

Appendix A. Example Deed Restriction Template

Example Deed Restriction Template

THIS DEED RESTRICTION is made this _____ day of _____, _____,
date month year

by _____,
name

_____, _____,
street address city/town
_____ County, New Hampshire, _____,
county zip code

(hereinafter referred to as the “Grantor”, which includes the plural of the word where the context requires, and shall, unless the context clearly indicates otherwise, include the Grantor’s heirs, administrators, legal representatives, devisees, successors, and assigns) and hereby imposes the following deed restrictions on those lots specified herein and as described on a plan entitled,

name of plan
dated _____, consisting of _____ sheets, by
date #

_____,
survey/engineering firm
recorded at Book # _____, Page # _____ at the _____
county

County Registry of Deeds (hereinafter referred to as the “Plan”), as follows:

Select one or more as appropriate:

- Natural buffer conservation area
- Wetland buffer conservation area
- Critical habitat protection area
- Open space area
- Limited fertilizer application area
- Limited insecticide and/or herbicide application area
- Limited road salt application area
- Other

To all lots which contain _____
enter designated area from above
as referred to on the Plan, and marked with permanent survey monuments on each lot:

That within the _____,
enter designated area from above
which consists of a designated area on said plan, the following restrictions apply:

Select one or more as appropriate:

Removal of vegetation is prohibited, except for removal of dead, diseased, or invasive species.

Fertilizer application is prohibited except for fertilizer that contains no more than ___ % of phosphorus and % of nitrogen by weight. Fertilizer shall be applied no more than once in the spring and once in the fall at an application rate not to exceed ____ lbs/acre.

Fertilizer application is prohibited.

Insecticide and/or Herbicide application is prohibited or limited as follows:

Use of road salt shall be minimized as follows:

Other (specify)

Include if appropriate:

To all lots which contain on lot best management practices (BMPs) as referred to on the Plan, including, but not limited to rain gardens, bioretention areas, vegetated swales, or other management practices intended to retain and treat stormwater runoff:

The Grantor acknowledges and agrees to:

Assume responsibility for proper maintenance of stormwater quality best management practices.

Perform maintenance and inspection of best management practices, not less than once annually in accordance with NHDES approved _____ plan of (date).

Retain written proof that the inspection and maintenance were performed, with said proof being retained for a period of not less than five (5) calendar years and provided to NHDES upon request.

This deed restriction shall run with the land and shall be binding upon the Grantor, tenants and any subsequent owners and tenants, their successors, heirs or assigns. Any lease of said specific parcels shall be subject to this restriction.

The above represent enforceable conditions established by the New Hampshire Department of Environmental Services that are necessary to meet NH Surface Water Quality Standards. These conditions are intended to be complied with in perpetuity.

IN WITNESS WHEREOF, I hereby set my hand this _____ day of
date

_____,
month year

GRANTOR:

Witness to Grantor

By: _____
representative name, title
Duly Authorized

STATE OF NEW HAMPSHIRE
County of _____

On this _____ day of _____, _____, before me
date month year
_____, the undersigned officer,
name of notary public
personally appeared _____, who
representative name
acknowledged himself/herself to be the _____ of
representative title
_____, and that he, as such
grantor name
_____, being so authorized to do so,
representative title
executed the foregoing instrument for the purposes contained therein.

In witness whereof, I have set my hand and official seal.

Notary signature

Commission Expiration Date:
(Seal)

enter notary name and date