Antenna; (3) pay for medical expenses incurred by persons injured by installation, existence, or use of the Reception Antenna; and (4) reimburse residents of the Association for damages caused by the installation, existence, or use of the Reception Antenna. Evidence of insurance of the installation in satisfactory kinds and amounts shall be provided to the Association prior to the commencement of work, naming the Association as an additional named insured.
- I. Due to safety concerns relating to the falling of structures, all Reception Antennas shall be securely attached to the building or ground and have guy wires securing the device to the building or ground if said building or ground area is a limited common element. Otherwise, guy wires and the like may not be attached to common areas and facilities.
- J. Residents shall not permit their Reception Antenna to fall into disrepair or to become a safety hazard.
- K. No resident may install more than one (1) antenna or more than one (1) satellite dish.

7. In the event of a violation of these Rules, the Association may bring an action for declaratory relief with the Federal Communications Commission ("FCC") or any Court having jurisdiction over the matter. If the alleged violation is for safety or historic preservation purposes, including, but not limited to, insurance and licensed contractor requirements, the Board may immediately fine and continue fining the resident and/or unit owner. If the violation is for any other reason, then if the FCC or Court determines that there has been a violation, a fine equivalent to the maximum allowed under the Condominium Documents shall be imposed. If, after the FCC or Court determination, the violation has not been corrected within a reasonable time as determine by the Board, additional fines of the maximum amount permitted under the Condominium Documents with each day constituting a separate and independent offense, shall be imposed.
  8. Transmission Antennas are prohibited
  9. At least five (5) days prior to the commencement of any installation, the resident shall provide a copy of the Notification Form attached hereto as Exhibit "A" to the Board. All work must be performed by licensed and insured contractors. Said contractor shall also provide detailed plans and specifications prior to commencing the installation.
  10. The resident is responsible for the immediate removal of the antenna if it must be removed in order for the Association to repair, paint, or maintain the area where it is installed.
  11. If any of these provisions are found to be invalid, the remainder of these Rules shall remain in full force and effect.
  12. The Board may amend this Resolution from time to time as it deems necessary.
- II. The following Administrative Rule Number 26 is hereby adopted by the Board of Directors:

RULE 26 - FIREPLACE MAINTENANCE

On or before March 31, 1997, each unit owner shall arrange to have their fireplaces inspected and if necessary, cleaned and/or repaired. Proof of the above shall be provided to the Association on or before April 15, 1997. Thereafter, commencing in the year 1999, each unit owner shall have their fireplaces inspected and if necessary, cleaned and/or repaired, on or before October of said year, and provide evidence of the same to the Board on or before the last day of October. This must be accomplished every two (2) years thereafter, from 1999 forward. Failure to undertake the same will authorize the Board to fine the maximum amount authorized under the Condominium Documents with each day constituting a separate and independent offense. The Board shall have in addition, the right to access any unit whose unit owner has failed to comply with this Rule and obtain an inspection and perform all necessary services thereto. The unit owner shall be responsible for any and all expenses associated with the same.

In all other respects, the Rules and Regulations of the Roper Estates Condominium Association are hereby ratified and affirmed.

IN WITNESS WHEREOF, the Board of Directors have set their respective hands and seals this 8th day of Jan - 1997.

BOARD OF DIRECTORS  
ROPER ESTATES CONDOMINIUM ASSOCIATION,

James T. Stamas  
James Stamas, Director and not  
individually

Alfred Gladstone  
Alfred Gladstone, Director and not  
individually

Joseph P. Grossi  
Joseph Grossi, Director and not  
individually

Brian Selway  
Brian Selway, Director and not  
individually

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Jan. 8, 1997.

Then personally appeared the above named James Stamas, Alfred Gladstone, Joseph Grossi, and Brian Selway, as they are the duly authorized Board of Directors of the Roper Estates Condominium Association, and acknowledged the foregoing instrument to be their free act and deed, before me,

Donella N. Curtis  
Notary Public - DONELLA N. CURTIS  
My Commission Expires: 10/28/99



**EXHIBIT "A"**

**NOTIFICATION FORM FOR THE INSTALLATION OF  
DBS SATELLITE DISH, MMDS ANTENNA OR T.V. ANTENNA**

**NOTE:** This form must be completed and returned at least five (5) days prior to the installation of any satellite dish/antenna

TO: Board of Directors, Roper Estates Condominium Association  
c/o Kenmar Drive Realty Management  
P.O. Box 5768  
Manchester, NH 03108

FROM: Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
  
Phone # (home): \_\_\_\_\_  
Phone # (work): \_\_\_\_\_  
  
Unit Address: \_\_\_\_\_

Type of satellite dish or antenna to be installed (check any that apply)

- \_\_\_\_\_ DBS satellite dish one (1) meter or smaller (e.g., Primestar, Dish Network, Direct TV)
- \_\_\_\_\_ MMDS antenna (wireless cable) one (1) meter or smaller (e.g., WANTV)
- \_\_\_\_\_ Television antenna

Installation will include a mast: \_\_\_\_\_ No \_\_\_\_\_ Yes  
If yes, insert total length or height of mast: \_\_\_\_\_ ft. (Note: mast may not exceed 12 ft.)

Installation of the dish or antenna will be done by the following licensed/insured contractor:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
  
Phone #: \_\_\_\_\_  
Insurance Agent: \_\_\_\_\_

A copy of the contractor's license and certificate of insurance naming the Roper Estates Condominium Association as an additional named insured is attached hereto and made a part hereof.

Describe on a separate sheet of paper and attach hereto, the exact location of the dish or antenna and attach a diagram or drawing of the exact location of the dish/antenna.

Does the location of the dish or antenna comply with the Association's regulations?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If no, state in detail the reason for noncompliance on a separate sheet of paper and attach hereto.

I acknowledge that I have read, understand, and have complied or will comply at all times with the Association's regulation with respect to the installation of satellite dishes and antennas.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

