

## The Letter from the Board

Dear Neighbors,

It has been a few months since we have sent out the update on the things that are happening at our condominium. So, let's get started.

1. On April 18<sup>th</sup>, after receiving 4 bids for landscaping services and carefully comparing the proposals with the distributed specification, the Board has picked Ferris Landscaping as a contractor for our landscaping needs. This choice has allowed us to save close to \$10000 each year on landscaping. We found Mr. Ferris to be very forthcoming and proactive in preventing and solving the occurring problems. However, since none of us can be everywhere constantly, if you do see something that needs fixing (tree, shrub or lawn) please report it to PMA. Once you report a landscaping problem to PMA please do not expect *aesthetical* issues to be fixed within days or sometimes weeks: with plants a lot of things have to happen in order or during a specific season. Rest assured, however, that your report has been recorded and will be acted upon, even if not immediately.
2. The GNY Insurance policy has been renewed for another year. Substantial coverage increases have been negotiated, including a \$15M umbrella policy, \$1M in Ordinance Law and \$300K in Crime coverage, while reducing the premium by more than \$4000.
3. On May 6<sup>th</sup> the Board, after reviewing two proposals, has chosen Noblin & Associates LLC to perform a capital reserve study (also known as "engineering evaluation"). The engineers will start on June 30<sup>th</sup> and should finish within one month. In addition to the external evaluation, the engineers will also visit a small number of units to evaluate the buildings condition from inside. Once complete, the report will be available online for inspection. Upon completion of the capital reserve study the Board will devise a repair, restoration and maintenance schedule, which will also be published, to ensure the proper upkeep of our property.
4. After receiving several complaints about the clogged gutters the Board has decided to perform the gutter cleaning in the buildings where gutter clogging is a problem.
5. The first stage of the audit is coming to an end with reports for years 2004 – 2007 being compiled. The final report is expected to be ready by the end of July. Some of you might receive notices that you

owe money from that 4 year period. Please do not panic if you receive the notice: the Board, PMA and CPA will give you ample time to find and retrieve the proof of payment and will patiently work with you to help us all figure out if the checks you submitted were lost or misused. Keep in mind, however, that if you will make no effort to provide the proof of payment or will disregard the notice, you will be held liable for the amount.

6. The Board now publishes the Balance Sheets and the Minutes of Monthly Board Meetings at <http://farrwood2.com/>. To find these documents, please go to the Documents section, and then pick the "Financial Statements" or "Board Meetings" in the Documents Category to show only the relevant documents. Keep in mind that the publication of both types of documents is usually delayed by one month.
7. The Board has received complaints from Phase I about the group of kids from our Phase playing on their property, skateboarding down the Phase I driveway onto the Farrwood Dr after dark, putting them in severe danger of being hit by a car. While neither this Board nor Phase I's are willing or will police and supervise anyone's children, we hope that their parents will. In addition to engaging in dangerous activities the kids were playing in the freshly planted flowers and shrubs. Phase I being good neighbors is the only reason some of the parents are not currently repaying the costs of landscaping restoration. Please save yourself and the rest of us money and headache by watching your kids.
8. The Board would like to remind everyone that **there are speed limits** on both Farrwood Drive and parking lots – 20 MPH and 5 MPH respectively. Please use caution while entering or leaving the parking lots – we have a lot of small children riding bikes, often appearing out of nowhere, as well as residents walking their dogs. The reports of severe speeding may result in fines.
9. The Board has contracted attorney Braese to review and reconcile the By-Laws of the Association to ensure that the By-Laws we have on-hand are accurate, do not contradict themselves and are consistent with the present law. After brief examination of the copies available, Mr. Braese has determined that the cost of reconciliation would be greater than a single sweeping amendment annulling the old By-Laws and passing the new ones, developed using the current best practices. The Board is currently working on a first draft of the new By-Laws, which will be sent to the unit owners and later presented in a

face-to-face Q&A session with Dan Braese and the members of the Board.

10. There was a meeting held on May 22<sup>nd</sup> in the City Hall between the representatives of the six Phases, Mr. Stapinsky and Mr. Weinstein regarding the road issues. The details and the outcome of the meeting are discussed in another letter you may find in this envelope.
11. As you will find from the letter mentioned above there will be more dealing with Weinstein et al in the upcoming future. The Board realizes both your desire to help and your right to stay informed and tries to provide you with information by publishing the documents in a timely manner. Since the beginning of the land dispute some of you have come to the meetings (Board, City Hall etc), waved bunch of papers in the air and loudly announced your discontent, while employing some form of the word "lawsuit". Whether your claims actually have legal ground is not relevant. What is relevant, however, is that any person who is yelled "lawsuit" in his or her face becomes hostile, uncooperative and somehow not prone to negotiations to find an amicable resolution to the dispute. Furthermore, Weinstein et al have no idea whether you make your statements on behalf of the Association or as a private citizen, which further complicates matters for us. This Board urges you in the strongest terms possible to let us do our job and to exercise utmost discretion if you absolutely have to communicate with parties with which the Board is negotiating.

## **12. Land Swap**

We have finally received all the information about the land encroachment by Phase II on Wintervale Realty Trust's (aka Weinstein et al) property. On pages 5 and 6 you will find the plans showing the specific details about the proposed land swap.

The Lot X is the piece of our land that interests Wintervale. The Lot Y is the land we're currently encroaching on and it is the land which would be offered to us by Wintervale.

An argument for the swap would be that Lot Y is larger than Lot X and is being used for parking, whereas Lot X is a smaller piece of wooded land on the furthest corner of the premises. Moreover, failure to approve the swap would probably require us to tear the asphalt off the encroached land in order to officially convey the land back to Wintervale. Removing the asphalt pavement would have to be done at our own expense, which may run up to \$10000 (\$1.5 - \$3 per square foot, same as construction costs). In addition, we will not be able to

re-sod the area after the pavement has been removed, since the land isn't ours.

An argument against the swap would be that Wintervale intends to build a duplex on the land adjacent to Lot X, which would involve the removal of trees, construction, mess and other unpleasanties for the residents of building A, in addition to possibly permanently altered backyard view.

The approval of the swap requires the agreement of **all 128 units, without exception**, which would constitute the amendment of the Master Deed. If passed, **each** of the unit owners would have to sign that amendment, once all the paperwork has been finalized. On page 7 you may find the mail-in voting ballot. If you agree to the land swap, please thoroughly follow the instructions on the ballot and mail it in. If you do not agree to the swap, simply keep the ballot to yourself. If you require more information, such as more detailed engineering plans, please visit <http://farrwood2.com/>, contact the board at [board@farrwood2.com](mailto:board@farrwood2.com) or call PMA to request this information.

BOSTON ROAD ROUTE 125

FARRWOOD PLACE  
(PRIVATE-90' WIDE)

FARRWOOD DRIVE  
(PRIVATE-50' WIDE)

HERITAGE HILL

N/F  
FARRWOOD GREEN  
CONDOMINIUM PHASE II

BRADFORD STREET  
(PUBLIC-VARIABLE WIDTH)

HAVERHILL  
NORTH ANDOVER  
CITY/TOWN LINE

**LOT 13M**  
EXISTING AREA=88,705 S.F.  
=2.04 AC.  
NEW AREA=90,752 S.F.  
=2.08 AC.

**LOT 74**  
EXISTING AREA=1,100,375 S.F.  
=25.26 AC.  
NEW AREA=1,103,970 S.F.  
=25.34 AC.

- LEGEND**
- 66--- EXISTING ELEVATION
  - △ F17 WETLAND FLAG
  - ▲ EDGE OF WETLAND

**OVERALL PLAN**  
1" = 80'

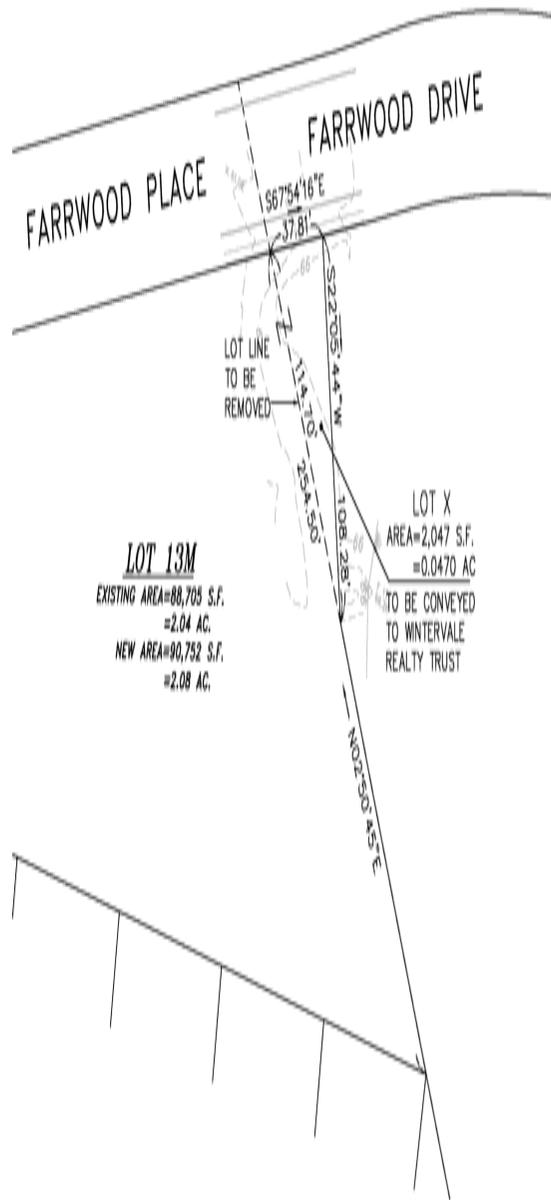
FOR REGISTRY USE

- NOTES**
1. SITE ZONE: RH
  2. SEE ASSESSORS MAP #770 BLOCK #779 LOT #13M, MAP #770 BLOCK #779 LOT #74 AND MAP #770 BLOCK #779 LOT #74B FOR SITE.
  3. TOPOGRAPHY AND WETLANDS FROM FIELD SURVEY. DATUM BASE N.G.V.D. WETLANDS DELINEATED BY NORSE ENVIRONMENTAL SERVICES, TYNGSBORO, MA.

THIS PLAN DOES NOT REQUIRE APPROVAL  
UNDER THE SUBDIVISION CONTROL LAW  
HAVERHILL PLANNING BOARD

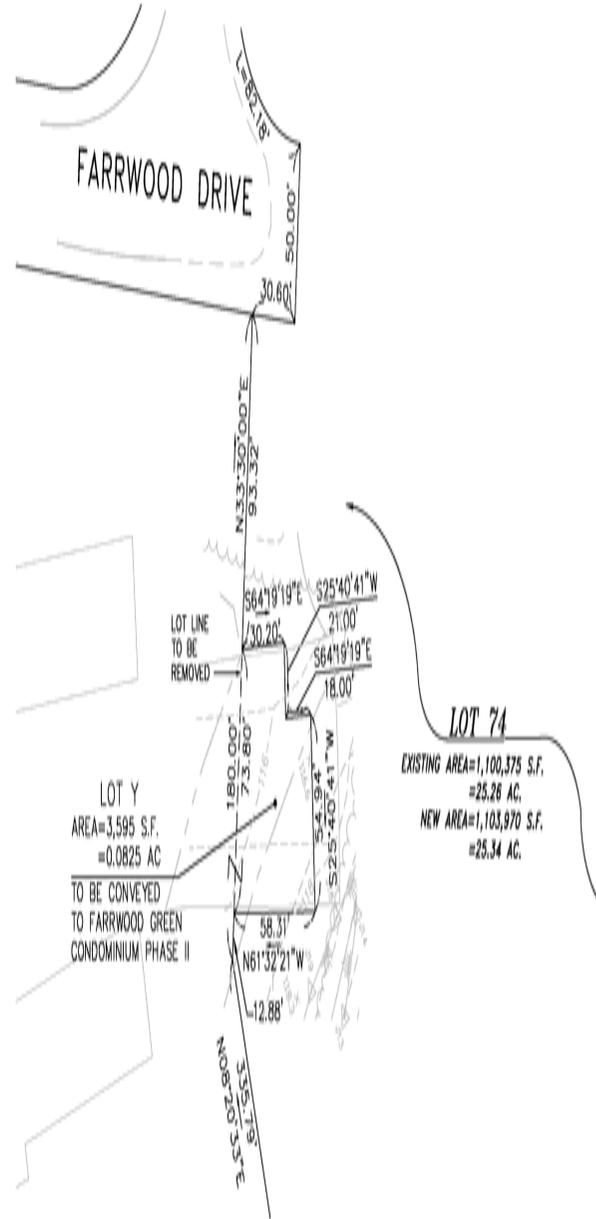
\_\_\_\_\_ DATE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NO DETERMINATION OF COMPLIANCE WITH  
ALL ZONING REQUIREMENTS HAS BEEN MADE.



**DETAIL A**

1" = 40'



**DETAIL B**

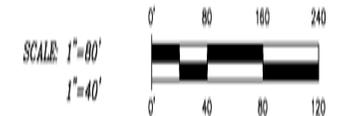
1" = 40'

"I HEREBY CERTIFY THAT ALL INFORMATION SHOWN ON THIS PLAN IS ACCURATE AND NO NEW RIGHT OF WAY LINES ARE SHOWN OR ARE BEING CREATED BY THIS PLAN AND THAT THE RIGHT OF WAY LINES SHOWN ARE EXISTING AND ARE NOT CHANGED OR ALTERED IN ANY MANNER BY THIS PLAN. I FURTHER CERTIFY THAT THE LAND AREA AND FRONTAGE SHOWN FOR THE LOTS UNDER APPLICATION ARE IN CONFORMANCE WITH THE ZONE FOR WHICH THE LAND IS SITUATED AND THAT THE PLAN IS IN COMPLIANCE WITH THE HAVERHILL REGULATIONS GOVERNING SUBDIVISION OF LAND SECTION III PART B. THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS."

\_\_\_\_\_  
STEPHEN E. STAPINSKI, R.L.S.      11/28/07  
DATE

**PLAN OF LAND**  
IN  
**HAVERHILL, MA.**

PREPARED FOR  
**WINTERVALE REALTY TRUST**  
188 SACO AVENUE  
OLD ORCHARD BEACH, MAINE 04064  
DATE: NOVEMBER 28, 2007



**MERRIMACK ENGINEERING SERVICES**  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810

Farrwood Green Condominium II  
PO BOX 8201  
Haverhill, MA. 01835

### Mail-in Ballot

I, \_\_\_\_\_, the owner of the Unit # \_\_\_\_\_, hereby freely cast my vote in the **affirmative** on the issue of the Land Swap, as presented to me in the Section 12 and two Engineering Plans of the accompanying letter. In particular, I understand that my affirmative vote signifies my full and complete agreement, without any reservations whatsoever, to the conveyance of the "Lot X" to Winterville Realty Trust and the conveyance of the "Lot Y" to Farrwood Green Condominium II, as fully detailed by the aforementioned Engineering Plans. I understand that my vote on the aforementioned Land Swap is final and I will not be able to reconsider or recast my vote. I understand that the Land Swap will be executed and the appropriate changes to the Master Deed will be made and recorded **if and only if all** of the Unit Owners of the Association cast their votes in the affirmative. I understand that if the Land Swap is approved I will be required to additionally sign the abovementioned Amendment to the Master Deed once all the paperwork has been finalized. I certify that the benefits and drawbacks of both the Land Swap and the refusal of such were presented to me completely and fairly and I cast my vote considering myself fully informed of the consequences of my vote.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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### Instructions

If you would like to cast your vote in support of the Land Swap, you **MUST** completely fill-in the above ballot and mail it to:

Property Management of Andover  
Attn: Land Swap  
PO BOX 488  
Andover, MA. 01810

The letter **MUST** be postmarked no later than July 18<sup>th</sup>, 2008. The final vote count will be completed on August 8<sup>st</sup>, 2008 and the results will be published no later than August 15<sup>th</sup>, 2008.

## City Hall Meeting Report

First of all, I would like to ask you to keep this part of the newsletter confidential and not discuss it with anyone outside of our condominium association: the strategies outlined here are somewhat sensitive and would be most effective if not disclosed to general public.

On May 22<sup>nd</sup> the representatives of six Phases met with representatives from Merrimack Engineering (Mr. Stapinsky) and Wintervale Realty Trust (Mr. Weinstein) to discuss the road repair issues (patching pot holes, general road ownership etc). The main point of contention was the ownership of the road: Wintervale claimed that their ownership of the road ends at their ownership of the land on which the road is constructed, whereas the Phases claimed that ownership of the road implies ownership of the pavement and, therefore, Wintervale's responsibility to maintain the pavement. Whether Wintervale's claims are correct is currently researched by our attorney.

The outcome of the meeting was (again) the agreement by Merrimack Engineering and Wintervale to continue patching the potholes for the time being and continued reconstruction of Farrwood concurrently with the construction of the additional condominium phases off Sterling Lane, at the apex and off the south branch of Farrwood Drive.

After the meeting there was a private discussion between the members of our Board, Mr. Braese, Wintervale and Merrimack Engineering, concerning the land swap and the future construction plans. From that discussion we found that the majority of the construction permits have not yet been granted. The permits in Haverhill are granted by different divisions of Economic Development and Planning Department: the **Conservation Commission**, the **Planning Board** and the **Board of Appeals**, which presents a unique opportunity for us.

All of the above meetings are open to the public. If we, as residents of Farrwood, want to achieve anything in our negotiations with Weinstein et al, we **MUST** voice our concerns and demands on the above meetings. To be effective and persuasive enough just a few representatives from each Phase is not sufficient – we **MUST** pack the place in order to give our demands sufficient political weight. It is important to remember that the members of the above boards and commissions are all appointed by the elected official, the Mayor, and thus, by the very nature of their appointment, are very susceptible to persuasion by large groups of their constituents. In the overwhelming majority of the cases the Planning, Zoning and other similar boards are very forthcoming in meeting the demands of the concerned residents when those residents are actually present. At the same time, when there is no resistance by the residents, the zoning, planning and construction applications generally get approved as filed.

Thus, it appears, the ball is in our court. If we **do** show up at these planning meetings in force and are insistent in demanding things that we want we are likely to succeed. The points of negotiation could be any or all of the following:

- the accelerated reconstruction of Farrwood Drive while bringing the road up to city specifications
- rebuilding the underlying sewage/water/electrical/data infrastructure
- putting the granite roadside curbing
- ensuring that new construction is done sufficiently far away from the existing units as to not disturb the view and maintain the value of the property

We need **as many of you as possible** to be able to even try to achieve any of the above. If you are hesitant about the amount of time you would have to spend or the amount of effort you'd have to put in here is what we envision you'd need to do: show up at a meeting of the board or commission in Haverhill City Hall one to three times a year, stay there for the duration of the meeting and look concerned. **That's all!** Yes, some of you may be bored to death. Yes, it might be a little crowded and a little hot. But if we are successful, the potential benefits all of us could reap may exceed a million dollars in materials and labor. All you'd have to do is show up.

On the other hand, if we are reluctant to drive 5 miles down the road and give 2 hours of our time, pretty much **ANY** construction plan by Winterville and Merrimack Engineering will be approved and no amount of complaints thereafter will be of any use – Winterville will construct what they want, where they want and how they want it, without any regard for our needs.

If you're willing to help, please look at the next page for the registration form. The form is absolutely **non-binding** and would simply allow us to notify you when/where to appear and what to expect when the time comes.

Sincerely,

The Board of Managers  
Farrwood Green Condominium Association, Phase II

Farrwood Green Condominium II  
PO BOX 8201  
Haverhill, MA. 01835

I, \_\_\_\_\_, the owner of the Unit # \_\_\_\_\_, would like to pledge my support of the Board's efforts to secure the speedy reconstruction of Farrwood Drive and to ensure that the charm of our condominium is not disturbed by the future construction. I also would like to help by attending the meetings of the Planning Board, Board of Appeals and Conservation Commission. Please notify me when and where such meetings will be held by contacting me (provide any of the following):

By Email: \_\_\_\_\_

By Phone: \_\_\_\_\_

By Mail

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At your earliest convenience, please mail the completed form to:

Property Management of Andover  
Attn: Pledge of Support  
PO BOX 488  
Andover, MA. 01810