

FIRST AMENDMENT TO HOST COMMUNITY AGREEMENT

WHEREAS the Town of Wenham (the "Town"), acting by and through its board of Selectmen, Janice L. Flynn, as Personal Representative of the Estate of William J. Flynn, along with its successors and assigns ("Seller") having its notice address at 5 Barker Road, Boxford, Massachusetts 01921, on behalf of themselves, their successors and assigns, and Atlantic Tambone, Inc., a Massachusetts corporation, and its successors and assigns, including any affiliate designated by it to acquire title to the whole or any portion of Lakeview (the "Developer") are parties to a Host Community Agreement ("HCA"); and

WHEREAS the HCA, among other things, provides for the tolling of the time in which the Town may exercise its right of first refusal pursuant to M.G.L. c.61B; and

WHEREAS the HCA, among other things, contains specific limitations on the manner in which Lakeview may be developed; and

WHEREAS the parties wish to amend the HCA to so that it reflects an additional condition pertaining to the development of Lakeview that was not memorialized in the original agreement.

NOW THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable considerations, the receipt of which is hereby acknowledged, the Parties, on behalf of themselves, their successors and assigns, hereby covenant and agree as set forth herein.

1. The HCA shall be amended by inserting between existing section 3.a) and existing section 3.b), a new section 3.a.i), to read as follows:

- a.i) All dwelling units in the Project shall be subject to a restriction requiring that there be in residence at least one person who has reached the age of 55, and that no resident (which shall not include periodic visits by those staying three months or less in any nine month period) may be under the age of 18.

2. Except as specifically amended hereby, the HCA is hereby ratified and confirmed and shall remain in full force and effect. From and after the date hereof, all references to the HCA shall be construed as references to the HCA as amended.

Executed this 2 day of FEBRUARY, 2016.

SELLER:

ESTATE OF WILLIAM J. FLYNN

By: Janice L Flynn
JANICE L. FLYNN, Personal Representative

DEVELOPER:

Atlantic Contract, LLC
BY: Jack Wilhelm
President

TOWN:

TOWN OF WENHAM
By its Board of Selectmen

Catherine Harrison
Catherine Harrison

Jack Wilhelm

John Clemenzi
John Clemenzi