

4 B
THE VILLAGES AT MARLBOROUGH EAST CONDOMINIUM

RESOLUTIONANTENNA RESTRICTIONS

Bk: 49512 Pg: 361 Doc: NOT
 Page: 1 of 4 05/29/2007 02:18 PM

We, the undersigned, being a majority of the Board of Governors of the Villages at Marlborough East Condominium Association Inc. created under By-Laws recorded with the Middlesex County South District Registry of Deeds in Book # 28949, Page # 071, in order to comply with the Federal Telecommunications Act of 1996 and the Order and Rules promulgated by the Federal Communications Commission on September 25, 1998 and November 20, 1998, do hereby adopt the following resolution relating to antennas and satellite dishes pursuant to Article VIII, Section 9 of said By-Laws:

1. Definitions: (a) 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 are 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 standards for radio frequency radiation and a Transmission Antenna which is used solely in conjunction with a Reception Antenna shall be considered a Reception Antenna for purposes of this Resolution. Structures similar to Reception Antennas are any structure, device, or equipment that is similar in size, weight, and appearance to Reception Antennas.

(b) Transmission Antenna means any antenna, satellite dish, or structure used to transmit radio, television, cellular, or other signals other than a Reception Antenna as defined above.

2. (a) 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 areas appurtenant to the unit where the resident resides. Installation shall be in the back of your unit.

(b) A Reception Antenna which encroaches on the air space of another owner's unit or limited common area, or onto the general common areas, does not comply with this rule.

3. If a Reception Antenna is installed in a limited common area or exclusive use area appurtenant to the unit where the resident resides, such installation shall be subject to the following:

(a) Reception Antennas shall be no larger than necessary for reception of an acceptable quality signal; provided that under no circumstances shall Reception Antennas for direct broadcast satellite services 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 ten (10) feet in height 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) To the extent possible, Reception Antennas should be placed in areas that are shielded from view from outside the project or from other units; 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 limited common area or exclusive use area. In no event may Reception Antennas be installed on roofs or other general common areas. The Board may require that connections of wiring must be through the glass of the nearest window or sliding glass door of the unit owner and may not be connected through general common areas.

Marcus, Errico, Emmen & Brooks
 45 Braintree Hill office park
 Braintree, MA 02184

- (d) Reception Antennas or similar structures shall not be placed in areas where they block 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 condominium. The purpose of this rule is to permit evacuation of the residents and to provide clear access for emergency personnel.
- (e) Reception Antennas or similar structures shall not be placed within two 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 outside the building, the Board may require it to be painted to match, or be compatible with, the color of the building if such painting does not cause an unacceptable quality signal. 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 does not materially damage the general common elements or the units, void any warranties of the Association or other owners, or impair the watertight integrity of the building.
- (h) The residents who own or use a Reception Antenna are responsible for all costs associated with their Reception Antenna including, but not limited to, costs to: (a) repair, maintain, remove, and replace the Reception Antenna; (b) repair damages to the common elements, the unit, other units, and other property caused by the installation, existence, or use of the Reception Antenna; (c) pay for medical expenses incurred by persons injured by installation, existence, or use of the Reception Antenna; and (d) reimburse residents or the Association for damages caused by the installation, existence, or use of the Reception Antenna. To the extent permitted by the FCC Regulations if a contractor is hired to install the antenna, the contractor must provide evidence of insurance of the installer in satisfactory kinds and amounts to the Board 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 at their base and shall, if necessary, have guy wires securing the device. Guy wires, fasteners and the like may not be attached to common areas and facilities.
- (j) Installation shall not interfere with lawn maintenance.
- (k) Residents shall not permit their Reception Antenna to fall into disrepair or to become a safety hazard.
4. Process and Procedure: In the event of a violation of these rules, the Board may bring an action for declaratory relief with the Federal Communications Commission (FCC) or any court having jurisdiction over the matter. The Association may be entitled to fines, reasonable attorneys' fees and costs and expenses if these rules are found to have been violated and if the unit owner or resident does not correct the violation within twenty-one (21) days of the finding of a violation. In addition, the Board may seek injunctive relief.
5. Transmission Antennas are prohibited except for those defined in Section 1(a).
6. At least five (5) days prior to the commencement of any installation, the resident is requested to provide a copy of the Notification Form attached hereto to the Board, but the resident must provide the Notification Form no later than five (5) days after installation. If the work is performed by a contractor, the contractor must be licensed and insured.
7. The resident is responsible for the immediate removal of the Reception Antenna if it must be removed in order for the Board to repair, paint or maintain the area where it is installed.
8. If any of these provisions are ruled to be invalid, the remainder of these rules shall remain in full force and effect.

9. The Board may amend this Resolution from time to time as it deems necessary.

10. This Resolution supersedes any Resolutions promulgated by the Governors and in the event of a conflict, this Resolution shall control and prevail.

In all other respects the Rules and Regulations as hereby amended by the Resolution are hereby ratified and affirmed.

EXECUTED under seal this 17th day of May, 2007.

Majority of the Board of Governors of the Villages at Marlborough East Condominium Association, Inc. and not individually,

Patricia Moran
Patricia Moran

Joel Duncklee
Joel Duncklee

John J. Gillis
John J. Gillis

Lucille Cassidy
Lucille Cassidy

Ora Dunbar
Ora Dunbar

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

May 17 2007

Then personally appeared the above named Patricia Moran,
Joel Duncklee, John J. Gillis,
Lucille Cassidy, and Ora Dunbar,

being a majority of the Board of Governors of The Villages at Marlborough East Condominium Association Inc., and acknowledged the foregoing instrument to be their free act and deed and the free act and deed of said By-Laws, before me.

Elaine Alexis

Notary Public Elaine Alexis
My Commission Expires: 12/8/11



**NOTIFICATION FORM
FOR THE INSTALLATION OF DBS SATELLITE DISH,
MMDS ANTENNA OR TV ANTENNA**

NOTE: This form should be completed and returned five (5) days prior to the installation of an antenna but must be completed and returned within five (5) days after installation.

T0: Board of Governors of the Villages at Marlborough East
Condominium Association, Inc.
c/o Barrington Management Company
376 Massachusetts Avenue
Arlington, MA 02474

FROM: Owner's Name: _____
Mailing Address: _____

Phone (home): _____
Phone (work): _____
Unit Address: _____

Type of satellite dish or antenna (check any that apply.)

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

Installation includes a mast No Yes

If yes, insert total length or height of mast: _____ feet. (Note: mast may not exceed 10 feet.)

Installation will be done by _____ resident _____ licensed contractor

If by a licensed contractor, please fill in the information below:

Name: _____
Address: _____

Tel No: _____
Insurance Agent: _____

A copy of the contractor's license and certificate of insurance naming the Villages at Marlborough East Condominium Unit Owners' Association and its managing agent as an additional named insured is attached hereto and made a part hereof.

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


Does the installation and 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.

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

Signature _____

Date: _____


James L. Brown
Attest Middlesex S. Register