

DESIGN GUIDELINE



MARCH 2022

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I. GUIDELINE INTENT

The purpose of the South Peak Resort Design Guidelines is to ensure all new improvements are compatible with the overall design vision for the resort. It is the goal of these Guidelines to provide a unified design aesthetic throughout the community while preserving the natural beauty of the mountain setting and the adjacent river corridor. South Peak Resort has been thoughtfully designed to include an assortment of Single-Family Lots, Multi-Family Residences, and Commercial Improvements. Each use has its own unique design and functional considerations. Consequently, two volumes of Guidelines have been created. Volume I addresses Single-Family Residences. Volume II pertains to Multi-Family and Commercial development.

The Design Guidelines are provided, administered, and enforced by South Peak Resort's Architectural Review Board (ARB). They are to be used by all persons involved in new construction, renovation, additions, landscaping, or other alteration to any improvement at South Peak Resort. The Guidelines are a living document that may be amended from time to time by the ARB. It is the Owner's responsibility to ensure that s/he has the most current edition of the Guidelines and has carefully reviewed all applicable sections.

The intent of the Design Guidelines is to encourage diversity and creativity while assuring that the collective result creates visual harmony between neighboring properties as well as within the overall community. The Guidelines are not intended to be a listing of prescriptive rules. Additionally, a number of illustrations have been provided in these documents to assist owners and consultants in understanding the objectives and vision at South Peak Resort. These illustrations typically represent general design concepts and are not meant to impose specific detail or design solutions.

The Design Guidelines do not constitute an outline of criteria stipulated by the Town of Lincoln, or any other national or local building code. Accordingly, approval by the ARB does not constitute a representation of compliance with the applicable codes and regulations of the governmental agencies having jurisdiction, nor does approval by the ARB certify the suitability of any materials for use in the construction.

This document should be referenced in conjunction with all applicable codes and regulations. Any discrepancies between the Guidelines and national or local codes must be brought to the attention of the ARB. Additionally, in the event that a conflict exists between these guidelines and the Declaration of Covenants, Conditions and Restrictions for South Peak Resort, the more restrictive provision shall apply.

II. A NEW TRADITION

The Vision of South Peak Resort

A Rich History ...

The Town of Lincoln and the surrounding area in Grafton County have a rich history. Chartered in 1764, land investors from Connecticut originally owned the area. In the early 1800's several hotels were built that drew tourists and vacationers to this rustic setting with many staying entire seasons. However, it wasn't until 1892 when J. E. Henry bought up thousands of acres of forestland and set up a sawmill that a town was actually established. As Henry expanded his business into the pulp and paper industry, the town experienced a building boom. Henry died in 1912 a very wealthy man. Eventually his sons sold the businesses to the Parker and Young Company in 1917.

The director of lumber operations for Parker and Young was a gentleman named Sherman Adams. Adams would be associated with the logging business until his career took a turn into politics. He spent a term as Governor of New Hampshire before being appointed as The Assistant to President Eisenhower in 1949. Eventually he resigned from his post and left Washington, and when he looked for a new direction, he turned back home to Lincoln. Adams returned to spend his later years realizing his dream of opening a ski mountain and establishing the acclaimed Loon Mountain Ski Resort.



Exhibit 2.1-From the Upper Pemigewasset Historical Society Archive

As time progressed, changing market conditions caused the Franconia Paper Corporation, the latest owners of the mills in Lincoln, to file for bankruptcy in 1971. Several other smaller companies unsuccessfully tried to continue paper operations, but eventually the doors of the mill closed for good in 1980 and the industry was phased out. Loon Mountain and the town of Lincoln are poised for another renaissance as the area returns to its roots as a cherished vacation spot. The tranquility and beauty of this mountain setting continues to cast its powerful spell, drawing those seeking escape. Once again, it is a place where one can leave behind the stresses of everyday life to rejoin and reconnect with nature and loved ones, a place where new traditions are created and the strongest memories and bonds are forged, a place significant enough to be considered home.



II. A NEW TRADITION

The Vision of South Peak Resort

The Place ...

South Peak Resort on Loon Mountain is located in the heart of the majestic White Mountains with dramatic views of the Pemigewasset River Valley. It is reached via the scenic Kancamagus Highway. As expansion on the mountain takes place, it is important to preserve the integrity of the natural landscape and wildlife habitat for future generations to enjoy. For this reason, much of the White Mountains remain under the guardianship of the United States Forest Service.

The nearby Town of Lincoln is a quaint mountain town with many traces of its history reflected in its architecture. A small-town atmosphere is part of its charm. Every season has something to offer in this mountain paradise. With an endless list of activities to do, it has become a favorite place to take the entire family. In an effort to preserve this community atmosphere, these Guidelines have been crafted to help shape the future architecture and landscape built here.

The Goals ...

There are four core goals in designing buildings to preserve and enhance South Peak Resort's present qualities:

I. A Sensitivity to Existing Surroundings

When initiating development, it is important to take stock of the unique qualities and features of a site. This sets up a framework for how to create a design that is respectful and responsive to that which already exists. Uses should be planned such that they minimize site disturbance. Tree removal is to be the minimum necessary to accommodate buildings and comply with wildlife protection. As much as possible, the tree canopy should be preserved. Whenever feasible, removed vegetation should be restored or replaced with indigenous plant material. Grading and drainage designs should take into account natural landforms and drainage patterns to minimize their disruption. Architecture should work with the site and the existing topography. Buildings should be designed to respond and step with grades and landforms creating individual, site specific designs. The architecture should look as though it grows out of the site rather than taking it over.



II. A NEW TRADITION

The Vision of South Peak Resort

2. Architecture that is an Outgrowth of its Environment

It is very important that an overall visual harmony be maintained in South Peak Resort. Additionally, it is important for the architecture to relate to its surroundings. For this reason, the Architectural Vision calls for the use of indigenous building materials such as stone, timbers, logs, wood, and metals. Selected color schemes should complement the natural landscape's pallet using contrasting colors only as accents. Architectural forms should be derived from a response to climate and should have an honest expression of structure. Scale and placement of a building must be sensitive to the surroundings and neighboring development.

Perhaps one of the best examples of an Architectural Style that developed out of the same principles outlined above is that which is known as Adirondack architecture. Born in the forests of Upstate New York, this style adapted to the rustic mountain environment by combining the European histories of Early American Settlers with the natural resources at hand. The versatility and creativity, which is representative of this architecture, has many different faces. Some may think it is typified in the Great Camps of the late 1800s. However, Adirondack architecture is known to respond to local conditions with originality and inventiveness. Other examples include a range of architecture from simple log cabins or lean-tos to Lake George Victorians, National Park Service Lodges, or even the Mountain Shingle Style. Whatever the various mountain theme, the unifying spirit is the ability to create rich architecture through attention to craftsmanship and detail using natural materials, all the while being respectful of the natural surroundings.



Exhibit 2.3 – Lake George Victorian

II. A NEW TRADITION

The Vision of South Peak Resort

It is suggested and encouraged that the tradition of Adirondack architecture be continued at South Peak Resort, and, in fact, taken to the next step. New styles of architecture and landscape that capture the spirit of the historical examples provided while meeting the needs of a new, different population in contemporary times are welcome. Many images of historical examples are shown in the body of this document in the hopes of inspiring the next evolution of this style.

3. Sustainable Design Principles

South Peak Resort enjoys the heritage of a special mountain region. In order to preserve this heritage, new development is encouraged to take a sustainable approach to design and construction. An emphasis should be placed on environmental responsibility and “green” building practices. These principles range from: siting a building in a manner that best responds to the climate; minimizing erosion during construction; using recycled materials for building; to incorporating on-site power generation (where feasible within aesthetic standards established by the guidelines) and energy and resource conservations measures. Two references that may be helpful resources of guidelines for sustainable design include the government-backed Energy Star program and the U.S. Green Building Council’s LEED System.



Exhibit 2.4 – National Park Service - Ahwahnee Lodge

II. A NEW TRADITION

The Vision of South Peak Resort

4. A Contribution to Community

Owners and designers at South Peak resort are responsible for creating developments that balance privacy with a sense of community. For many, the impetus for investing in a mountain property is for the solitude it can provide. An individual's privacy should be a strong consideration in design whether it is the owner's privacy or the neighboring property's privacy. These private environments, however, should also provide the opportunity to connect back to the community at large.

Linking the private realm to the public realm with semi-public space is encouraged. These semi-public spaces are transition spaces such as front porches or patios, terraces, or "outdoor rooms." These spaces provide wonderful design opportunities that enhance architecture. Additionally, they extend the livability of the residence and promote friendly, casual interaction with neighbors, while dispensing with the unwelcoming street-scape often associated with Suburbia.

These semi-public spaces afford the opportunity to connect back to the community at large and provide a sense of belonging to something bigger than one's own domain. This concept is reinforced by a site plan that contains open space and elements for the shared use of all residents. At South Peak, the mountains and river valley are wonderful recreational resources that are meant to be shared assets for the community. Providing physical or visual connections to these spaces where neighborhood interaction takes place is key to fostering a sense of belonging.



Exhibit 2.5 – Mountain Shingle Style

III. SITE PLANNING & DESIGN

A. Introduction

The Site Planning and Design for residential lots at South Peak Resort on Loon Mountain depend on a thoughtful and environmentally sensitive approach that responds to existing site characteristics as well as to overall environmental conditions. Site planning, building placement and landscape design should work harmoniously to minimize site disturbance, promote a sense of community and foster ecological integrity for the surrounding mountain environment. To ensure that the spirit and intent of the design guidelines are followed, the consultation of a registered landscape architect is recommended.

The impact of development on neighboring properties, rights-of-way, easements and common areas shall be considered during the process of the site planning and design. The location and design of residential structures shall relate and respect relationships with existing topography, natural features –such as existing slope, natural drainages, rock outcroppings, tree stands and view corridors –and orientation to sun, wind and views. Existing trees and vegetation shall be preserved to the fullest extent possible. The proposed residences at South Peak Resort should demonstrate the principles inherent with sustainable planning and design that capture the spirit of a mountain community and complement the natural landscape.

B. Setbacks, Building Envelopes, and Lot Coverage

The residential lots at South Peak Resort have been configured to respond to topography, road access, views, and natural site conditions. Each lot contains a setback, building envelope, and maximum lot coverage.

Required minimum setback distances from the lot boundary are as follows:

- Front 15'
- Side 15'
- Rear 15'



Exhibit 3.1 – Typical Residential Lot Diagram with Lot Boundaries,

III. SITE PLANNING & DESIGN

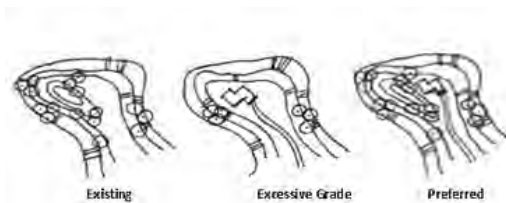
In addition, a Building Envelope for each lot has been established to maintain the balance between building and natural setting. Each residence shall be located within the Building Envelope and provide a sensitive response to the qualities of the site: existing vegetation, topography, views, and sun exposure. Consideration of adjacent and neighboring properties shall also be given. All buildings on residential lots, including garages, must be located within the Building Envelope. All garages shall be set back a minimum of 20' from the street right-of-way. Decks, patios, driveways, and other such site improvements, may be located outside the Building Envelope with prior written approval of the ARB.

Requests to modify a building envelope shall be submitted to the ARB and shall be considered on a case-by-case basis. Granting such requests shall be the sole discretion of the ARB. In evaluating a request for a Building Envelope adjustment, the Board will take into consideration the following: views and privacy of neighboring lots, topography, drainage, wetlands, vegetation, and any other physical features of the site or surrounding area. If modification of the building envelope results in expenses relating to relocation of utilities, trails, or other easement areas, the owner requesting such modification shall bear all such expenses. The maximum impervious coverage allowed for South Peak Resort lots is 35 percent of the total lot area. Impervious coverage will apply to all areas that do not allow water to infiltrate or which do not support vegetation.

Some residential lots within South Peak Resort are located in close proximity to ski lifts and other aerial transport systems. The owners of these lots may be required to comply with the State of New Hampshire Passenger Tramway Rules, which generally require notification to the Tramway Board when a crane or similar construction equipment is utilized during the construction of a structure within 100 feet of a tramway or other aerial transport system. Individual lot owners are responsible for determining whether the lot must comply with the Tramway Rules, and if so, are responsible for full compliance with the requirements.

C. Building Placement

Thoughtful placement of a building on a site promotes a balance of people and nature by taking into consideration natural site features such as topography, vegetation, and sunlight. The natural and existing characteristics of a site influence site and building design elements including shape, massing, materials, surface-to-volume ratio, structural systems, mechanical systems, access and service, solar orientation, and provisions for security and fire safety. If properly organized and situated, the building and landscape achieve harmony with the surrounding area and livability is enhanced.



III. SITE PLANNING & DESIGN

D. Grading and Drainage

Site grading is the reshaping of topography for the purposes of accommodating structures and for maintaining drainage patterns. For the protection of the environment, plans for site grading and drainage must be consistent with minimum disruption to the lot and must avoid any alteration of natural drainage patterns which could cause conditions leading to soil erosion. Should such alteration be required, suitably qualified designers will be required to provide verification of impact studies and appropriate design solutions to prevent detrimental effect on subject site and adjoining properties. Beyond the purely functional and environmental aspects of grading and drainage, the aesthetic goal is to preserve and enhance the existing natural land forms.

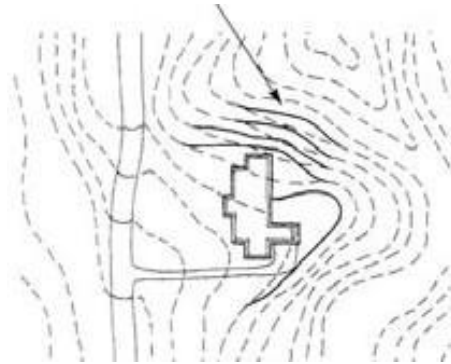
A conceptual grading plan and drainage plan is required for all lots to ensure every consideration is given to producing a site plan that is well integrated, functional and works as a single composition. Site grading is often overlooked or overdone. When completed correctly, the site should reflect pleasing, natural forms that take shape gradually, lending the landscape a naturalized appearance. Abrupt mounds and transitions or sharp forms do not appear natural in the landscape.

Sloping lots shall employ architectural designs which take up the grade change within the dwelling's footprint. Awkward or steep slopes which are neither architectural nor natural in their final appearance shall not be approved. Cut and fill slopes may have a maximum ratio of 3:1 horizontal to vertical unless supported by an approved retaining boulder or wall and a transition slope at the top and bottom. All cut and fill slopes are required to be re-vegetated with approved plant material.

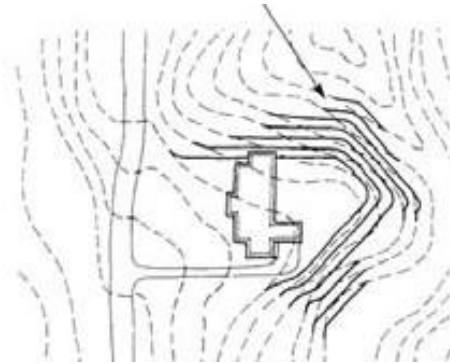
Except for driveway access, erosion control, or utilities, grading within the setback areas of any lot shall be discouraged. Grading within setbacks will be permitted under special circumstances but will incur additional protection to ensure setback buffer is brought to a more natural state and provides sufficient cover to maintain privacy between lots and to the road. It shall be the responsibility of the owner to retain suitable design services to satisfy the intent of the requirements. An additional landscaping deposit will be required as a surety to the completion of all proposed and approved site work.

III. SITE PLANNING & DESIGN

Grading creates large pads that do not relate to the existing landscape.



Grading relates to existing shape of hillside.



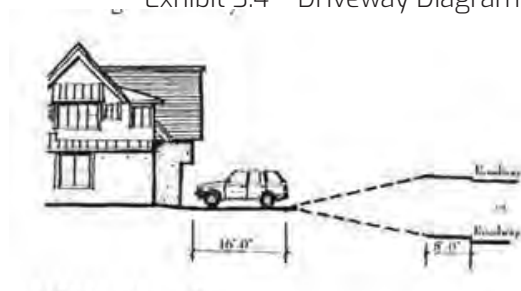
E. Driveways and Parking

Careful design consideration in site planning and overall massing should address the neighborhood streetscape as well as the design of the individual residence. Driveways are to enter each lot in a discreet manner, responding to important natural features, such as large or significant plant materials, drainage ways, rock outcrops, and to minimize disruption of the existing landscape. Each lot may be accessed by a single driveway or in some cases, accessed via a shared driveway. Private gates, monuments and grand entries are not consistent with the informal, mountain character of South Peak Resort. Driveway locations other than those specified for the home site are subject to ARB approval.

For safety considerations, there shall be provided a near-level transition area of 16 feet between sloping driveways and garage doors and a near level transition area of eight feet between sloping driveways and the edge of pavement at the roadway. Driveway widths shall be minimized. Each residence is required to have at least two off-street parking spaces. It is recommended that one of these be in the garage.

Driveway paving is to be built of asphalt, natural stone, concrete pavers or gravel and shall have flared, hard surface, aprons, not exceeding a ten-foot radius, where it intersects the roadway. Given the tendency for high snow accumulation, driveways shall be designed with snow removal and storage in mind. Heated driveways should be considered for slopes greater than 10—and for courtyard areas where snow plowing and removal will be difficult. Additionally, where required, the exposed ends of a culvert or drainage pipe shall be aesthetically finished with grouted or dry-laid stone headwalls.

Exhibit 3.4 – Driveway Diagram



III. SITE PLANNING & DESIGN

F. Storage and Accessory Structures

Small storage buildings and accessory structures which are designed specifically for the lot and are constructed on site may be allowed if they are complementary to the main structure and are approved in advance by the ARB. In general, the same Guidelines that apply to architecture apply to the design of the landscape structures (Refer to Section 4 for Architectural Guidelines). Storage buildings and accessory structures that are pre-fabricated shall not be permitted.

G. Easements

Lots at South Peak Resort may contain specific or general easements for trails, utilities, or other uses. Lot owners shall not place, erect, or construct any structure or pavement within these easements, except for a driveway for purposes of access. Owners should refer to the recorded plat, the parcel maps, and other relevant documents for the location and extent of these easements as they affect the Owner's lot.

H. Site Utilities

All utilities extending from the point of connection to a residence must be placed underground. Careless placement and design of utility connection details can significantly detract from an otherwise satisfactory design by creating unnecessary soil disturbance and needlessly exposing equipment. Utility connections, meter boxes, tanks, etc., shall be screened from view or located at the rear or side of the building and integrated into the architectural design of the dwelling by using similar materials and colors.

All areas of the site disturbed from utility trenching operations must be restored to their natural conditions as nearly as possible. Additionally, as a general rule, utility trenches may not encroach into any required setback except where they cross a setback between the service tap and the building envelope.

I. Erosion Prevention and Sedimentation Control Measures

Lots at South Peak Resort may contain specific or general easements for trails, utilities, or other uses. Lot owners shall not place, erect, or construct any structure or pavement within these easements, except for a driveway for purposes of access. Owners should refer to the recorded plat, the parcel maps, and other relevant documents for the location and extent of these easements as they affect the Owner's lot.

III. SITE PLANNING & DESIGN

I. Erosion Prevention and Sedimentation Control Measures

Perimeter protection to filter sediment from sheet wash shall be located downslope of all disturbed areas and properly installed prior to upslope grading. Areas not being worked for 30 days or more shall be vegetated, unless the County determines that winter weather makes vegetation establishment infeasible. If this is the case, it must still be more permanently stabilized, using methods such as bonded fiber matrix.

The area around each residence that will be impacted by construction activity shall be limited to the immediate area around the building excavation, with reasonable allowances made for practicality of construction and access. Riparian and wetland areas that may exist on a residential lot are to be protected from construction disturbance.

J. Tree Protection, Removal and Thinning

Due to the 'living' nature of South Peak, with changes in ownership and priorities in site development, it is deemed necessary to document all trees over 4" in caliper, at or above 4' from grade, within the building envelope as well as the front and side setbacks, to be included in the preliminary review process. Additionally, further tree mapping will be required within twenty feet of the rear building envelope line, or setback if no building envelope is present.

No trees over 4 inches in caliper at 4 feet above grade level may be removed outside the building envelope without specific approval from the ARB. The limbing of live branches is allowed up to ten feet above ground level without written approval. Trees 12 inches in diameter and greater may be limbed up to 12 feet off the ground. Limbing above these levels requires specific approval prior to performing work.

Protective fencing is to be erected and maintained around all existing trees and shrubs during construction. Care should be taken to install protective fencing outside of the drip line of trees and shrubs.



Exhibit 3.5 – Existing trees preserve the visual quality of the site and allow for natural screening.

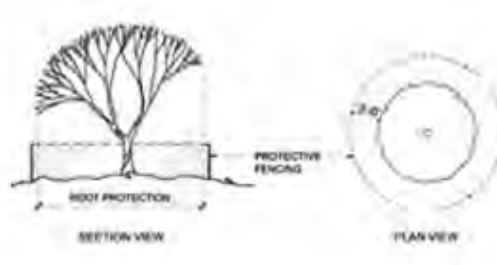


Exhibit 3.6 – Tree Protection Fencing safeguards the trunk, branches, and roots from construction debris and damage. Fencing material should be bright, durable, and a minimum of four feet tall.

III. SITE PLANNING & DESIGN

K. Construction Management Plan

The lot owner or general contractor shall submit a Construction Management Plan that details the following: construction access, construction parking, temporary buildings, location of sanitary facilities, construction signage, tree protection, erosion prevention and sediment control measures, material storage and staging, dumpster location, and proposed construction schedule. The Construction Management Plan must be approved by the ARB prior to the start of construction.

IV. ARCHITECTURAL GUIDELINES

A. Introduction

An Architectural Guideline is just that—a guideline. While this document seeks to provide a design framework that imparts a harmonious overall vision, it would be considered unsuccessful if all the homes at South Peak Resort looked alike. On the contrary, what adds richness to a neighborhood is a variety of design solutions and details. As any architect will tell you, there are typically a number of ways to solve a design problem. This Guideline provides a history of various design solutions but welcomes further evolution and innovation.

The architecture at South Peak Resort should be responsive to its surroundings. This may happen on many different levels. Factors including, but not limited to climate, site conditions, views, neighboring adjacencies, and sustainability should all be taken into account in a building's design. Buildings should also be designed with longevity in mind. This kind of thoughtful approach to the design of all buildings will ensure that South Peak Resort is a magical place for generations to come.

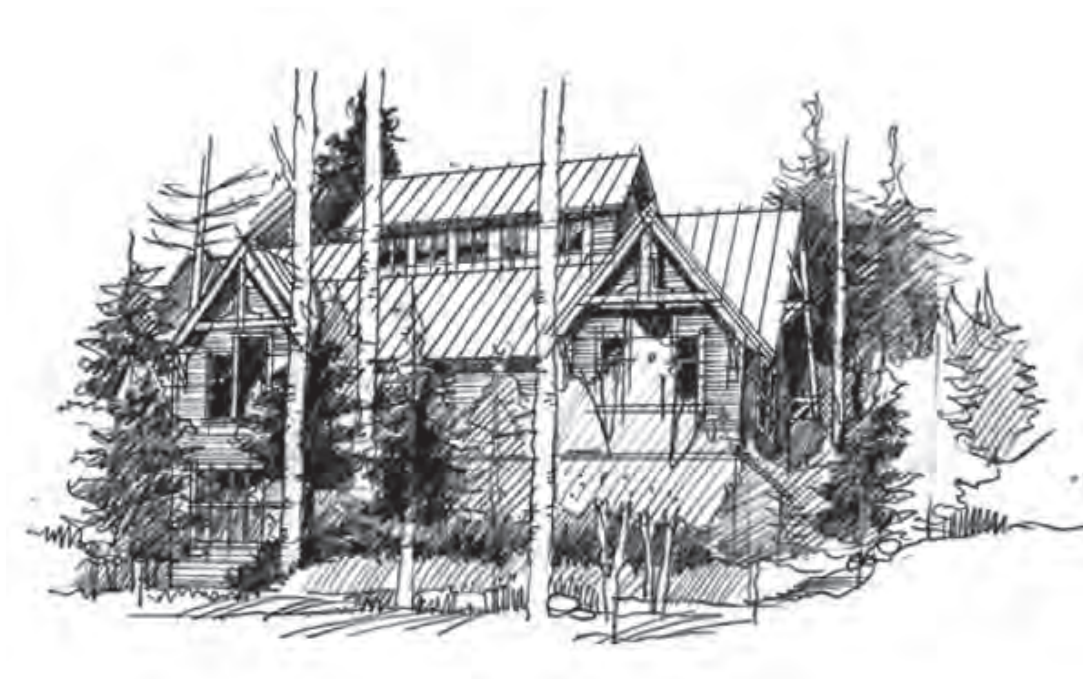


Exhibit 4.1 – Simple Adirondack home blended into the landscape.

IV. ARCHITECTURAL GUIDELINES

B. Forms and Massing

The form and massing of Residences within South Peak Resort will be important factors in establishing the architecture that blends comfortably within the landscape. This can be accomplished if the building composition is primarily a two-story structure that adapts to the landforms while expressing the functions they enclose. Forms that reinforce human scale are encouraged. Large, monolithic massing or harsh geometric shapes are to be avoided in favor of informal building compositions.

Forms should strive for symmetry or balance through additive elements such as porches, bay windows, dormers, balconies, doorways, and window patterns. The overall massing should be simple and straightforward with a clear expression of structure. The goal is to retain a simple order, and an honest and direct massing that can step with the topography and create visual interest without being overly complex.



Exhibit 4.2 – Form and massing should be composed of simple, human scale elements.

C. Scale and Square Footage

Sensitivity to a human, residential scale will help ensure that the architecture of South Peak Resort presents an image that is welcoming and supportive of a relaxed, informal lifestyle. Appropriate building scale will also help establish a balance between buildings and their natural setting and assure a compatible visual relationship between neighboring homes. To help achieve this residential scale, single-family residences that include portions at two or three stories shall also include portions of the building that are only one story in height. In no case may eave heights exceed three stories.

In keeping with the desire to provide appropriately scaled buildings, a home's building square footage, as defined in the glossary, will be sized according to the lot sizes and shall meet the following criteria (unless otherwise approved by the ARB)

Overall Build-able Area up to 10,000 sf:

Building sf range from 1,800 sf to a maximum of 4,000 sf.

Overall Build-able Area 10,000-15,000 sf:

Building sf range from 1,800-5,000 sf.

Overall Build-able Area 15,000-22,000 sf:

Building sf range 2,500sf to 6,000 sf.

Overall Build-able Area

Lots over 22,000 sf will be reviewed on a case-by-case basis, with permitted increases for additional floor area if it is deemed the site can accommodate larger structures.

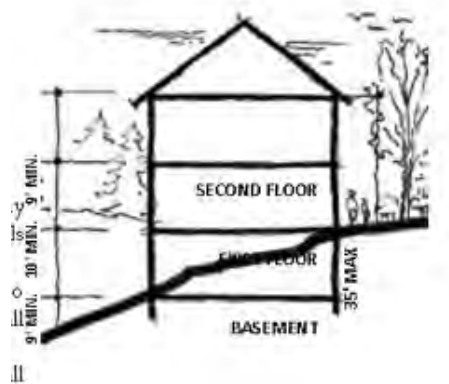
Within the prescribed structure sizes, defined bedroom accommodation will be limited to four units. Additional sleeping spaces can be provided within the structure but will require to serve a primary purpose other than sleeping accommodation.

IV. ARCHITECTURAL GUIDELINES

D. Building Height

It is intended that roof lines of residences step with the topography of the site and appear to be below the surrounding tree top levels when viewed from off site. For Single-Family Residences, building heights will be limited to 35 feet as measured from the primary eaves to grade on the uphill side of the structure. (See Exhibit 4.3) Height measurement of buildings with complex, stepped roofs will be determined at the discretion of the Architectural features such as chimneys and cupolas may exceed the height limits with Town and ARB approval.

Exhibit 4.3 Building Height Diagram



The uphill side of the structure to the primary eave line.
No more than 3 stories maximum - up-hill or down-hill side.

The main level finished floor elevation shall be a minimum of 12" above finished grade. Allowances may be made by the ARB for accessible entries as needed.

In order to allow for larger glazing opportunities and encourage consistency in design, it is required that a minimum 10-foot floor-to-ceiling height be used at the first-floor level. It is required that a minimum 9-foot floor-to-ceiling height be used on all other floors. Requests to modify required ceiling heights shall be submitted to the ARB in the form of a waiver request with justification. All waivers shall be considered on a case-by-case basis. Granting such requests shall be the sole discretion of the ARB.

IV. ARCHITECTURAL GUIDELINES

E. Structural Expression/Integrity

Inherent in the heritage of the Adirondack Architecture is the honest and direct expression of building structure. This visual awareness of the structural system establishes a sense of architectural authenticity. It also conveys a sense of protective shelter that can stand up to the mountain climate. The direct expression of structural support also recalls the tradition of earlier wood and stone buildings of the eastern mountain regions. Additionally, any expressed structure inherently has the potential to be ornamental and should be thoughtfully approached. In order to accomplish these important aspects of the South Peak Resort architectural vision, the Architectural Guidelines strongly encourage incorporation of the following design principles:



Exhibit 4.4 - Stone builds strong foundation for structure.

E. Structural Expression/Integrity (2)

Inherent in the heritage of the Adirondack Architecture is the honest and direct expression of building structure. This visual awareness of the structural system establishes a sense of architectural authenticity. It also conveys a sense of protective shelter that can stand up to the mountain climate. The direct expression of structural support also recalls the tradition of earlier wood and stone buildings of the eastern mountain regions. Additionally, any expressed structure inherently has the potential to be ornamental and should be thoughtfully approached. In order to accomplish these important aspects of the South Peak Resort architectural vision, the Architectural Guidelines strongly encourage incorporation of the following design principles:

Building foundations should appear to be a strong platform and carry the weight of the structure through stone foundation or masonry walls. Building foundations are to appear to be crafted by skillful masons, preparing a strong base to ensure the lifetime of the structure. Exposed concrete or the appearance of “floating” stone is strongly discouraged.

Roof framing offers another visually rewarding opportunity to express the structural integrity of the building while adding interest, character, and individual identity. Beams, rafter, purlins, and supporting brackets can establish scale, detail, and visual harmony if they present direct expression of the structural system.



Exhibit 4.4 - Stone builds strong foundation for structure.

E. Structural Expression/Integrity (3)

Perhaps the most significant link to the architecture of the Adirondack Region is the use of timber framing and log structural components in both interior and exterior applications. This direct use of timber and log framework can include horizontal beams, vertical columns, trusses, and other timber systems that span spaces or transfer loads.

These timber and log structures will be visually effective if the load-bearing system is honestly expressed without superfluous members, if connections are well detailed, and timber members are sized to accept their true or represented loading. Visual continuity can be achieved if column, beam, and connection systems are designed to convey a transfer of loading in a logical and ordered manner from roof to foundation.

F. Exterior Materials

Historically, materials employed in the various styles of Adirondack architecture were indigenous to the area and hewn by hand. Given that such raw materials and labor are in short supply today, it is expected that modern materials and methods will be employed. Nonetheless, use of synthetic products must be made to look as authentic as possible both as a material and its application.

Stone: Stone indigenous to the New England Region, such as river rock, weathered granite or slate may be used to express structural mass walls and chimneys. While it is not the intent that this guideline dictates that stone is a required building element, when used, it must be laid in a manner that appears structural with careful fitting of individual pieces. It is typical of mountain architecture to provide a heavy stone plinth from which the building grows. Not only does this provide a sound base for the building, but it is also an ideal application for protecting the structure from heavy winter snows and spring's mud season.

Brick: Brick was rarely seen in Adirondack architecture. The soil in the region was typically too sandy to make brick. Consequently, the use of brick is considered inappropriate and not in character within the development and its use will only be permitted under limited circumstances when deemed necessary. Where used with stone, it shall appear to have structural continuity.



Exhibit 4.7 – Exterior materials of stone, wood, timber, glass and iron are encouraged at South Peak Resort.

F. Exterior Materials (2)

Wood shake and shingle siding: The use of shakes was often used in Adirondack architecture and is very appropriate for South Peak Resort residences. Shakes can add refinement, varied texture, and pattern to wall surfaces. They can provide individual expression through techniques that vary in size, texture, and exposure of the material.

Board and Batten / Board and Channel: Mountain Architecture often employs vertical board and batten where a strip or batten is applied when vertical boards meet. Historically, this was used as an alternative to clap board. A variation on this is the board and channel where the strip is recessed. Both are acceptable in varying sizes and widths. Minimum channel or batten size will be one inch.

Timber, Frame and Glass: Early camps and cabins typically had small windows as glass was hard to come by and had no insulative value. Given advancement in window technology, glazing should be incorporated into the architecture as a way to add vitality to a facade and provide inspirational views from within. A structural frame of timber may be infilled with glass to create an exterior wall. The scale of individual lites should be in proportion with the other design features of the residence and where appropriate, combinations of secondary windows shall be used to compose a major window opening. Typically, a large timber-framed window wall will be successful when it is set under a large overhanging roof to cast shadow onto the glass. Thermal properties of the glass should be considered relative to solar orientation and energy considerations.

Wood Siding: Builders in the mountain regions have long experimented with different types of wood siding. Varied use of the preferred siding types is encouraged at South Peak Resort as an opportunity for individuality and uniqueness. Such variations can achieve this but must still attain the rustic nature so prevalent in the development. Various sizes and profiles of wood siding including clapboard, brainstorm, v-groove, and beveled with or without a random irregular edge may be used. Siding may be placed horizontally or vertically. Diagonal siding is strongly discouraged for primary wall areas, but may be used for secondary accent areas at the ARB's discretion.

Although structural log wall construction, and its counterpart, cut-log tongue and groove siding, were a fairly common choice in original Adirondack construction, it is deemed an inefficient and overly utilitarian construction method that is inappropriate to the style and stature of the development.

Ornamental and Structural Steel: Although not a material that was used in early Adirondack architecture, with careful use steel may provide a contemporary edge to this architectural style. Steel may be used and expressed as secondary structural components. Appropriate uses include banding at column bases, cross ties, and timber connectors. However, these steel components should be dealt with in a subtle and artistic manner. Connecting plates for trusses and other assemblies should be visually concealed or limited to ornamental, engineered hardware as required for structural considerations and approved in writing by the ARB.

IV. ARCHITECTURAL GUIDELINES

G. Doors and Windows

Doors and windows, through their configuration, scale, and proportion, can link the architecture of South Peak Resort to the heritage and crafted look of Adirondack architecture. At the same time, doors and windows can provide the important transparency between indoor and outdoor spaces, and can provide the opportunity to capture panoramic views of the surrounding mountains.

The primary entry door of a residence can be a welcoming expression of home and can depict the personality of the architecture – accomplished through creative artistic design.

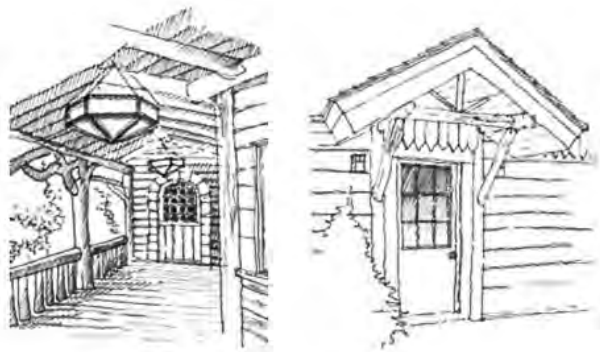


Exhibit 4.8 – Primary entry doors can express individual personality and character.

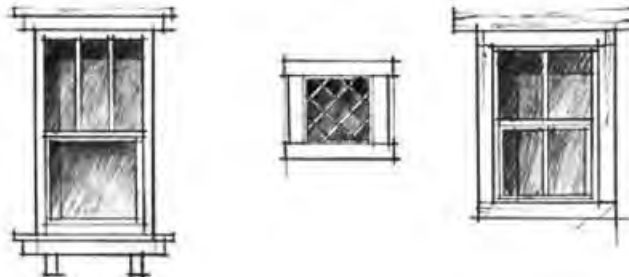


Exhibit 4.9 – Varied window patterns with artistic design are encouraged.

IV. ARCHITECTURAL GUIDELINES

G. Doors and Windows (2)

Generally, windows that are set into stone walls should be smaller than those set into timber or surrounded by siding. They also should include headers and sills of timber or stone or arches that represent the structural support for the window opening in the stone wall.

When set within wood, timber, and shingle walls, windows should be trimmed on all sides. This trim can be made of multiple board members to express a crafted or classic trimmed opening and may be painted or stained.

Windows in primary living spaces can provide expansive glass for viewing if set within a structural frame of timber. In such cases, roof overhangs should be used to shade the large glass areas and to avoid reflective glare. No single pane of glass shall exceed 32 square feet and large expansive window areas must be composed of secondary window divisions and supporting structure within the context of the overall building structure. Reflective glazing or coatings are not permitted.



Exhibit 4.10 – Large view windows set within structure and shadow

To recall the architectural heritage of the White Mountain region, individual windows and divided lites should have simple, square or vertical proportions as opposed to horizontal or complex shapes. Large window openings shall be made up of multi-lite assemblies to assure a human residential scale proportion to the home. When used, divided lights must be authentic or simulated to appear authentic, using internal spacer bars to simulate true divided lines.

H. Roofs

Given the summer rain and winter snow of the White Mountains, roofs play a vital role in the architecture of South Peak Resort –both functionally and aesthetically. Overall, roofs should convey a sense of shelter and protection for the home. They can also establish scale and interest through a successful composition of varied pitches and forms.

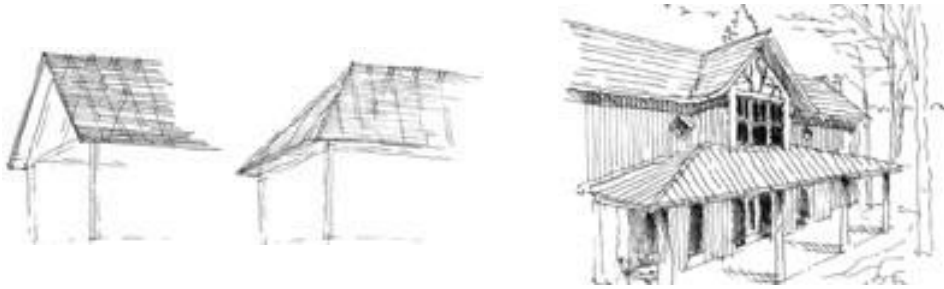
All roof forms are to be gable, hip, and shed profiles similar to Adirondack style architecture. Both practically and visually it is important to keep basic roof forms simple and to strive to avoid complex intersections at awkward pitches and angles. Roofs shall be designed to efficiently deal with the snowfall of the White Mountain region, and simple forms will help achieve this goal, both in terms of shedding snow efficiently during the colder months, and directing runoff as the weather warms and the snow melts from the roof. Sheltering roof forms can convey a sense of protection and provide a welcome retreat on shaded porches and terraces. Dormers are encouraged to enhance the architectural scale, to allow natural daylighting, and to create individual identity and character.

The major roof for a residence at South Peak Resort shall be a minimum pitch of 6:12 and a maximum pitch of 12:12. Secondary roofs over building components such as porches and dormers may have lesser pitches, down to a minimum of 3:12. Roof overhangs at the major roof shall be a minimum of 2 feet deep. Minimum fascia depth at the primary roof shall be 8". Although the common roofing material for Adirondack architecture has historically been wood shake, architectural grade asphalt shingles are an encouraged alternative. Sheet metal roofing also has a history as a common selection for roofing material, but will only be permitted on secondary roof elements at pitches below 6:12 slope. As it is now available in a vast array of colors, it can animate a building elevation and reinforce accent and trim colors. If metal roofing is used, however, snow guards should be used to reduce the potential for snow avalanching.

Roof forms must consider snow and rain shedding to avoid potential for personal injury and property damage. The roof plan should be designed in concert with the site and landscape plans to avoid safety and drainage conflicts. The technical design of a roof should consider the factor of snowfall and the potential for associated ice dams. In support of energy-efficient design, it is important to consider solutions such as well-ventilated cold roofs or super-insulated roofs to prevent ice dams, in lieu of applied heat to melt away the problem.

IV. ARCHITECTURAL GUIDELINES

Exhibit 4.11 – Roofs should be kept simple and additive in form.



I. Porches

As part of a residential design, porches can offer many attributes that will enhance the resort lifestyle. Porches can provide a welcome link to the neighborhood, extend the opportunity for outdoor living in a sheltered place, and convey a sense of casual relaxation. Therefore, these Guidelines encourage the incorporation of a porch that fronts a public area... pathway, street, or ski way.

The design of porches—in terms of column and railing detail, configuration, trim and color—provides a great opportunity for individual expression. Symmetrical or asymmetrical porches with rustic wood detailing fit in with the many styles of mountain architecture. This may also be a location where the creative use of ornamental iron is used to provide a cost-effective way to simulate some of the ornate twig detailing that is a signature element of the Adirondack style. The porch provides a venue for architectural and decorative experimentation. When properly designed with sheltering roofs, they can also serve as effective protection against snow shed from a higher roof at entries.



Exhibit 4.12 – Sheltering porches should front public ways and convey a sense of casual relaxation.

IV. ARCHITECTURAL GUIDELINES

J. Chimneys, Flues and Roof Vents

A strong part of the mountain heritage of South Peak Resort is found in the warmth and relaxation offered by a fireplace. The exterior expression of this welcome feature is the chimney. The scale and form of chimneys should relate to the primary structure, to add balance or to provide a counterpoint to the primary forms of the building. Chimneys may be finished with stone to match or complement the stone material used on the foundation of the building. Chimney caps offer an opportunity for individual artistic expression done in stone or metal.

Large flues and mechanical vents are to be consolidated when feasible and hidden within a chimney-type enclosure. Small flues such as plumbing vents may be exposed if painted to match the adjacent roof. Chimneys, flues, and roof vents should be designed and located to prevent damage due to snow shed.

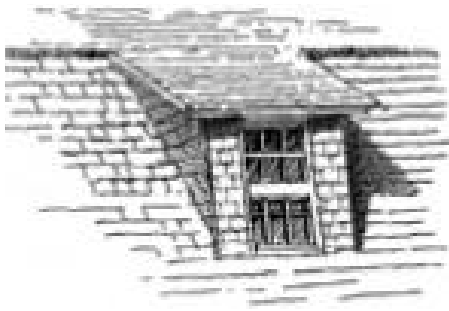


Exhibit 4.13 – Chimneys of stone represent hearth and home.

K. Dormers

Dormers are strongly encouraged as both functional and aesthetic elements of South Peak Resort architecture. Placement, shape, and size of dormers should take into consideration the scale and proportions of the associated roof and building form as well as interior spaces and functions. With proper placement, dormer windows can provide welcome daylighting into interior spaces. Dormer materials may be selected from the exterior wall materials and roofing materials used on the building.

Exhibit 4.14 - Dormers create identity and character.



Shed Dormer



Gable Dormer

L. Gutters, Downspouts, and Snow Shedding

Long-term enjoyment of residential property and the safety of owners and guests at South Peak Resort will be enhanced if the effects of rain and snow are thoughtfully addressed. This can be accomplished through the careful design of roofs and their secondary systems, such as gutters, downspouts, flashing and snow guards.

The overall design and configuration of roof forms should be the primary way to effectively manage water runoff and snow shedding. In addition, gutters, downspouts, and snow fences / guards may also be needed for a well-functioning roof system. These devices can be used effectively to divert water away from entries and patios and toward surface drainage on the site. Properly designed snow guards can help retain snow on the roof and avoid potentially dangerous avalanching of snow from the roof.

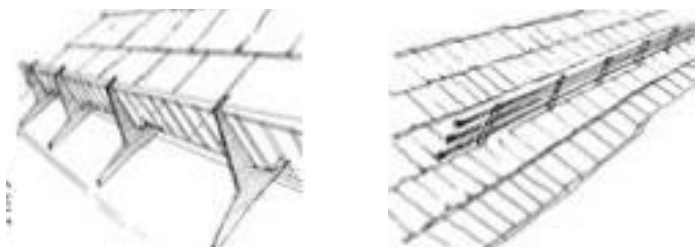


Exhibit 4.15 –Guard with metal snow clips can be effective protect against avalanching.

M. Guardrails

Guardrails on exterior stairs, balconies, decks, and porches are typically the showpiece of Adirondack architecture where creativity and craftsmanship collide. Attention to the design and detailing of this building element is strongly encouraged. The materials for guardrails should either be consistent with the materials of the primary structure or made of a complementary wood or metal. Guardrails should be open visually with space between adjacent members rather than solid filled in panels.

Guardrails may include either wood or cable infill but will have wood/simulated wood intermediate support posts, newel post, and all other elements. Infill connection details will be concealed/recessed. All guardrails and handrails must meet applicable codes.

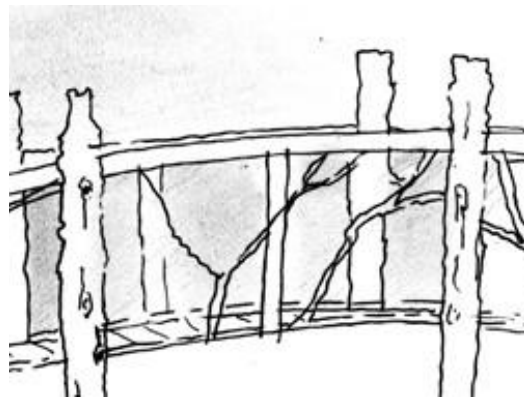


Exhibit 4.16 - Railings give an opportunity to explore creative detailing.

N. Colors

There are two important aspects to building color within South Peak Resort. The first is the predominant color palette of overall building forms—the major exterior exposures of walls and roof. The second is the accent found on details and trim.

Major Building Forms: The primary goal for major building forms is to blend into the colors and textures of the trees, soils, and rocks of the native landscape or historic colors of surrounding towns. Most mountain architecture features a natural earth tone color for field siding, enhanced by colorful window frames and doors.

Stone should relate to outcroppings in the general area, typically in the gray and brownish-gray colors. Bright, reflective stone such as white or buff limestone should be avoided.

Major wood wall materials, including siding, shingles, timbers, and logs, should be treated or stained to enhance or emulate the natural colors and qualities of the wood. Stain must be semi-transparent and in color tones ranging from russet to gray-tan and brown to bring out the natural qualities of the wood.

When composite shingle roofing is used, shingles should be in the colors of brown-green, gray-green, or medium to dark grays. Metal roofing may be allowed to patina to its natural color or match the accent trim color.

Details and Trim: The color of details and trim can offer a touch of individual identity and interest. The color of window frames and small details can either be the same as the primary wall material or earth tones.

Exterior Equipment: Exterior equipment, such as mechanical equipment, vents and flues, and satellite dishes, are to be finished or painted in a dark brown, dark gray, or gray-beige to match the color of the nearest primary building material.

IV. ARCHITECTURAL GUIDELINES

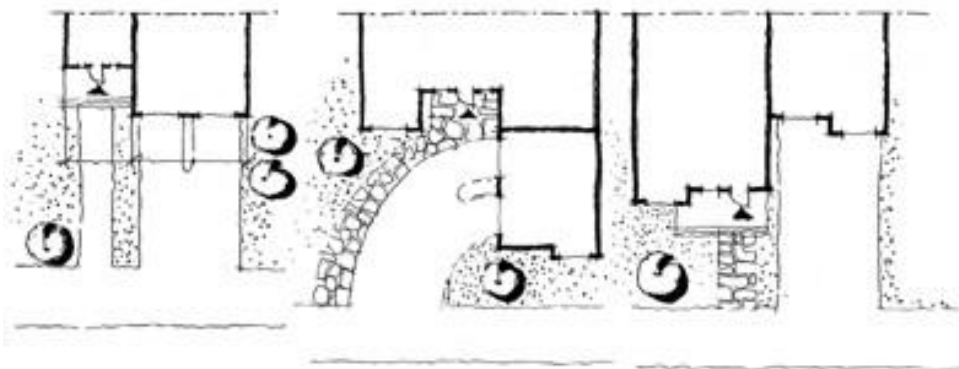
O. Garages and Garage Doors

In order to present the character of a mountain retreat, rather than a suburban street, strong consideration should be given to the visual image and orientation of the garage doors. The design principle of “architectural forward,” whereby the visual awareness of garage doors is minimized from the primary frontage, should be incorporated in the design of residences at South Peak Resort. In the mountain related residential lots, this primary frontage may often be the ski slopes, not necessarily the adjacent roadway. Various techniques should be considered such as rotating the garage orientation, separating the garage from the home with a connecting link, or providing a detached garage.

Garages attached to this residence are to be located and oriented so they become subordinate to the home itself. The primary exposure to the main frontage should be the residence, rather than garage doors as the dominant image. Where conditions require the garage doors to front the primary exposure, design techniques should be used to reduce the visual impact of the doors... such as setting them back from the front of the home or placing them within the recesses and shadows of other building forms. When garage doors of attached garages face the street with less than 45 degrees offset from the direction to the street, the garage door exposure shall not exceed more than 50% of the total building elevation fronting the street.

Garages may be attached to the residence or be free-standing. In either case, the architecture of the garage must be consistent with that of the primary residential structure and garage doors should be of a style to compliment the architecture. Refer to the Driveways and Parking section in this Site Planning and Design section for related information.

Exhibit 4.17



BAD
Garage doors facing street greater than 50% of total building elevation.

BAD
Garage doors facing street greater than 50% of total building elevation.

GOOD
Garage doors recessed from street and less than 50% of total building elevation



IV. ARCHITECTURAL GUIDELINES

P. Exterior Equipment, Satellite Dishes, and Solar Panels

Exterior Equipment: All exterior mechanical, electrical, and other utility equipment such as air conditioning units, metering devices, transformers, utility service lines, and the like shall be concealed from public view and adjacent homes. Wall-mounted utilities shall be screened using landscaping or similar materials as exterior walls, with exposure only as required by utility companies for meter reading. Since propane or natural gas is not provided to single-family home sites, owners will need to provide their own storage tanks. These tanks must be screened from view per the Walls and Fences guidelines, or must be buried underground.

Satellite dishes are highly discouraged and require prior written approval from the ARB. If you receive approval to install a satellite dish, models 24" or less in diameter are preferred. All satellite dishes and antennas used to receive wireless transmissions must be less than one meter (approximately 39") in diameter. Roof mounted exterior television antennas may not exceed 12 feet above the roof line. The satellite dish or antenna must be placed in the least visible location having clear reception. The ARB shall have the right to require proof of necessity for the placement of a satellite dish or television antenna in a location deemed objectionable by the ARB. All satellite dishes shall be painted to match adjacent exterior walls. Landscaping or screening is required by the ARB to minimize visual impact.

Energy and resource conservation should be a strong design component of every new structure and require careful consideration to ensure the appropriateness of the chosen methods.

Use of solar panels will require prior written approval from the ABB. Free-standing Solar Panel arrays are not permitted, and roof surface-mounted arrays are highly discouraged. Integral photo voltaic roof shingles or tiles will be reviewed on a case-by-case basis and may be permitted if deemed to be integrally designed into the roof structure and located so as to be visually shielded from common areas, privately owned amenities, and adjacent home sites to the greatest extent possible.

IV. ARCHITECTURAL GUIDELINES

Q. Seasonal Outdoor Lighting and Holiday Decorations

Seasonal outdoor lighting and holiday decorations are to be installed, operated and maintained using a timer to allow residents to enjoy winter and the holiday season while minimizing impacts to adjacent properties.

Outdoor lighting, excluding permanent outdoor lighting as may be approved by the ARB, may be permitted only on trees or other substantial vegetation and shall not be placed on or attached to any structure. The following are not allowed: strings of icicle lights, tube lights, blinking lights, chasing lights and/or similar light emitting devices. Solid white outdoor lighting may only be installed, operated or maintained between November 1 of any year and May 1 of the subsequent year. Colored outdoor lighting will be limited to November 1 of any year and January 15 of the subsequent year. All outdoor lighting should be well maintained.

Holiday Decorations shall be constructed of natural materials. Decorative items constructed of artificial materials, including but not limited to, plastic wreaths, garland, or statuary are prohibited. Wreaths, garland, and similar Holiday Decoration composed of natural materials may be placed on the attached structure so long as such decorations do not include lights. Holiday Decoration may only be installed, operated or maintained between November 1 of any year and January 15 of the subsequent year. All Holiday Decorations should be well maintained.

V. LANDSCAPE DESIGN

A. Introduction

Landscape design for residential lots at South Peak Resort on Loon Mountain shall strive to blend the architecture with the natural environment. To ensure that the spirit and intent of the design guidelines are followed, the consultation of a registered landscape architect is recommended. The landscape design should elicit a thoughtful and sensitive design approach whereby individual design decisions and program elements are considered part of the larger whole.

Every method to preserve the existing vegetation shall be employed to maintain the privacy that a woodland environment affords. A sense of community may be fostered through the use of outdoor spaces, or “rooms”, that allow for a transitional, semi-private space that provides a connection to the community. Indigenous materials and planting that is in keeping with native plant communities shall be used to enhance the overall appearance of the residence. Ornamental plant material and landscape areas requiring substantial maintenance shall be minimal and located adjacent to the residence. Unique design solutions that are responsive to the regional climate, visual character, and existing conditions are encouraged.

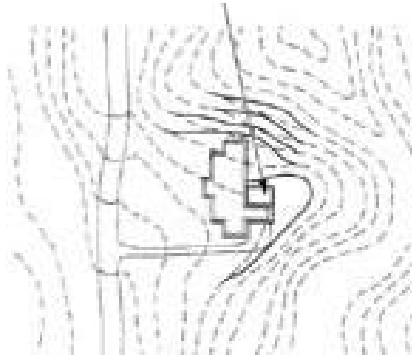
B. Walkways, Terraces, and Stairs

The design of outdoor improvements should respond to the topography and landscape characteristics. Within residential lots, all paths, terraces, and exterior stairs are to be designed to create outdoor rooms that read as an extension of the residence. Designs should minimize the use of several different types of paving materials in order to produce an understated, unified design. Additionally, the materials should augment and complement the architectural materials.

Generally, outdoor spaces should transition from more formal, geometric lines associated with buildings to the more organic forms of nature. Terraces should respond to topography and other natural features such as rock outcrops or a specimen tree and should provide a visual connection to the natural environment. Informal social interaction may be heightened through the use of “outdoor rooms”, terraces and patios, oriented toward common areas of the development and serving as a transition from public to private space.

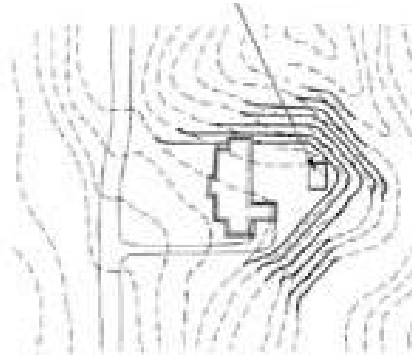
B. Walkways, Terraces, and Stairs (2)

Encouraged



Terrace related to existing topography and serves as an extension of the residence

Discouraged

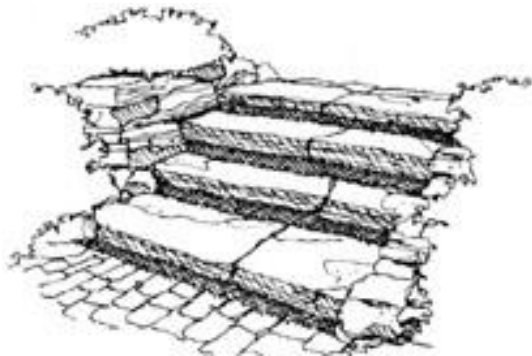


Terrace does not relate to residence or the existing landscape

C. Walls and Fences

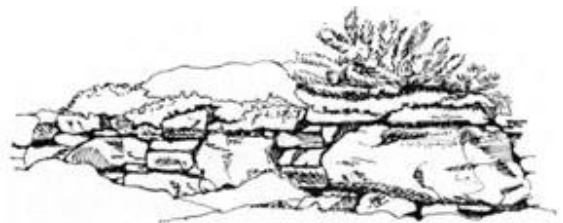
In order to maintain the visual quality of the natural wooded landscape, walls and fences within South Peak Resort are to be minimized. Retaining walls, site walls, and fences may be approved when they are proposed as a visual extension of the residence, attached at one end, limited in length and height, and use similar materials and finishes. Their primary purpose is to define small gardens, courtyards, or terraces and to enclose areas such as service areas or pools for safety reasons. In no case will walls or fences be permitted to arbitrarily delineate the building envelope or property lines or to be ornamental in nature.

Exhibit 5.2a



Stone stairs provide a transition from the built into the natural environment.

Exhibit 5.2b



Informal Boulder Walls shall appear natural and incorporate pockets of plantings.

C. Walls and Fences (2)

Boulder walls that retain slope, in the case of difficult terrain, should be constructed of natural materials indigenous to the region. They shall be natural in shape, appearance, and setting in the landscape. Boulders shall be placed at their natural camber depth and should incorporate pockets for planting. Walls that exceed four (4) feet in height should be stepped back or terraced to allow planting between the vertical walls.

Stone walls should match the stone material of the primary residential structure and should be built of natural or cut stone laid so as to appear structural and natural. Materials such as modular block systems are highly discouraged and require prior written approval from the ARB.

Fences are strongly discouraged. If used, fences are to be minimized to the greatest extent possible. Wood fences are to be designed in a manner that recalls the fences of rural, mountain areas, such as post and rail, vertical board fences, or zig-zag fences and should respond to the architecture of the site. Wood should be left natural to weather or should be treated and stained to match the adjacent residence. Chain link fencing is prohibited.

D. Planting

The beauty of the natural mountain landscape at Loon Mountain Resort is the source of both enjoyment and value. Therefore, it is very important that new residential construction includes landscaping and plant material that re-vegetate disturbed areas and allow the residential improvements to transition back to the native landscape.

By maintaining the existing trees and plant communities that exist on each lot, landscape planting can enhance the visual quality of the wooded site. Plant materials must be selected from an indigenous palette and placed in a manner that is consistent with the natural patterns of plant communities found in the area. Size, location, and plant palette—including native ground cover and wildflowers as well as trees and shrubs—should appear natural and should blend into the surrounding natural environment.

Areas adjacent to buildings, terraces, patios, or walks may be planted as manicured lawns or garden areas, although large areas are discouraged and shall not exceed 1,000 sf per lot. Any proposed area of manicured grass lawn must be depicted on the landscape plan and be specifically approved by the ARB prior to construction. Within a garden area, a greater variety of plant material may be used as long as they are not invasive or otherwise destructive to native plant communities.

D. Planting (2)

New trees and shrubs are to be a mix of sizes and species that resemble the site vegetation. As such, new trees and shrubs must meet or exceed the following size requirements:

- » Deciduous Trees: 3-inch minimum
- » Evergreen Trees: 8-foot minimum
- » Shrubs: 5 gallon minimum
- » Ground covers and wildflower mixes, outside of defined garden areas, are to be consistent with those found naturally within the general area of Loon Mountain Resort
- » The use of large specimen trees and shrubs is encouraged in highly-visible areas of the site that engage the architecture. Use of such specimen plants can help blend the building into the site and help soften the architectural massing..

Trees and other vegetation are to be planted so as to define and frame outdoor spaces, lessen the impacts of structures, frame views from individual lots, screen utility areas, and preserve and extend the natural woodland.

The introduction of non-native species alters the aesthetic and historic quality of the landscape, and may change the ecological relationships among species. Plants other than those listed will not be allowed without approval.

The continued existence of native species, especially those endemic to special areas, may be threatened by the introduction of non-native species, which sometimes prove highly invasive.

D. Plant Palette

TREES

Abies balsamea
Balsam Fir
Acer saccharum
Sugar Maple
Acer pensylvanicum
Striped Maple
Acer rubrum
Red Swamp Maple
Amelanchier arborea
Downy Serviceberry
Amelanchier canadensis
Shadblow Serviceberry
Betula papyrifera
Paper Birch
Carpinus carolinana
American Hornbeam

Cornus alternifolia
Pagoda Dogwood
Fagus grandifolia
American Beech
Fraxinus americana
White Ash
Fraxinus pennsylvanica
White Ash
Juniperus virginiana
Eastern Redcedar
Nyssa sylvatica
Black Tupelo
Picea glauca
White Spruce
Pinus banksiana
Jack Pine

Pinus strobus
Eastern White Pine
Prunus serotina
Black Cherry
Quercus rubra
Red Oak
Sorbus americana
American Mountain-ash
Thuja occidentalis
Eastern Arborvitae
Tsuga canadensis
Eastern Hemlock
Ulmus americana
American Elm

SHRUBS

Andromeda polifolia
Bog-rosemary
Arctostaphylos uva-ursi
Bearberry
Aronia melanocarpa*
Black Chokeberry*
Clethra alnifolia
Summersweet Clethra
Comptonia peregrina
Sweetfern
Cornus racemosa
Gray Dogwood
Cornus sericea Redosier
Dogwood
Gaultheria procumbens
Creeping Wintergreen/Checkerberry
Hamamelis virginiana
Common Witchhazel
Ilex glabra
Inkberry
Ilex verticillata

Winterberry
Juniperus horizontalis
Creeping Juniper
Kalmia latifolia
Mountain Laurel
Myrica pensylvanica
Northern Bayberry
Potentilla fruticosa
Bush Cinquefoil
Rhododendron canadensis
Rhodora
Rhododendron maximum
Rosebay Rhododendron
Rhododendron prinophyllum
Roseshell Rhododendron
Rhus aromatica
Fragrant Sumac
Rhus typhina
Staghorn Sumac
Salix discolor
Pussy Willow

Sambucus canadensis
American Elder
Sassafras albidum
Common Sassafras
Symphoricarpos albus
Common Snowberry
Syringa vulgaris
Common Lilac
Taxus canadensis
Canadian Yew
Vaccinium corymbosum
* Highbush Blueberry*
Vaccinium macrocarpon
American Cranberry
Viburnum acerifolium
Mapleleaf Viburnum
Viburnum dentatum
Arrowwood Viburnum
Viburnum trilobum
American Cranberrybush Viburnum

FERNS

Adiantum pedatum
Maidenhair Fern
Asplenium trichomanes
Maidenhair Spleenwort
Athyrium filix-femina
Lady Fern
Dennstaedtia punctilobula
Hay-Scented Fern

Dryopteris cristata
Crested Wood Fern
Matteuccia struthiopteris
Ostrich Fern
Onoclea sensibilis
Sensitive Fern
Osmunda cinnamomea
Cinnamon Fern

Osmunda regalis
Royal Fern
Pellaea atropurpurea
Purple Cliff Brake
Polystichum acrostichoides
Christmas Fern

D. Plant Palette (2)

PERENNIALS

Anemone canadensis
 Canada Anemone
 Anemone quinquefolia
 Wood Anemone
 Aquilegia canadensis
 Wild Columbine
 Arisaema triphyllum
 Jack-in-the-pulpit
 Asarum canadense
 Wild Ginger
 Asclepias incarnata
 Swamp Milkweed
 Aster divaricatus
 White Wood Aster
 Aster novae-angliae
 Aster novi-belgii
 New York Aster
 Caltha palustris
 Marsh Marigold
 Campanula rotundifolia
 Harebell
 Caulophyllum thalictroides
 Blue Cohosh
 Chelone glabra
 Turtlehead
 Coreopsis rosea
 Pink coreopsis / Tickseed
 Cypripedium parviflorum
 Yellow Ladyslipper
 Dicentra cucullaria
 Dutchman's breeches
 Erythronium americanum
 Yellow Trout Lily

Eupatorium rugosum
 White Snakeroot
 Geranium maculatum
 Wild Geranium
 Helianthus autumnale
 Sneezeweed
 Heliopsis helianthoides
 Oxeye
 Hemerocallis
 Daylily
 Hepatica acutiloba
 Sharp-lobed Hepatica
 Hepatica americana
 Round-lobed Hepatica
 Iris versicolor
 Northern Blue Flag
 Lillium canadense
 Canada Lily
 Lobelia cardinalis
 Cardinal Flower
 Lobelia siphilitica
 Great Blue Lobelia
 Monarda didyma
 Oswego Tea / Bee Balm
 Monarda fistulosa
 Wild Bergamot
 Phlox maculata
 Wild Sweet William
 Podophyllum peltatum
 May Apple
 Potentilla anserina
 Silvery Cinquefoil
 Potentilla tridentata
 Three-toothed Cinquefoil

Rudbeckia hirta
 Black-eyed Susan
 Rudbeckia laciniata
 Cutleaf Coneflower
 Sanguinaria canadensis
 Bloodroot
 Sisyrinchium angustifolium
 Blue-eyed Grass
 Sisyrinchium montanum
 Blue-eyed Grass
 Smilacina racemosa
 False Solomon's Seal
 Smilacina stellata
 Starry False Solomon's Seal
 Solidago canadensis
 Canada Goldenrod
 Solidago flexicaulis
 Zig-Zag Goldenrod
 Solidago rugosa
 Rough-stemmed Goldenrod
 Tiarella cordifolia
 Foamflower
 Trillium grandiflora
 White Trillium
 Uvularia grandiflora
 Large Flowered Bellwort
 Viola labradorica
 Labrador Violet
 Viola pedata
 Bird's foot Violet
 Viola pubescens
 Yellow Violet

GROUND COVER & VINES

Clematis virginiana
 Virginsbower
 Cornus canadensis

Bunchberry
 Vaccinium angustifolium*
 Lowbush Blueberry*

Waldsteinia fragarioides
 Barren Strawberry

GRASSES

Andropogon gerardii
 Big Bluestem
 Deschampsia cespitosa
 Tufted Hairgrass

Eragrostis spectabilis
 Purple Lovegrass
 Panicum virgatum
 Switch Grass

Schizachyrium scoparium
 Little Bluestem
 Sorghastrum nutans
 Indian Grass

*Black Chokeberry is suspected to attract black bears; Blueberry is proven to attract black bears.

Plant materials not listed may be approved at the discretion of the ARB. In keeping with the Intent of the Guidelines, it is less important for plant materials in close proximity to the residence to be native, although no invasive species will be considered.

F. Exterior Lighting

Exterior and landscape lighting is allowed in small quantities when limited in area and intensity. When used, exterior lighting shall identify entrances, pathways, or highlight a natural feature. All fixtures are to be down lights, horizontal cut-off, or concealed-source fixtures with preferably white light, in compliance with 'Dark Skies' recommendations. Lanterns of low intensity light sources (25W or less) may be used at the primary entrance of a residence. Flood lights are prohibited, and light posts will only be allowed for safety purposes and not to be used as a landscape feature. Lighting adjacent/attached to the garage will be permitted but must comply with the following guide:

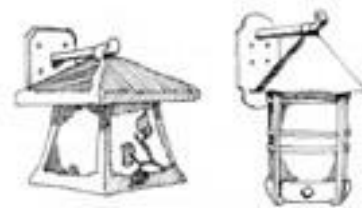
- » Only on when needed
- » Only lighting area that is required for safe access/egress
- » No brighter than necessary (25 W incandescent, or LED equivalent, or less)
- » Minimize/eliminate blue light
- » Be fully shielded from upward or horizontal emission

Catalog sheets or photographs and lamp size intentions of all proposed exterior light fixtures must be submitted with final plans and approved by the ARB. Lighting fixture design shall be consistent with the architectural details of the residence.

Exhibit 5.3 – Exterior Lighting examples of Fixtures.



Example of Bad Fixture



Example of Good Fixture

G. Signage

Temporary signage that is simple, appropriate, and small in scale is permitted with the provision that it does not detract from the general appearance of the street and surrounding neighborhood. No more than one temporary sign may be displayed on a residence lot at any given time. Signage that deviates from these Guidelines is subject to review by the ARB.

H. Mailboxes and Address Markers

Simple and well-designed small-scale (maximum 5" in vertical dimension) numerals must be affixed to each home or related site elements for identification purposes. Each residence is to have its address identified using high-quality, black metal numerals in a specified font. Each marker shall be visible from the street for emergency personnel and delivery services according to 911 requirements. Address markers shall be lighted with a concealed light source. If another form of marker is requested, it must meet the approval of the ARB and be approved in writing prior to installation. Mail delivery will be to Lincoln post office boxes. Should delivery become available to individual Lots, the ARB will develop appropriate mailbox standards.

I. Yard Structures, Flags and Furniture

Play structures, doghouses, and related yard structures are to be primarily constructed of natural materials and finished so that they recede into the landscape. Brightly colored yard structures or furnishings are not permitted. Any deviation from these Guidelines shall be reviewed by the ARB on a lot-by-lot basis. American flags and flags seasonal in context may be displayed on poles extending from and attached to a residence. No freestanding flagpoles shall be permitted without the approval of the ARB. Maximum size of flag shall be 36" x 60".

J. Athletic Equipment

Portable sports poles, hoops and related structures will be allowed only to the extent that they can be stored inside the garage. Portable sports equipment shall not be left out during restricted hours or left out overnight. No permanent athletic equipment shall be allowed or shall be installed without the approval of the ARB. Sports courts are strongly discouraged and will be considered on a lot-by-lot basis and may be approved at the sole discretion of the ARB. Sports courts should not be visible from off-site and shall not significantly impact existing vegetation and land-forms. Such courts and associated structures are to be constructed from natural appearing materials and colors.

K. Pet and Dog Runs

Pets must be restrained such that they cannot leave the residential lot when left unattended. All pets must be on a leash when taken from the residence. Dog runs, when approved in advance, may be provided on lots. Dog runs must be integrated to the fullest extent possible with the residence and may not be freestanding. Fencing should be unobtrusive (see Fences and Walls). Locator flags for buried electrical pet enclosure devices must be removed within 12 months after installation. Pets must be monitored carefully so as to not make a nuisance of themselves with barking or other offensive behavior. Owners and their visitors must pick up after their pets.

VI. ARCHITECTURAL REVIEW BOARD POLICIES

A. Architectural Review Board Policies and Procedures

This section provides a “road map” to guide an Applicant (Owner, Builder, Architect, or Owner’s representative) through the review and approval process of the Architectural Review Board.

The Architectural Review Board (ARB) consists of three members appointed pursuant to the Declaration of Covenants, Conditions, and Restrictions for South Peak Resort (CC&R’s). The ARB will evaluate development proposals for compliance with Architectural Guidelines, harmony of the proposed design with surrounding structures and environment or other factors it deems relevant.

ARB meetings will be scheduled by the review board at its discretion. A quorum shall consist of two members. A simple majority vote of members in attendance is required to approve, deny, or table a development proposal.

This design review process must be followed for all construction activity including:

- » New building construction
- » Renovation, expansion or refinishing of the exterior of an existing structure
- » Renovation of the interior of a structure, if visible from the exterior
- » Site and landscape construction or renovation.

Final ARB approval is required prior to commencement of construction. Certain exceptions to this process are described in the CC&R’s. At the minimum, the following items will require to be submitted or the application will be returned without review:

- » Appropriate Phase Application form
- » 1/4” Floor plans with floor elevations
- » 1/4” Foundation Plan with footing/wall elevations
- » 1/4” Roof Plan with slope tag, roofing material
- » Min 1”=20’ Existing and Proposed Site Plan
- » 1/4” Exterior Elevations with height calculations
- » 1”=20’ Proposed Landscape Plan
- » Review Application Fee check
- » Color sample board
- » Any information not provided, or Guide standard not met will require formal waiver request stating reason for waiver and justification how the proposed waiver will not create the potential for a recurring precedent.
- » See Guideline Checklists for detailed information

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process:

The review process consists of a series of steps beginning prior to design.

I. PRE-PLANNING MEETING

Overview: Prior to the preparation of any materials for formal ARB Review, the Applicant and consultant(s) must meet with representatives of the ARB for a pre-planning meeting. The purpose of this step is to provide the Applicant with introductory information regarding the design review and construction process. It also provides an opportunity to discuss specific site issues such as easements, setbacks, and utilities, Applicant's goals, objectives, the architectural theme, special design considerations and the design rationale may also be discussed.

The ARB may delay the commencement of construction activities on any lot if the ARB, in its sole discretion, determines it is in the best interest and/or safety of the Applicant or any other owner of property within South Peak Resort, and/or the overall development of South Peak Resort that certain infrastructure be completed prior to commencement of construction activities by the lot. If the ARB determines a delay in commencement of construction on an Owner's Lot is necessary, the ARB will provide Owner with notice of such delay and the date upon which construction on the Lot may commence. Upon any significant delay, the Owner may request an extension or tolling of any construction commencement period in recordable form.

Process: The applicant submits a written request to the ARB for a Pre-Planning Meeting. The meeting will be scheduled to occur within 21 working days of receipt of the request, subject to Applicant's availability.

Pre-planning Meeting Checklist (see appendix checklist):

- » Verify applicant has current Architectural and Landscaping Design Guidelines
- » Discuss design, approval, and construction schedules.
- » Discuss the owner's objectives and design intent.
- » Discuss site-specific issues such as easements, setbacks, utilities, and access.
- » Determine building envelope.

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process (2)

2. PRELIMINARY PLAN REVIEW

Overview: The Preliminary Plan Review process provides the Applicant an opportunity to present a project proposal in a schematic design form for ARB review and comment. Based on the ARB's approval or denial and associated comments, if any, the Applicant can then proceed with preparation of final design plans with knowledge of the ARB's concerns. Preliminary plans conveying the design intent within the context of the site are reviewed.

The ARB may delay the commencement of construction activities on any lot if the ARB, in its sole discretion, determines it is in the best interest and/or safety of the Applicant or any other owner of property within South Peak Resort, and/or the overall development of South Peak Resort that certain infrastructure be completed prior to commencement of construction activities by the lot. If the ARB determines a delay in commencement of construction on an Owner's Lot is necessary, the ARB will provide Owner with notice of such delay and the date upon which construction on the Lot may commence. Upon any significant delay, the Owner may request an extension or tolling of any construction commencement period in recordable form.

Process: An application for Preliminary Plan Review and payment of the Preliminary Plan Review Fee is submitted by the Applicant. A complete application, including all materials noted in the checklist, must be submitted at least 15 working days prior to a scheduled ARB meeting to be considered. If no meeting is currently scheduled, the ARB reviews the Preliminary Plans and notifies the Applicant of the meeting date. The Applicant may attend the meeting in person or by conference call. Written results of the meeting are sent to the Applicant within 15 working days after the meeting. To facilitate review, the Applicant must have the lot staked 5 working days prior to the meeting. Staking is to show building corners, building envelope, 15' setbacks, property lines and center of driveway.

Preliminary Plan Review Checklist

Completed Application Form and Preliminary Plan Review Checklist (see appendix checklist)

Preliminary Plan Review Fee

Digital submission during review process is acceptable, but an as-built hard copy and digital copy will be required at completion.

Existing Site Conditions (1"=20')

- » Topography (2' contours)
- » Building envelope
- » Boundaries
- » Setbacks
- » Easements
- » Locations and sizes of existing trees (greater than 4" caliper, 4' from ground level)
- » Existing wetlands and drainages

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process (3)

2. PRELIMINARY PLAN REVIEW

- a) Completed Application Form and Preliminary Plan Review Checklist (see appendix checklist)
- b) Preliminary Plan Review Fee
- c) Three (3) sets full-sized drawings prepared by licensed architect, landscape architect, or engineer
- d) Existing Site Conditions (1"=20')
 - » Topography (2' contours)
 - » Building envelope
 - » Boundaries
 - » Setbacks
 - » Easements
 - » Locations and sizes of existing trees (greater than 4" caliper, 4' from ground level)
 - » Existing wetlands and drainages
- e) Proposed Site Plan and Grading (1"=20')
 - » Topography (2' contours)
 - » Building envelope
 - » Area of Disturbance
 - » Boundaries
 - » Setbacks
 - » Easements
 - » Locations and sizes of existing trees to be removed (greater than 4" caliper, 4' from ground level)
- f) Schematic Building Floor Plans (1/4" = 1'-0")
 - » Walls, Doors, Windows
 - » Roof Overhangs
 - » Elevations for each floor
- g) Schematic Building Roof Plans (1/4" = 1'-0")
 - » Roof Pitch and Direction of Slope
 - » Materials
 - » Chimneys and Major Flues
 - » Ridges, Valleys, Hips and Pitch Breaks
 - » Exterior walls below (dashed)
- h) Schematic Building Exterior Elevations (1/4" = 1'-0")
 - » Exterior Materials and Colors called out
- i) Building Height Calculations (same scale as Exterior Elevations)
 - » Must illustrate compliance with Guidelines
- j) Schematic Landscape Plan (1" = 20'-0")
 - » Location and type of Existing Vegetation
 - » Lighting Plan
 - » Location and type of Proposed Vegetation
 - » Area of Disturbance
 - » Erosion Control Measure
 - » Concept Drainage Plan
- k) Building Corners, building envelope, setbacks, property lines and Center of Driveway must be staked 5 working days prior to meeting.

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process (4)

3. FINAL PLAN REVIEW

Overview: During the Final Plan Review, the ARB reviews the final plans prepared by the Applicant. These plans describe, in detail, the project's design, including architectural, landscaping, and site improvements.

Process: An application for Final Plan Review and payment of the Final Plan Review Fee is submitted by the Applicant. A complete application, including all materials noted in the checklist, must be submitted at least 15 working days prior to a scheduled ARB meeting to be considered. If no meeting is currently scheduled, the ARB reviews the Final Plans and notifies the Applicant of the meeting date. The Applicant may attend the meeting in person or by conference call. Written results of the meeting are sent to the Applicant within 10 working days after the meeting.

Final Plan Review Checklist:

- a) Completed Application and Final Plan Review Checklist (see appendix checklist)
- b) Final Plan Review Fee
- c) Digital submission is OK for review process. Both hard & digital as-builts required at completion.
- d) Submittal prepared by licensed architect, landscape architect, or engineer
- e) Site Plan (1" = 20'-0")
 - » Access Drive and Parking
 - » Survey of Trees to be saved and Trees to be removed (greater than 4" caliper)
 - » Site Grading and Drainage
 - » Existing and Proposed Topography
 - » Utility locations and tie-in points
 - » Area of Disturbance
 - » Property Boundaries and Easements
 - » Setbacks
 - » Building Configuration and Roof Plan
 - » Decks and Terraces
 - » Snow-shed areas from Roof
 - » Snow Storage Areas

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process (5)

- f) Foundation Plan (1/4" = 1'-0")
 - » Top and Bottom Elevations of all walls
 - » Non-excavated areas
 - » Crawl Space Areas
 - » g) Building Floor Plans (1/4" = 1'-0")
 - » Overall Building Dimensions
 - » Room Layouts
 - » Mechanical Rooms and Flue/Duct chases
 - » Window and Door Locations
 - » Roof Overhangs Above
 - » Meter and Utility Locations
 - » Satellite Dish location
 - » Exterior Lighting Systems (location shown and cut sheets provided)
 - » h) Roof Plan (1/4" = 1'-0")
 - » Indicate all Roof Pitches and direction of slope
 - » Call out roof materials (sample required on panel)
 - » Indicate Chimneys and Mechanical Flues
 - » Call out Ridges, Valleys, Hips and Pitch Breaks
 - » Show Snow Guards, Snow Clip, and Gutter Locations
 - » Show exterior walls below (dashed)
 - » i) Exterior Building Elevations (1/4" = 1'-0")
 - » Building height shown
 - » Exterior Materials and Colors called out (sample required on panel)
 - » Window and Door locations and configurations
 - » Exterior trim shown (sample required on panel)
 - » Exterior Exposed Structural Components
 - » Must adequately convey 3-dimensional massing
 - » Rendering may be hand-rendered but must accurately depict design.
 - » j) Landscape Plan (1"=20'-0")
 - » Location and types of existing and proposed vegetation
 - » Lighting Plan
 - » Area of Disturbance
 - » Erosion control plan
 - » Drainage Plan

VI. ARCHITECTURAL REVIEW BOARD POLICIES

B. Architectural Review Process (6)

3. PRE-CONSTRUCTION MEETING

Overview: Prior to any staging or construction, the approved contractor, the Applicant, and ARB representative will meet to provide the contractor with any information relevant to construction. Items such as permissible work hours, coordination with utilities and adjacent construction, protective fencing requirements, parking requirements, etc., will be discussed. The Construction Management Plan is also submitted and reviewed at this meeting. The Compliance Deposit and other pre-construction deposits and fees, if any, are due at this time.

Process: The Applicant must submit a written request to the ARB for the pre-construction meeting. At the meeting, the Applicant will submit the Construction Management Plan. A pre-construction site walk may be conducted at this meeting to discuss any issues.

Pre-construction Meeting Checklist:

- a) Complete Pre-Construction Checklist (see appendix checklist)
- b) Construction Management Plan (same scale as Site Plan)
 - » Construction Access
 - » Construction Parking
 - » Temporary Buildings
 - » Location of Sanitary Facilities
 - » Fencing around Area of Disturbance
 - » Construction Signage
 - » Proposed method of maintaining natural drainage around
 - » Tree Protection
 - » Erosion Control
 - » Material Storage and Staging
 - » Dumpster Location
 - » Snow Management Strategy
 - » Proposed Construction Schedule
- c) Compliance Deposit (\$15,000)
- d) Construction Impact Fee (\$3,500.00)
- e) Building Finishes Sample Panel erected on site (proposed colors indicated)

VI. ARCHITECTURAL REVIEW BOARD POLICIES

C. Miscellaneous Provisions

Contractor Approval

Prior to the Pre-Construction Meeting, the Applicant must obtain ARB's written approval of the contractor. Contractor's on-site supervisor will be approved and remain throughout the job unless ARB

Fees and Deposits:

Pre-Planning Meeting	None
Preliminary Plan Review	\$2,500
Final Plan Review	\$2,500
If no preliminary plan review is done, the Final Plan review fee is \$5,000	
Pre-Construction Meeting	none
Compliance Deposit	\$15,000 (returned at completion of project)
Landscape Deposit	\$5000 (returned at 1yr warranty period)
Setback Disturbance Deposit	\$50/sf
Construction Impact Fee	\$3,500

Monthly Fine

For work not completed or not in accordance with approved drawings and ARB guidelines a monthly fee will be paid in addition to the standard HOA dues. Fee will be increased on a six-month interval for work not corrected or completed during that six-month period. Fees as noted below:

0-6 month	Grace period from notification of infraction
6-12 months	\$500/month
12-18 months	\$1000/month
18-24 months	\$2000/month
24-30 months	\$4000/month

Monthly fine will continue to double, every six-month cycle, until such time as infraction is corrected. Alterations to existing properties, building and/or site work, will require to be submitted for approval by the ARB in advance of any proposed work. Extent of documentation required for the proposed work will be determined at the discretion of the ARB during the initial discussions with the applicant. Documentation will be kept to a minimum to fully describe and record the associated work to be carried out.

Existing Property Alterations/Additions Review Fee \$500.

VI. ARCHITECTURAL REVIEW BOARD POLICIES

D. Ethical Business Standard for Approved Builders

Approved Builders at South Peak Resort shall adhere to the guiding principles of ethical business practices while working at South Peak Resort.

Approved Builders shall not conduct any activity that can be defined as a conflict of interest and create interference of any employee associated with South Peak Resort that might appear to interfere with the judgment or objectivity of the employee's ability in performing his or her job in the best interest of South Peak Resort.

Approved Builders shall not make gifts, payments or services to any employee or associate of South Peak Resort that will violate the recipients Code of Ethics and Conduct Policies.

Failure of any Approved Builder to comply with the Ethical Business Standards required at South Peak Resort shall result in the termination of business at and removal from South Peak Resort.

VII. CONSTRUCTION RULES AND REGULATIONS

A. Introduction

These Construction Rules and Regulations and Regulations (these “Rules and Regulations”) have been prepared by the Declarant for use by Owners, their general contractors and all subcontractors of general contractors, during the process of constructing improvements on a Unit at South Peak Resort after the plans and specifications have been approved by the ARB in accordance with Section 3.0 of the Architectural Guidelines.

These Rules and Regulations are a guide for understanding the enforcement measures that are in place to ensure that improvements are constructed in compliance with the Architectural Guidelines, Declaration, these Rules and Regulations, and any other guidelines that may be promulgated by the Declarant or the ARB. These Rules and Regulations are a supplement to the Architectural Guidelines, which are incorporated herein by reference, and are meant to minimize any negative impact to Owners during the construction process. All capitalized terms used in these Rules and Regulations, unless specifically defined herein, shall have the meaning ascribed to them in the Architectural Guidelines and the Declaration.

B. Building Permits

An Owner or its contractor may not apply for a building permit from the Town until the ARB has approved the plans and specifications submitted by an Owner or its contractor. The plans and specifications stamped “Approved by South Peak Resort ARB” must be submitted to the Town in connection with obtaining a building permit. An Owner or Owner’s contractor may not obtain ARB approval and a building permit concurrently unless specifically authorized in writing by the ARB, in its sole discretion.

VII. CONSTRUCTION RULES AND REGULATIONS

C. Construction Management Plan & Proposed Construction Schedule (2)

A construction management plan and a proposed construction schedule must be submitted with the Application for Final Design Review. The ARB shall approve the construction management plan and a proposed construction schedule prior to commencement of construction.

The construction schedule shall provide an approximate time line for significant milestones occurring between commencement and completion of construction, including, without limitation, the expected commencement date, connection to public utilities, if applicable, completion of landscaping, and date for issuance of a certificate of occupancy. Construction shall be completed within 18 months of commencement unless a variance is granted by the ARB. Failure to complete within the specified time may result in forfeiture of the compliance deposit. The construction management plan shall identify the location of the limits of the “disruption zone,” which is the area in which all construction activity shall take place. The plan shall also show the location of: (i) the construction access drive; (ii) the on-site construction parking area; (iii) equipment storage; (iv)

temporary structures, if any; (v) portable toilet; (vi) dumpsters; (vii) material lay-down and staging areas; and (viii) erosion control measures (including details about such measures).

VII. CONSTRUCTION RULES AND REGULATIONS

D. Compliance Deposit

The Compliance Deposit posted by the Owner or Owner's contractor at the time the Application for Final Plan Review is submitted to the ARB shall be held by the ARB until all of the following occur: (i) Owner's contractor has completed construction of the approved improvements on the Owner's Unit; (ii) the Owner has submitted a Request for ARB Inspection and Compliance Deposit Refund using the form attached to these Rules and Regulations, and (iii) the ARB has issued a Certificate of Compliance. After all of the above occur, the ARB shall refund to the Owner or Owner's contractor (as designated on the Application for Final Plan Review) the Compliance Deposit less any funds expended by the ARB pursuant to the Architectural Guidelines, these Rules and Regulations or the Declaration.

The ARB may draw upon the Compliance Deposit as necessary to cover, among other items, (i) the cost of repairing damage to property and subdivision improvements caused by Owner or its contractor, or any of their agents, employees or subcontractors (including, but not limited to, damage to paved streets, curbing and drainage, utility lines, signage, landscaping, entry features and irrigation systems); (ii) the cost of trash removal and routine maintenance of the Unit; and (iii) the cost of removing, repairing or completing any work on the Unit not constructed or completed in conformance with approved plans, if any of the above items are not performed by Owner or contractor as required by the Architectural Guidelines or these Rules and Regulations.

The ARB also may draw upon the Compliance Deposit to pay fines levied by the Association in accordance with the Declaration. If any part of the Compliance Deposit is applied by the ARB, the Association, or the Declarant pursuant to the Architectural Guidelines or these Rules and Regulations, Owner's contractor shall, immediately upon demand, deposit with the ARB a sum equal to the amount so applied in order to restore the Compliance Deposit to its original sum. Should the contractor accrue any fines during construction, the amount of the fine will be deducted from the Compliance Deposit. The contractor will then be required to replenish the amount deducted from the Compliance Deposit within 15 days of incurring the fine, or be subject to the conditions of Article VII of the Declaration.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process

1. Pre-construction Meeting:

The purpose of this meeting is for the ARB to review with the Owner and Owner's contractor the approved plans, construction management plan, construction schedule, these Rules and Regulations, and any other site-related issues. The meeting will include the owner at the very least. Should the owner not have a contractor retained at that time, the design team must be represented at the meeting as well. '

2. Inspections During Construction

1. Excavation/Foundation Inspection: At the point where the excavation has been completed and the footings formwork is in place, the contractor will notify the ARB, requesting a pre-pour inspection of foundation location and site clearing/erosion control measures. Reference points relating to the site drawing, to confirm location of foundation, will be provided at that time.
2. Framing Inspection: Upon completion of core and shell framing, and prior to enclosing exterior and roofs, Owner and/or its contractor shall request a framing inspection by the ARB. The ARB will inspect the framing for the purpose of ensuring that the location, overall form and building height are in compliance with the approved plans and specifications and that the structure does not encroach into setback areas, easements, rights-of-way, or adjacent Units. A certified foundation survey will be required at this time. The ARB shall not be held liable for the structural integrity of any structures built upon the Unit.
3. Final Inspection: Upon completion of construction and landscaping in accordance with the approved plans and specifications, the Owner shall request a final inspection by the ARB using the Request for ARB Inspection and Compliance Deposit Refund form attached to these Rules and Regulations.
4. Landscape Inspection: At the time of completion of all landscaping, the contractor will request final inspection of site and landscaping work.
5. End of One Year Warranty Period-Landscaping: After one year, the ARB will carry out an inspection of all landscaping and site work to confirm the successful growth/survival of all elements of the landscaping. Any planting that has not taken/survived will require to be replaced. After this work is completed, the owner may apply for a return of the landscape deposit.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (2)

3. Construction Commencement and Completion

Construction must commence within 6 months after the date of final approval. If construction has not commenced within this time limit, final approval shall be deemed to have expired unless Owner, prior to such expiration date, has requested and received an extension in writing from the ARB. Prior approval by the ARB for cessation or temporary stoppage of work will also be required.

All dwellings and other structures, including landscaping, must be completed within 18 months from commencement of construction or the time indicated on the Application for Final Plan Review or Application for Modifications Approval, as the case may be. Exceptions may be granted where such completion by the designated date is impossible and when continuation would result in great hardship to the Owner or contractor due to strikes, fires, national emergencies, or natural calamities as deemed appropriate by the ARB. If an extension is needed, the Owner or contractor must submit an extension request in writing, which must include a projected completion date. Failure to complete the project within the deadline established by the ARB may result in either special assessments, self-help measures, or other enforcement rights as set forth in the Declaration.

For the purposes of the Architectural Guidelines and these Rules and Regulations, commencement of construction shall mean that (a) all plans have been approved by the ARB; (b) a building permit has been issued by the appropriate jurisdiction; and (c) construction of a structure has physically commenced beyond site preparation. Completion of construction shall mean that (a) a certificate of occupancy has been issued by the appropriate jurisdiction; and (b) a Certificate of Compliance has been issued by the ARB.

4. Project Signs

Project signs, identifying Unit number and individual participants (architect, landscape architect, builder, selected subcontractors) shall conform to South Peak Resort standards and the town sign ordinance and will be provided for and/or approved by the Declarant. Project signs shall be erected at the start of clearing and grading provided that the ARB has approved the sign. The sign shall remain properly installed throughout the construction. Sub-contractor signs or vendor advertising signs are prohibited as are all other signs except as provided by Article III of the Declaration.

5. Portable Toilets

A portable toilet will be required for each job site. The portable toilet must be placed behind the contractor's sign, or if no sign, in the right-of-way to either side of the construction entrance, with the door opening toward the rear of the Unit.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (3)

6. Erosion Control

An erosion control plan is mandatory for all Units. The following erosion control measures shall be followed on all job sites.

- » Wire reinforced silt fence shall be installed in the following locations: (a) on the downstream end of the Unit; and (b) on boundaries of developed Units.
- » All roof drains shall drain into an energy dissipation system and then drain in accordance with South Peak Resort engineered master drainage and grading plans.
- » All underground piping shall daylight (i.e., contain a visible terminus) within the Unit boundaries.
- » All drainage shall be routed to avoid damage or erosion onto adjacent Units, common areas and streets.

Furthermore, erosion control measures submitted to the ARB shall be maintained by the contractor during construction. Failure to properly maintain erosion control measures will result in fines as set forth in these Rules and Regulations. In addition, should the Association, pursuant to the Declaration, take action to bring erosion control measures into compliance, the owner and the contractors will be responsible to reimburse the Association for all costs incurred to bring erosion control measures into compliance and to repair any damage to adjacent Units caused by failure to maintain erosion control measures.

The ARB may reimburse the Association utilizing the Compliance Deposit. The ARB and Association reserve the right to inspect and require modifications and/or corrections to existing drainage systems adversely affecting adjacent properties and/or easements.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (4)

7. Site Maintenance

- » Contractors and subcontractors must maintain the job site in a clean and orderly condition.
- » No fires are allowed on construction sites.
- » No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any Unit or any drainage ditch, stream, or river.
- » No materials may be stored or placed in the street, Common Areas, parking areas, or on adjacent Units.
- » Only usable construction materials may be stored on a construction site. They must always be neatly stacked.
- » All wrapping, packaging materials and food containers must be placed in a covered/enclosed trash receptacle immediately after use.
- » Discarded construction materials and debris must be removed daily or contained within a dumpster or solid-walled trash enclosure.
- » Dumpsters, debris bins and other trash receptacles shall not exceed capacity. Contractors must schedule prompt pick-up for bins and receptacles exceeding 75% of capacity to avoid overflow.
- » Care shall be exercised in the storage of materials and debris. Should it become necessary for the Association, pursuant to the Declaration, to clean a site or have a site cleaned, the ARB will deduct the cost from the Compliance Deposit and tender it to the Association.

8. Construction Equipment and Material Storage

All construction materials shall be located in an area upon the Unit to minimize the visual impact from adjacent properties, common areas and roads. Such storage area shall be shown on the construction management plan submitted with the Application for Final Plan Review.

9. Construction Parking Limitations

Construction parking on any internal street is limited to trade vehicles for deliveries only, 1 hour limit maximum. Personal vehicles should be parked on the construction site. Construction trailers are subject to approval by the ARB. Contractors should use discretion in all other areas of the Development, and make an effort to avoid causing conditions of traffic congestion, particularly in areas where multiple homes are under construction.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (5)

10. Right to Enter and Inspect Property for Compliance

The right of entry and inspection is specifically reserved by the ARB, its agents, and representatives to visit all or any portion of the Owner's Unit for verifying compliance with the requirements of these Rules and Regulations, the Architectural Guidelines and the Declaration. A representative of the ARB may make periodic inspections during the entire construction period. The Owner will be notified in writing, with a copy to the architect and/or contractor, of any items and exceptions noted in the inspection report, and all such items and exceptions must be completed or resolved by the next meeting of the ARB.

11. Construction Hours

Contractors shall be allowed to work Monday –Friday from 7 a.m. to 7 p.m. and Saturday from 8 a.m. to 5 p.m. No work shall be performed on Christmas Day, Thanksgiving Day, 4th of July, Memorial Day, New Year's Day and Labor Day. Work on Sunday is permitted for interior work only and does not produce noise audible outside the home or excessive traffic and fines will be levied for working outside approve hours.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (5)

12. Conduct of Workers

- » Radios shall be allowed inside and shall not be audible from adjoining home-sites
- » Loud & Offensive Language shall not be tolerated
- » Pets not allowed
- » Shirts/Appropriate attire is required

Contractors and workers shall not be permitted to bring alcohol, illegal drugs or firearms into the Development. No harassing or loud behavior is permitted. Contractors and workers shall not travel recklessly or at speeds in excess of posted limits and shall not be allowed to travel within the Development unnecessarily or use the amenities. Any contractor who is in violation of these Rules and Regulations will be fined in accordance with these Rules and Regulations. Contractors shall be responsible for all fines assessed based upon the conduct of their subcontractors and workers. Additional violations may result in the contractor, the subcontractor and/or the offending worker being denied access to the Development.

13. Deliveries

Deliveries may only be made Monday –Saturday from 8 a.m. to 4 p.m. All gravel and earthwork hauling trucks must be fully enclosed or loads must be fully covered with a secured canvas top to prevent spillage and damage.

14. Fire Protection & Safety

They shall meet OSHA standards, regulations and guidelines.

15. Protection of Property

Construction on a Unit shall be confined to the “limits of disruption zone” designated on the construction management plan. Owner or owner’s contractor shall promptly restore any Common Areas and/or adjacent property damaged during construction to the satisfaction of the ARB and, in every case, within 30 days after such damage occurs.

16. Roadway Maintenance

Owner and owner’s contractor and subcontractors shall keep all roads and road rights-of-way within South Peak Resort free and clear of all materials, trash and mud in connection with construction on a Unit. Mud on roadways, as a result of contractor and subcontractor operations, shall be promptly removed and cleaned from roadways.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (6)

17. Water Connections

Prior to the installation and turn-on of permanent residential water service to the Unit, temporary water connections must be available on the Unit at all times during construction. At no time shall water be removed from a home on an adjacent Unit. In the event that water service is not available to the Unit, alternate methods must be approved in writing by the ARB.

Prior to approval for occupancy, water sampling and testing must be done per Town requirements.

18. Electric Service

Prior to the installation and turn-on of permanent residential electric service to the Unit, temporary electric connections must be available on the Unit at all times during construction. At no time shall electricity be removed from a home on an adjacent Unit. In the event that electric service is not available to the Unit, alternate methods must be approved. A temporary generator shall be permitted until power is available. The generator can be used between the hours of 8 a.m. and 5 p.m. only, Monday through Saturday.

19. Lighting

During construction temporary lighting shall be installed per the National Electrical Code.

All lights shall be turned off for the evening when the last person leaves the construction site.

20. Revisions and Changes of Approved Plans during Construction

All revisions and changes to approved plans made during construction shall be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings, materials and color samples must be submitted using the Request for Approval of Revised Construction Plans attached to these Rules and Regulations together with a nonrefundable fee in accordance with the Architectural Guidelines. Failure to obtain written approval for any revision during construction will result in fines being deducted from the Compliance Deposit.

21. Termination / Replacement of Contractor

The ARB shall receive written notification of any decisions by the Owner to terminate or replace a contractor during the construction phase. Before commencing construction, the new contractor shall be approved by the ARB and post a Compliance Deposit. Once this deposit is received, the ARB will refund the remaining Compliance Deposit, after deducting any fines, to the contractor who was terminated. In addition, the new contractor shall remove the terminated contractor's sign on the Unit, if any, and replace it with a sign bearing the new contractor's information.

VII. CONSTRUCTION RULES AND REGULATIONS

E. Construction Process (6)

22. Modifications

Any exterior change to an existing structure requires approval from the ARB before commencing with work. All modifications are subject to the Architectural Guidelines and shall be submitted to the ARB for approval as outlined in Article IV of the Declaration.

F. Post-Construction Requirements

Upon completion of construction in accordance with the approved plans and specifications, including landscaping, the Owner shall request a final inspection by the ARB using the Request for ARB Inspection and Compliance Deposit Refund form attached to these Rules and Regulations. The Owner may not occupy the home until the Town issues a certificate of occupancy and the ARB issues a Certificate of Compliance, in the form attached to these Rules and Regulations. All post-construction changes require ARB approval prior to the start of any alteration. Should any construction of the structure differ from the approved drawings, the owner will procure an 'AS-BUILT' set of construction drawings (plans & elevations) for ARB records. No deposits will be returned until those drawings have been provided.

VII. CONSTRUCTION RULES AND REGULATIONS

G. Enforcement Provisions

If an Owner or Owner's contractor violates any term or condition of the Architectural Guidelines, these Rules and Regulations or the Declaration, the ARB through the Association shall have certain enforcement rights, including, but not limited to, the following:

a. Fines and Liens: Attached to these Rules and Regulations is the current Schedule of Fines for violations. This Schedule is subject to change without notice. Any fines levied against an Owner or Owner's contractor shall constitute a lien upon Owner's Unit and may be enforced in accordance with the terms of the Declaration. The ARB reserves the right to impose fines for any additional violations. Before a fine is levied, a Compliance Request, in the form attached to these Rules and Regulations, will be delivered to the party responsible. If the violation is not corrected within a reasonable and specified amount of time, a Citation Violation, in the form attached to these Rules and Regulations, will be issued and delivered to the same party by certified mail, return receipt requested. Fines may be disputed with the ARB within 15 days of issuance. The fines will be deducted from the Compliance Deposit upon the later to occur of the expiration of the 15-day dispute period or the date that the ARB issues its final ruling if the fine is disputed. The Owner or Owner's contractor then has 10 days following the date that the fine is deducted from the Compliance Deposit to replenish the amount deducted from the Compliance Deposit in accordance with Section 4.0 of these Rules and Regulations, or be subject to the conditions of Article VII of the Declaration.

The monetary amounts shown on the Schedule of Fines are the maximum levied for first time violations. Fines may be doubled for future or repeat violations. Initial fines may be reduced or waived at the discretion of the ARB. Fines are per day for continuing violations. If it becomes necessary for the ARB to schedule maintenance and/or repairs on a construction site, the Owner's contractor will also be held responsible for the cost of said actions.

b. Self-Help: Upon failure of an Owner to take action within 10 days after the ARB's mailing of written notice to do so, the ARB may enter upon a Unit for the purpose of exercising self-help to remove or cure a violating condition, or to complete any construction or modification approved by the ARB which was begun and not completed within the required time period. Any entry for such purposes shall not be deemed a trespass.

c. Other Rights and Remedies. The ARB may also bring suit at law or in equity to enjoin any violation or to recover any monetary damages or both.

VIII. GLOSSARY OF TERMS

Accessory Structure –Any structure attached to or detached from the principal structure on the same lot and customarily incidental and subordinate to that structure or use. Examples include, but not limited to, guest houses, pool houses, pavilions, storage sheds, potting sheds, and/or art studios. Accessory structures shall not exceed xx square feet or xx feet in height unless approved by the ARB.

Applicant –An Owner, Architect, or Other Owner’s Representative that is authorized to act on behalf of the Owner’s best interest in matters relating to the ARB process.

Architect –A person licensed to practice architecture in the State of New Hampshire

Brainstorm Siding –Similar to Clapboard siding, however the boards have the live edge or bark left on the exposed side.

Board and Batten Siding –Term for vertical siding that has a strip applied to the place where two boards are joined.

Board and Channel Siding –Similar to Board and Batten however, the joint strip is recessed to form a channel between boards. (Note: permissible board and channel siding will have a gap of no less than 1” between boards).

Building Envelope –A portion of the lot as designated, wherein all improvements shall take place, including all buildings, terraces, pools, and garages, with the exception of some landscape planting, utilities, walls, and driveways.

Building Square Footage –The sum of all gross horizontal areas of all floors of a building measured to the interior face of exterior walls (conditioned envelope) of heated, finished space including but not limited to, stairways (counted on the main level only), lofts, halls, habitable attics, closets, and storage, but not including mechanical and utility areas. Garages and unfinished space in basements are excluded.

Clapboard Siding –A long narrow board with one edge thicker than the other, overlapped horizontally to cover the outer walls of frame structures. A 4” to 6” reveal is typical.

Common Area –Land within a development or subdivision that is not individually owned or dedicated for public use, but which is designed to be held in common for use, enjoyment, management and maintenance by the residents of the development or subdivision.

Drip Line –A line encircling a tree corresponding to the furthest extension of the branches. The tree’s root system extends to this point, and the term is used in conjunction with watering, fencing and grading around existing vegetation.

Easement –Rights given to another party or governing agency, to use a portion of a property that belongs to someone else, for certain reasons, such as open space, recreation, utility lines, and/or driveways. (Roadways typically require a ROW.)

Energy Star –A government-backed program helping businesses and individuals protect the environment through superior energy efficiency. Program information may be found at energystar.gov.

VIII. GLOSSARY OF TERMS

Erosion Prevention and Sedimentation Control Measures –Preventive measures to control and stabilize sediment to avoid erosion and impacts to adjacent lands. An Erosion Prevention and Sedimentation Control Plan (EPSCP) is prepared to demonstrate that appropriate controls have been planned that, when implemented, minimize erosion and sedimentation from specific site disturbances during and after construction.

“Floating” Stone –When stone veneer is applied in a manner that makes it appear as though it has no place to structurally bear.

Grading –Modification of the existing ground surface (topography) by either cuts and/or fills; earthwork.

Impervious Coverage or Lot Coverage –The portion of a lot, stated in terms of percentage, which is covered by materials that do not permit natural infiltration of water to the ground surface. This includes but is not limited to buildings, porches, decks, terraces, driveways, and walkways.

Indigenous –Living or occurring naturally in a particular region or environment; native.

Limbing –A method of cutting off branches in order to remove dead or diseased foliage or branches. Also used to control or direct growth, increase quality or yield of flowers or fruit and to ensure growth position of main branches to enhance structural strength.

LEED –Leadership in Energy and Environmental Design. A metric-based system used to evaluate energy efficient, “green building” from a whole-building perspective during a structure’s life cycle. The LEED program is administered by the US Green Building Council (USGBC). Standards are found at www.usgbc.org

Lot –A plot, or parcel, of land established and recorded by plat, subdivision, or otherwise permitted by law to be used or intended to be used by a principal building or a group of such buildings and accessory buildings.

Lot Boundary –Line that defines the perimeter of a Lot. May –Language that implies the right to use discretion.

Must –Language that implies necessary or essential.

Natural Area –The area of a lot that lies outside of the Building Envelope. To the greatest extent possible, the Natural Area is to remain undisturbed to create natural screening from built improvements of neighboring residences, streets, and common areas. The Natural Area may not contain buildings or any hardscape elements, such as terraces, pools, spas, carports and/or landscape structures without written approval from the ARB.

Owner –The person or entity that is on record as the legal holder of the title for the property or structure. When the owner is an entity, a person shall be assigned to act on its behalf and be known as the “Owner” in matters relating to the ARB process.

VIII. GLOSSARY OF TERMS

Permitted –Consent; give permission or authorization to perform.

Plinth –an architectural base, platform, or foundation that is further built upon

Prohibited –Forbidden: exclude or prevent from use.

Right-of-Way –(A) A strip of land acquired by reservation, deed, dedication or condemnation, intended to be occupied by a road, path, crosswalk, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or drainage, utility line, and other similar uses; or (B) generally, the right to pass over the property of another.

Riparian –An area of land adjacent to a stream, river, lake or wetland that contains vegetation that, due to the presence of water and specific soil types, is distinctly different from the vegetation of adjacent upland areas.

Setback –The required minimum horizontal distance from the lot boundary and/or natural feature that establishes the maximum extents of a structure's location. Reference Building Envelope.

Shall –Language that implies a mandatory requirement.

Should –Language that implies a recommendation but not required; advisory.

Skiway –Trail access between the ski mountain trails and the residential properties.

Structure –An assembly of materials on the land for occupancy or use, including but not limited to a building, storage shed, play house, sign, wall or fence which necessitates pilings, footings or a foundation attached to the land.

Tree Protection Fencing –A barrier created around a tree's drip line to avoid negative impacts that may occur during construction such as: compaction of soil, changes to existing grade which may expose or suffocate roots or mechanical injury to roots, trunks or branches.

Wetlands –An area that is regularly saturated by surface water or groundwater and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated-soil conditions. Wetlands are crucial wildlife habitats and important for flood control and maintaining the health of surrounding ecosystems.

Will –Language meaning optional; used in connection with a persistent intent or purpose.

IX. SCHEDULE OF FINES

VIOLATION	FINE
Violation of Work Hours	\$250.00
Job site debris on site	\$100.00
Job site debris on adjacent property	\$200.00
No commercial Trash enclosure	\$100.00
No gravel drive	\$100.00
Mud/gravel in road	\$100.00
Materials in right-of-way or road	\$300.00
Construction equipment or material on adjacent lot	\$300.00
Parking violation	\$150.00
Unapproved trailer/dumpster	\$100.00
No Portable Toilet on site	\$250.00
Project sign damaged, missing	\$100.00
Unauthorized sign	\$100.00
Unauthorized burning	\$400.00
General nuisance/misconduct	\$500.00
Traveling in excess of posted speed limits	\$200.00
Erosion into drainage facility	\$500.00
Silt fencing uninstalled or damaged	\$700.00
Improper routing of drainage	\$700.00
Disruption or damage to wetlands	\$4,500.00
Failure to complete landscaping within the time frame	\$200.00
Disturbance of an adjacent Unit or Common Areas	Determined by ARB
Building occupation prior to Final Approval	\$250.00
Unauthorized revisions/improvements	*\$4,500.00
Unauthorized exterior finishes (paint, siding, roofing..)	Forfeit Compliance Deposit

* Additional fines may be imposed for unauthorized revisions or improvements in the discretion of the ARB. If the unauthorized revision is extensive, the ARB reserves the right to retain the entire Compliance Deposit.



X. ARB FORMS

» Preliminary Plan Review Application

» Final Plan Review Application

» Compliance Request

» Citation Violation

» Request for Approval of Revised Construction Plans

» Request for ARB Inspection and Compliance Deposit Refund

» Certificate of Compliance





COMPLIANCE REQUEST

Owner: _____ Lot: _____

Contractor: _____

Please correct the checked violation(s) without delay. If not corrected, you are subject to a fine or other enforcement remedies.

VIOLATION
Violation of work hours
Job site debris on site
Job site debris on adjacent property
No commercial trash enclosure
No gravel drive
Mud/gravel in road
Materials in right-of-way or road
Construction equipment or material on adjacent lot
Parking violation
Unapproved trailer/dumpster
No portable toilet on site
Project sign damaged, missing
Unauthorized sign
Unauthorized burning
General nuisance/misconduct
Traveling in excess of posted speed limits
Erosion into drainage facility
Silt fencing uninstalled/damaged
Improper routing of drainage
Disruption or damage to wetlands
Failure to complete landscaping within the time frame
Disturbance of an adjacent Unit or Common Areas
Unauthorized revisions/improvements
Unauthorized exterior finishes (e.g., paint, stain, roofing materials or design.)
Building occupation prior to Final Approval
Other:
Other:
Other:



REQUEST FOR APPROVAL OF REVISED CONSTRUCTION PLANS

DATE: _____ Lot: _____

PROPERTY OWNER:

ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

FAX:

EMAIL ADDRESS:

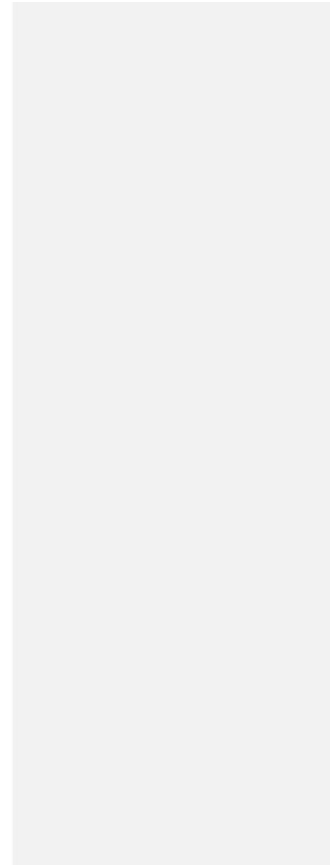
CONTRACTOR:

DESCRIBE THE PROPOSED CHANGE(S) TO THE APPROVED PLANS:

Will this change delay the completion date of the improvements? Yes No

If yes, what is the revised estimated date of completion? _____

Owner's Signature Date: _____





CITATION VIOLATION

Owner: _____ Lot: _____

Contractor: _____

A violation of the Architectural Guidelines was noted during a property inspection and a Compliance Request was issued. You have 10 days from the date of this Citation Violation to present a written request for a hearing to the Board. Unless a request for a hearing is received within 10 days, a fine will be levied against your Compliance Deposit according to the schedule listed below.

VIOLATION	FINE
Violation of Work Hours	\$250.00
Job site debris on site	\$100.00
Job site debris on adjacent property	\$200.00
No commercial Trash enclosure	\$100.00
No gravel drive	\$100.00
Mud/gravel in road	\$100.00
Materials in right-of-way or road	\$300.00
Construction equipment or material on adjacent lot	\$300.00
Parking violation	\$150.00
Unapproved trailer/dumpster	\$100.00
No Portable Toilet on site	\$250.00
Project sign damaged, missing	\$100.00
Unauthorized sign	\$100.00
Unauthorized burning	\$400.00
General nuisance/misconduct	\$500.00
Traveling in excess of posted speed limits	\$200.00
Erosion into drainage facility	\$500.00
Silt fencing uninstalled or damaged	\$700.00
Improper routing of drainage	\$700.00
Disruption or damage to wetlands	\$4,500.00
Failure to complete landscaping within the time frame	\$200.00
Disturbance of an adjacent Unit or Common Areas	Determined by ARB
Building occupation prior to Final Approval	\$250.00
Unauthorized revisions/improvements	*\$4,500.00
Unauthorized exterior finishes (paint, siding, roofing...)	Forfeit Compliance Deposit



ARCHITECTURAL REVIEW [BOARD USE ONLY]

Note: Any items that were submitted for final approval that may be revised or added as a result of this change must be submitted together with the applicable fee prior to receiving approval.

Owner: _____ Lot: _____

Contractor: _____

Date Received: _____

The ARB reviewed the Request for Approval of Revised Construction Plans and rendered the following decision:

_____ Approved

_____ Approved with limiting conditions (attached)

_____ Denied

COMMENTS (Recommendations) _____

LIMITING CONDITIONS (Binding Provisions) _____

ARB Representative

Date: _____



REQUEST FOR ARB INSPECTION & COMPLIANCE DEPOSIT REFUND

Date Prepared: _____ Date Received: _____

Lot: _____

Home site Address: _____

Owner: _____

Contractor: _____

Requested Date for Inspection: _____

I certify that construction and landscaping has been completed in conformance with plans approved by the ARB and that all work conforms to state, Town, county, and local codes, and meets all requirements of the Architectural Guidelines and the Declaration.

Signed: _____ Date: _____
Owner

Signed: _____ Date: _____
Contractor

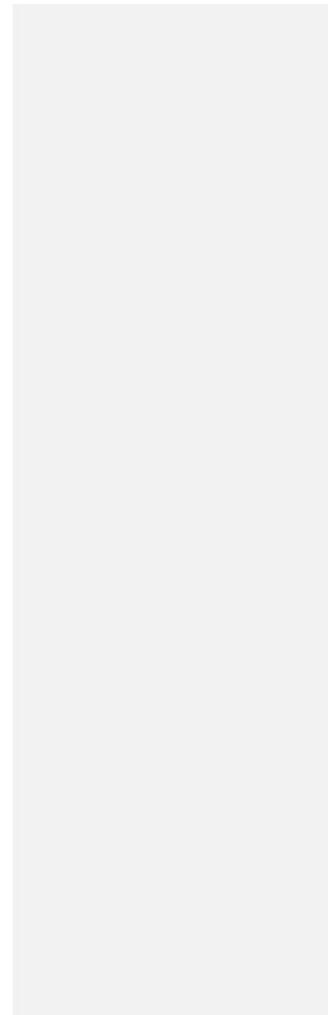
ARB USE ONLY

Compliance Deposit Returned to _____ Amount: \$ _____

Compliance Deposit Withheld _____ Amount: \$ _____

Comments: _____

Signed: _____ Date: _____
Architectural Review Board Representative





CERTIFICATE OF COMPLIANCE

This certifies that the Residence of

_____, Lot _____

Has been constructed in accordance with the
Approved Final Plans, as verified by:

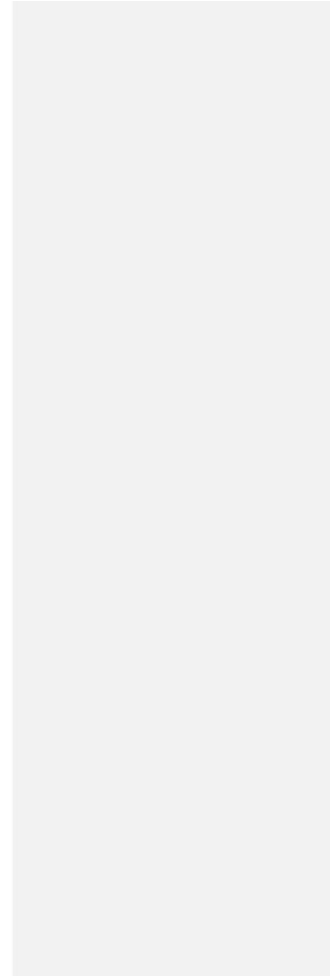
ARB Representative

And is in compliance with South Peak Resort Architectural Guidelines
and the Declaration, as verified by the Architectural Review Board.

Date _____

ARB Chairperson

Contractor





APPENDIX



**South Peak Resort
Architectural Review Process**

	Acknowledgement:	
	ARB	Architect/Contractor
I. Pre-Planning Meeting		
A. Written request submitted for pre-planning meeting.		
B. All parties are in possession of and have reviewed Architectural and Landscape Guidelines.		
C. Preliminary design, approval and construction schedule.		
D. Initial design objectives and intent.		
E. Prepared to discuss site-specific easements, setbacks, utilities and access.		
i. Front, Side and Back easements 15' from lot line		
ii. Utilities may not encroach into any setback except between service tap and building envelope		
iii. Utilities must be underground and planned to allow meter box to be located at side or rear of building.		
iv. Building envelope to be determined in meeting.		

**South Peak Resort on Loon Mountain
Architectural Review Board - Review Checklist**

project reference:
review date:
reviewed by:

items highlighted require submission / re-consideration / waiver request

II. Preliminary Plan Review	Submitted Yes / No	Complies Yes / No	Waiver Req. Yes / No	Waiver Decision
A. Completed application form, plans and fees submitted to ARB 15 working days before scheduled meeting.				
B. \$2,500 Preliminary Plan Review Fee submitted to ARB with completed application.				
C. 3 sets of full size drawings prepared by licensed architect, landscape architect or engineer.				
D. Existing Site Conditions (1" = 20')				
i. Topography (2' contours)				
ii. Building Envelope				
iii. Boundaries				
iv. Setbacks				
v. Easements				
vi. Locations and sizes of existing trees (greater than 4" caliper, 4' from ground level)				
vii. Existing wetlands and drainages				
E. Proposed Site Plan and Grading (1" = 20')				
i. Topography (2' contours)				
a. Residence shall consider existing topography i.e.. slope, drainage, outcroppings, trees, views.				
b. Site grading and drainage minimizes disruption to lot and maintains natural drainages.				
c. Sloping lots planned to take up grade change within footprint of dwelling.				
d. Max 3:1 horizontal to vertical ratio for cut and fill slopes unless using retaining boulder/wall and transition slope. Must be re-vegetated with approved plant material.				
e. No grading allowed within setbacks of lot except for driveway access, erosion control or utilities.				
f. Single or shared driveways to enter lots discreetly. Should minimize landscape disturbance.				
g. Driveway widths minimized.				
h. Provide near level transition area of 16' between sloping driveway and garage doors.				
i. 8' between sloping driveways and edge of pavement at roadway.				
j. Must provide 2 off street parking spaces, one of which is recommended to be in garage.				
k. Driveway aprons should not exceed ten foot radius where it intersects roadway.				
ii. Building Envelope				
a. All buildings on lot, including garage, must be located within the building envelope.				
b. Decks, patios, driveways, etc. may be located outside building envelope with approval from ARB.				
c. Max impervious cover is 35% of lot area.				

**South Peak Resort on Loon Mountain
Architectural Review Board - Review Checklist**

project reference:
review date:
reviewed by:

items highlighted require submission / re-consideration / waiver request

II. Preliminary Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
iii.	Area of Disturbance (Should be minimized)				
a.	Graphically represented on drawings				
iv.	Boundaries				
v.	Setbacks				
a.	15' from front, side and rear boundaries.				
b.	Garages set back minimum of 20' from the street right of way.				
vi.	Easements				
a.	No structures or pavement to be placed in easements except for driveway for purpose of access.				
vii.	Locations and sizes of existing trees to be removed (greater than 4" caliper, 4' from ground level)				
a.	No trees over 4" in caliper at 4' above ground level may be removed outside building envelope.				
b.	Limbing of live branches up to 10' above ground level, or up to 12' above ground level if tree is 12" or greater in diameter, is allowed.				
viii.	Utilities				
a.	Utilities may not encroach into any setback except between service tap and building envelope.				
b.	Any trenching done for utilities must be minimized and rehabilitated.				
c.	Utilities must be underground, planned to be located at rear or side of building.				
d.	Equipment, screened from public view.				
e.	Wall mounted equipment screened with planting.				
f.	Arials, 12' above ridge or less, provide proof of necessity if location if visible.				
g.	Dishes, 39" diameter or less, provide proof of necessity if location if visible.				
F.	Schematic Building Floor Plans (1/4" = 1'0")				
i.	General				
a.	Residences must be within guideline size requirements				
b.	Eave heights may not exceed three stories.				
c.	If residence includes portions at two or three stories should also include portions at one story.				
ii.	Walls				
iii.	Window locations				
iv.	Door locations				
v.	Roof Overhangs				

**South Peak Resort on Loon Mountain
Architectural Review Board - Review Checklist**

project reference:
review date:
reviewed by:

items highlighted require submission / re-consideration / waiver request

II. Preliminary Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
a.	Roof overhangs at the major roof minimum 2' deep.				
vi.	Elevations for each floor.				
a.	Recommended min 10' floor-to-ceiling height for first floor level, 9' min on all other levels.				
G. Schematic Building Roof Plans (1/4" = 1'0")					
i.	Roof pitch and direction of slope				
a.	Major roof must be minimum pitch of 6:12, maximum pitch of 12:12.				
b.	Secondary roofs may have lesser pitch down to minimum of 3:12.				
c.	Roof forms must be gable, hip or shed profile.				
d.	Roof design must deal efficiently with snowfall and runoff.				
e.	Dormers highly encouraged.				
f.	Primary roof fascia 8" minimum.				
ii.	Materials				
a.	Wood shakes, architectural grade asphalt shingles, or sheet metal (with snow guards) allowed.				
iii. Chimneys and Major Flues					
a.	Chimneys should relate to primary structure, to add balance or create counterpoint.				
b.	Suggested construction of stone to match foundation.				
c.	Major flues and vents to be consolidated as feasible and hidden within chimney type enclosure.				
iv. Ridges, Valleys, Hips and Pitch Breaks					
a.	Keep design simple and avoid complex intersections at awkward angles and pitches.				
b.	Design to consider factor of snowfall and ice dams				
	- consider well-ventilated cold roofs or super-insulated roofs in lieu of applied heat.				
v.	Exterior wall below (dashed).				
H. Schematic Building Exterior Elevations (1/4" = 1'0") with all Exterior Materials and Colors Called Out					
i.	Stone				
a.	Stone must be laid to appear structural, not floating.				
ii.	Brick - Use of brick not permitted without special exception				
iii.	Wood shakes and shingle siding are very appropriate and encouraged.				
iv.	Board and Batten/Board and Channel				
a.	Vertical board and batten or board and channel are acceptable in varying sizes and widths.				

**South Peak Resort on Loon Mountain
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II. Preliminary Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
v.	Timber, Frame and Glass				
a.	Timber frame may be infilled with glass to create exterior wall - best under large overhang				
b.	Scale of individual lites should be in proportion to other design features				
c.	Combination of secondary windows should be used to form major opening.				
vi.	Wood Siding				
a.	Experimentation with all types of wood siding is encouraged vertically and horizontally.				
	Diagonal siding strongly discouraged.				
vii.	Ornamental and Structural Steel				
a.	Steel may be used as secondary structural component, such as banding at column bases..				
b.	Connecting plates for trusses should be concealed or limited to ornamental, engineered hardware.				
viii.	Windows				
a.	No single pane of glass shall exceed 32 square feet.				
b.	Large expansive window areas must be composed of secondary window divisions.				
c.	Reflective glazing or coatings not permitted.				
ix.	Color				
a.	Major building colors should blend with surroundings and be natural earth tone.				
b.	Details and trim can match or complement wall colors.				
c.	Stone should be from New England area, relate to area outcroppings and be gray or brownish gray.				
d.	Major wood wall materials should be stained or treated.				
	Stain should be semi-transparent and range from russet, to gray-tan and brown in color.				
e.	Composite shingles should be brown-green, gray-green or medium to dark grays.				
f.	Metal roofing, max 6:12 pitch, natural patina or simulated.				
g.	All exterior equipment should be painted to match nearest primary building material.				
I.	Building Height Calculations				
i.	Must illustrate compliance with guidelines				
a.	Building heights limited to 35' from primary eaves to grade on uphill side of structure.				
b.	Architectural features such as chimneys may exceed height limits with Town and ARB approval.				
c.	Main level finished floor elevation to be minimum 12" above finished grade.				
J.	Schematic Landscape Plan (1" = 20'0")				

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II. Preliminary Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
i.	Location and type of existing vegetation				
a.	Existing plantings shall be preserved to the greatest extent possible.				
ii.	Lighting Plan				
a.	Exterior and landscape lighting allowed in small quantities with limited area and intensity.				
b.	When used, exterior lights shall identify entrances, pathways or highlight natural feature.				
c.	All fixtures are to be down lights, horizontal cut-off (dark skies), concealed source fixtures.				
d.	Fixtures should be preferably white light except lanterns at entrances, and 25W or less.				
iii.	Location and type of Proposed Vegetation				
a.	Plant materials must be selected from attached list.				
b.	Size, location and plant palette should appear natural and blend with surrounding environment.				
c.	Manicured lawns or gardens are allowed, up to 1000 ft., adjacent to buildings, terraces, patios, etc.				
d.	New trees and shrubs must meet or exceed following size requirements: * Deciduous trees - 3 ft. minimum * Evergreen trees - 8 ft. minimum * Shrubs: 5 gallon minimum				
	* Ground covers/wildflowers outside of gardens should mimic those found naturally in Loon Mtns				
	* Use of large specimen trees and shrubs encouraged, especially in highly visible areas.				
iv.	Area of Disturbance				
a.	Intended area of disturbance should be limited to immediate area around building excavation.				
b.	Riparian and wetlands on property must be protected from construction disturbance.				
v.	Erosion Control Measure				
a.	Perimeter protection to filter sediment from sheetwash shall be located downslope of all disturbed areas and properly installed prior to up upslope grading.				
b.	Areas not worked for 30 days to be vegetated if possible or stabilized with bonded fiber matrix.				
vi.	Concept Drainage Plan				
a.	As much as possible natural drainage patterns should be maintained.				
b.	Any grading for purposes of drainage should preserve condition of lot and natural land forms.				
vii.	Decks, Terraces, Walkways and Stairs				
a.	All paths, terraces and exterior stairs are to be designed to be an extension of residence.				

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II. Preliminary Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
b.	Use of paving materials in design should unify area and complement architectural materials. Using many different types of materials discouraged.				
c.	Decks and terraces should respond to topography and other natural features.				
K.	Building Corners and Center of Driveway must be staked 5 working days prior to meeting.				

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III. Final Plan Review		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
A.	Completed Final Plan Review Application.				
B.	Final Plan Review Fee (\$2,500).				
C.	3 Sets of full sized drawings.				
D.	Submittal prepared by licensed architect, landscape architect, or engineer.				
E.	Site Plan (1" = 20'0")				
	i. Access Drive and Parking				
	ii. Survey of Trees to be saved and Trees to be removed (greater than 4" caliper)				
	iii. Site Grading and Drainage				
	iv. Existing and Proposed Topography				
	v. Utility locations and tie-in points.				
	vi. Area of Disturbance				
	vii. Property boundaries and Easements.				
	viii. Setbacks				
	ix. Building Configuration and Roof Plan				
	x. Decks and Terraces				
	xi. Snowshed areas from Roof				
	xii. Snow Storage Areas				
F.	Foundation Plan (1/4" = 1'0")				
	i. Top and Bottom Elevations of all walls				
	ii. Unexcavated areas				
	iii. Crawl Space Areas				
G.	Building Floor Plans (1/4" = 1'0")				
	i. Overall Building Dimensions				
	ii. Room Layouts				
	iii. Mechanical Rooms and Flue/Duct chases				
	iv. Window and Door locations				
	v. Roof Overhangs Above				
	vi. Meter and Utility Locations				
	vii. Satellite Dish Location (prefer 24" Size, must be under 1 meter. Minimize visibility)				

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III. Final Plan Review	Submitted	Complies	Waiver Req.	Waiver Decision
viii. Exterior Lighting Systems (location shown and cut sheets provided for fixtures)				
H. Roof Plan (1/4" = 1' 0")				
i. Indicate all Roof Pitches and direction of slope				
ii. Call out roof materials				
iii. Indicate Chimneys and Mechanical Flues				
iv. Call out Ridges, Valleys, Hips and Pitch Breaks				
v. Show Snow Guards, Snow Clip and Gutter Locations.				
vi. Show exterior walls below (dashed)				
I. Exterior Building Elevations (1/4" = 1'0")				
i. Building height shown				
ii. Exterior Materials and Colors called out				
iii. Window and Door locations and configurations				
iv. Exterior trim shown				
v. Exterior Expressed Structural Elements				
vi. Must adequately convey 3-dimensional massing				
vii. Rendering may be hand-rendered but must accurately depict design.				
J. Landscape Plan (1" = 20')				
i. Location and types of existing and proposed vegetation.				
ii. Lighting Plan				
iii. Area of Disturbance				
iv. Erosion control plan				
a. All roof drains shall drain into an energy dissipation system and then drain in accordance with SPR engineered master drainage and grading plans.				
b. All underground piping shall daylight within the Unit boundaries.				
c. All drainage to be routed to avoid damage/erosion onto adjacent Units, common areas and streets				
v. Drainage Plan				

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IV. Pre-Construction Meeting		Submitted	Complies	Waiver Req.	Waiver Decision
		Yes / No	Yes / No	Yes / No	
A.	To Do Before Pre-Construction Meeting				
i.	Obtain plans and specifications stamped "Approved by South Peak Resort ARB"				
ii.	Apply for and obtain building permit from Town				
iii.	Install all erosion control measures on Unit				
iv.	Erect project sign				
v.	Depict boundaries of Area of Disturbance through fencing				
vi.	Have all boundaries, setback lines, easements and building footprint staked by surveyor licensed in NH				
vii.	Request ARB's written approval of contractor/on-site supervisor (request after pre-planning meeting)				
viii.	Submit a written request for the Pre-Construction Meeting.				
B.	Construction Management Plan (1" = 20')				
i.	Fencing Around Area of Disturbance, identifying limits of construction activity				
ii.	Construction Access drive				
iii.	On-Site Construction Parking Area				
a.	Personal vehicles must be parked on construction site.				
b.	Construction trailers subject to ARB approval.				
c.	Construction parking on street limited to trade vehicles and deliveries only.				
iv.	Equipment Storage				
v.	Temporary Buildings				
vi.	Location of Sanitary Facilities				
a.	Portable toilet must be provided for each job site.				
b.	Placed behind contractor's sign or, if no sign, to side of construction entrance, door opening to rear				
vii.	Construction Signage				
a.	Shall identify Unit # and individual participants (architect, landscape archt, builder, selected subs)				
b.	Shall conform to South Peak Resort standards and town sign ordinance				
c.	Will be provided for and/or approved by Declarant				
d.	Shall be erected at start of clearing and grading once approved by ARB				
e.	Sub-contractor and vendor advertising signs prohibited				
viii.	Proposed method of maintaining natural drainage around worksite				
ix.	Tree Protection				

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IV. Pre-Construction Meeting		Submitted	Complies	Waiver Req.	Waiver Decision
x.	Erosion Control				
a.	Wire reinforced silt fence installed on downstream end of Unit, boundaries of developed Units				
b.	All measures outlined in erosion control plan to be maintained by contractor during construction.				
xi.	Material Storage and Staging				
a.	Only usable materials may be stored on site and they must be neatly stacked.				
b.	No materials may be stored in street, Common Areas, parking areas or adjacent Units				
c.	Materials must be stored in one specified area, located to minimize visual impact				
xii.	Dumpster Location				
a.	Discarded materials must be removed daily or stored in dumpster.				
b.	Dumpsters must be scheduled for prompt pick-up upon reaching 75% of capacity				
xiii.	Snow Management Strategy				
xiv.	Proposed Construction Schedule				
a.	Expected commencement date, as defined below: (Must begin w/in 6 months of Final Approval)				
	* All plans have been approved by ARB				
	* A building permit has been issued by appropriate jurisdiction apply after final approval from ARB)				
	* Construction of structure physically begins beyond site preparation				
b.	Connection to Public Utilities				
c.	Completion of Landscaping				
d.	Date for Issuance of Certificate of Occupancy				
e.	Construction must be completed within 18 months of commencement, as defined below:				
	* Certificate of Occupancy issued by appropriate jurisdiction				
	* Certificate of Compliance issued by ARB				
C.	Compliance Deposit (\$15,000)				
D.	Landscaping Deposit (\$5,000)				
E.	Construction Impact Fee (\$3,500)				
F.	Setback Disturbance (\$50/sf)				