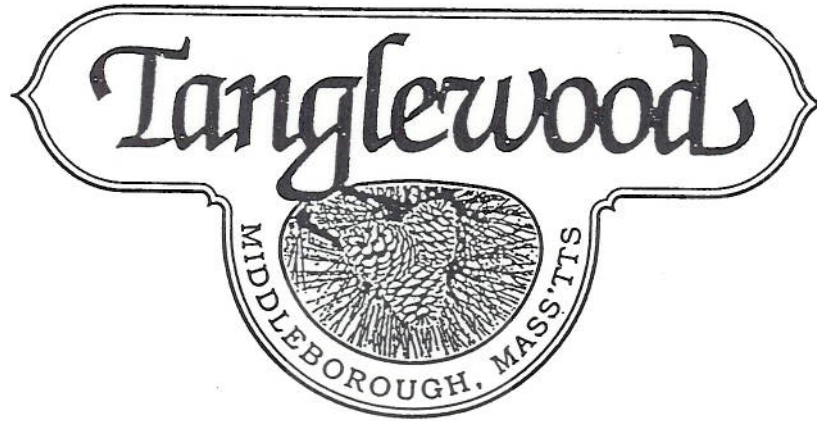


RIDER #5



## ***DESIGN GUIDELINES***

*Middleborough, Massachusetts*

VERSION: 1.0

LAST REVISION DATE: 6/28/99

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## Overview

Great care has been taken in the planning, design, engineering and construction phases of Tanglewood to insure:

- Functional and aesthetic site planning.
- Aesthetic architectural design.

For this reason, an **Architectural Committee** has been created to review all proposed construction within Tanglewood. The **Committee** is composed of those individual(s) selected by Bay Colony Investment and Development, Inc., or its successor(s) or assignee(s).

Prior to the commencement of any construction within Tanglewood, the submittal for approval of said work must be submitted by the property owner or his agent to the **Committee**. Final approval must be received from the **Committee** prior to the commencement of said construction. The authority to approve, disapprove or recommend modifications to building, site plans is provided by recorded covenants. These covenants do not list specific design items necessary for plan approval. Instead, the covenants give the Declarant, its successors and assignees the authority to create design guidelines which will be used to review and approve or disapprove all individual building and site plans within Tanglewood.

The following requirements outlined in these Design Guidelines will therefore be used by the **Committee** for purposes of approving all individual building and their associated site plan. The property owner and their building team should familiarize themselves with the requirements of the **Committee** and Design Guidelines and confirm that they possess the latest version of the Design Guidelines. The Design Guidelines are a dynamic document which may change periodically. The latest version should be obtained from Bay Colony Investment and Development, Inc. at (508) 587-2300. If building in Tanglewood for the first time, prior to any submittal, the property owner and/or their building team may meet with the **Committee** to discuss any elements of the overall design concepts which may raise questions or concerns. This meeting is useful in order to acquaint all concerned with the design review process and to avoid misinterpretation, delays or unnecessary expenses.

*In addition to compliance with these Design Guidelines, the property owner is required to comply with any and all applicable Governmental Regulations.*

## Approval Process

### Design Review Procedure:

A design review procedure has been established to insure compliance with the requirements outlined in these Design Guidelines. The design submittal should include all drawings and information required under these Design Guidelines. Upon final agreement as to the design of

the proposed construction, the Committee member(s) shall affix their signature(s) on the plans attesting to said agreement. One set of documents will then be returned to the property owner marked "Approved as Submitted". Only items requiring extensive modification will necessitate re-submittal.

The residential color scheme is not required in order to receive plan approval. However, it is strongly encouraged that these items be a part of the plan approval. Approval of the color scheme can occur while the residence is in the initial stages of construction, but final approval of said must be obtained prior to application of any exterior paint or the installation of any roofing.

## **Submittal Materials**

### **Drawings**

The Committee requires two copies of the following drawings be submitted:

**Site Plan:** Scale: 1" = 40' (minimum).

The site plan shall include the following information:

- Existing topography.
- Proposed finished grades showing cuts and fills.
- Extent of all clearing.
- Building(s) footprint along with finished floor elevations.
- Driveway, walkway, patio, deck, fencing and any other permanent structure(s) drawn to scale.
- Property lines, right-of-ways, easements and setback lines.
- If applicable, retaining wall locations, size, design, height and finish must be indicated. Retaining walls may be constructed in concrete, stone, brick, cross-tie timber walls or other material acceptable to the Committee.

**Floor Plan(s):** Scale: 1/4" = 1'-0".

The floor plan(s) shall include the following information:

- Exterior and interior dimensions.
- Window sizes and locations.
- Designation of all rooms.

**Building Elevations:** Scale 1/4" : 1'-0".

The building elevations shall include the following information:



- Indicate all window types, door types, trim and fascia details.
- Building material and color scheme.
- The proposed finish grades against the exterior elevations.
- Enclosures for heating and AC condensing units, utility meter locations, trash screens, decks and stairs.

### **Miscellaneous Material**

Included with the application and drawings will be any additional documentation and information requested by the **Committee** so that it may insure the proposed plans meet the requirements of these Design Guidelines.

### **Submission Information**

All submissions and correspondence regarding submissions should be sent to **Bay Colony Investment and Development, Inc., 319 Manley Street, West Bridgewater, Massachusetts 02062**. Each submittal must be accompanied by two complete sets of drawings. The **Committee** meets regularly to review residential plans and is available to address concerns of any property owner or their respective agent. The owner, or his agent, may attend review meetings which address their design submission to expedite approval by helping to resolve any design review issues. Any questions or concerns regarding submissions may be addressed by contacting **Bay Colony Investment and Development, Inc.** at (508) 587-2300.

## **DESIGN CRITERIA**

### **Site Design**

The siting of a house is a vitally important design decision. The **Committee** shall consider each site independently, however, careful consideration shall be given to each individual plan's impact upon adjacent home sites. Consideration in this regard includes the following:

1. Location of the proposed home and its elevation.
2. Proper water runoff directed to the natural drainage areas or to storm drainage facilities. Water runoff and control for each lot is the responsibility of the property owner.
3. Existing amenities or special features which exist on the lot and/or on surrounding lots.
4. Driveway location.
5. Extent of all clearing. The siting of a house is a vitally important design decision. Therefore, the **Committee** has developed an overall plan for the laying out of homes within

Tanglewood. Each lot has permitted clearing and limit of work boundaries. The permitted clearing and limit of work boundaries vary from lot to lot. The applicable boundaries for each lot are shown on a Lot Clearing and Work Boundary Plan permitted clearing and limit of work boundaries which is attached hereto. The homeowner should be aware that each lot's The homeowner's site plan shall address how all work will not encroach into the area outside the permitted clearing and limit of work boundaries. However, the home owner will be allowed to remove dead, diseased or damaged vegetation in any area outside of the permitted clearing and limit of work boundaries on his or her lot. In addition, the home owner will be allowed to groom and prune any undesirable vegetation under 24 inches in circumference outside the permitted clearing and limit of work boundaries on his or her lot. Trees over 24 inches in circumference may only be removed if written permission is received from the **Committee** and in such instances the **Committee** may require (as part of its permission) new trees be planted to replace those removed. The home owner will be allowed to clear past the area outside the permitted clearing and limit of work boundaries on the sidelines of his or her lot due to topography, fill requirements or undesirability of existing vegetation, if written permission is received from the **Committee**. If such clearing is required and permission is received from the **Committee** then the following tree planting requirements will apply:

If the clearing encroaches into the area outside of the permitted clearing and limit of work boundaries along the side lot line for a cumulative linear distance (measured perpendicular to the street) of zero to twenty feet, the home owner will be required to plant one tree along or within said cleared area. Cumulative linear distance encroachments of twenty-one feet to forty feet, the home owner will be required to plant two trees along or within said cleared area. Linear distance encroachments of forty-one feet to sixty feet, the home owner will be required to plant three trees along or within said cleared area. One additional tree will be required for every additional twenty feet of linear feet of encroachment. The **Committee** will have the final decision as to whether there has been an encroachment and the cumulative linear distance of said encroachment.

Said trees shall be at least 2 1/2 inch caliber if Deciduous, 2 inch caliber if Flowering Tree or 7 feet in height if Evergreen is used when planted. Said trees will be one or more of the following types. Deciduous type trees include: Red Maple (*Acer rubrum*), Canoe Birch (*Betula papyrifera*), Green Ash (*Fraxinus pennsylvanica*) and/or Red Oak (*Quercus rubra*). Flowering type trees include: Eastern Redbud (*Cercis canadensis*), Kousa Dogwood (*Cornus kousa*), Magnolia (*Magnolia* spp.), Crabapple (*Malus* spp.) and/or Flowering Cherry (*Prunus* spp.). Evergreen type trees include: White Spruce (*Picea glauca*), White Pine (*Pinus strobus*) and/or Canadian Hemlock (*Tsuga canadensis*). Additional tree types not specified above may be used if written approval is received from the **Committee**. If more than three trees are required, no more than 75% of said trees may be of the same type. The trees should be planted so as to provide an even screening along the disturbed area (Example: 3 trees along 60 linear feet of encroachment should be planted 20 feet from one another running the length of the encroachment.).

The home owner will only be allowed to clear past the area outside the permitted clearing and limit of work boundaries on the rear line of his or her lot in instances where no practical



alternative is available and written permission is received from the **Committee**. Replanting schemes in this instance will be done on a case by case basis.

The property owner is also encouraged to keep as many existing trees, especially existing deciduous trees in the front yard area. The property owner has the sole discretion as to whether to keep any existing trees in the front yard area. However, to encourage the preservation of existing trees in the front yard area the following exemption shall apply: For each tree of 14 inches in circumference or greater which is preserved in the front yard area, the property owner shall be relieved of the responsibility of planting one new tree as required in the section entitled "Front Yards" found on page 6 below. However, this provision does not relieve the property owner from his or her responsibility of planting of trees along the lot lines as specified above. For purposes of this provision front yard area shall be defined as the area which lies perpendicularly between the house and the street.

Requirements and recommendations of the **Committee** will be based upon individual site location, terrain, soil conditions, vegetation condition and aesthetic quality, drainage, proposed cuts and fills, and any other conditions the **Committee** determines to be relevant to the aesthetics of the overall project.

**Home Design:** The goal of these guidelines is to encourage and foster the design of an aesthetically pleasing community. The home design must meet the following requirements:

#### **Size of Residence**

No building, other than private homes arranged for the occupancy of not more than one family and consisting of not less than (1,800) square feet of living area exclusive of any basement, unheated porch, deck, attic storage space, breezeway and garage will be erected. All such private dwelling houses will have an attached two car garage or a two car garage under. The garage will be built at the same time that the dwelling is constructed.

#### **Architectural Styles**

Homes will be of traditional architectural styles normally found in New England of a type similar to those shown in Exhibit "A". However Exhibit "A" is not an exclusive list of all those styles that will be allowed, other styles such as Victorian, Authentic Colonial, Cape Cod will be permitted as well. In addition, the residence should be sensitive to traditional architectural styles in terms of mass, shape, profile, scale and proportion.

**Roof Pitches** The roof will have a minimum slope of 8 over 12, except for shed roofs in the rear of the residence which may have a minimum slope of 3 over 12. Written exceptions may be granted by the **Committee** for roof pitches for verandahs, porches or bays.

**Construction Materials** All homes will be designed and constructed using one or another, or a combination of the following manner.

**Exterior Surfaces:** Exterior surfaces will be stone, brick, stucco, glass block, cedar shingles, cedar shakes, cedar clapboards or vinyl siding.

**Trim Requirements:** The front elevation or any other elevation fronting on a street shall be trimmed at sizes equal to or greater than that specified in Exhibit "B" of these design guidelines. Said trim may be stone, brick, stucco, metal, wood or vinyl.

**Chimney Surfaces:** Chimney surfaces will be brick, stone or cedar clapboard. Exposed, prefabricated metal will not be approved.

**Roofing Surfaces:** Roofing surfaces will be slate, tile, cedar roofing shakes, high grade simulated wood roofing, "Architect Grade" textured asphalt shingles, or asphalt shingles. All roofing material will be color coordinated with the colors of the siding and trim used.

**Front Yards:** In addition to the requirements specified in "Site Design" section, the following is required. All walkways are to be constructed in brick, stone, concrete or asphalt. Each home shall have a minimum of 8 shrubs and 2 trees or 12 shrubs and 1 tree or 16 shrubs planted in front of the home facing the street. Said trees shall be at least 2 1/2 inch caliber if Deciduous, 2 inch caliber if Flowering Tree or 7 feet in height if Evergreen is used when planted. Said trees will be one or more of the following types. Deciduous type trees include: Red Maple (*Acer rubrum*), Canoe Birch (*Betula papyrifera*), Green Ash (*Fraxinus pennsylvanica*) and/or Red Oak (*Quercus rubra*). Flowering type trees include: Eastern Redbud (*Cercis canadensis*), Kousa Dogwood (*Cornus kousa*), Magnolia (*Magnolia* spp.), Crabapple (*Malus* spp.) and/or Flowering Cherry (*Prunus* spp.). Evergreen type trees include: White Spruce (*Picea glauca*), White Pine (*Pinus strobus*) and/or Canadian Hemlock (*Tsuga canadensis*). Additional tree types not specified above may be used if written approval is received from the **Committee**. Said shrubs will be one or more of the following types. Deciduous type shrubs include: Amelanchier, Quince, Clethra, Cornus, Cotoneaster, Broom, Enkianthus, Evonymus, Kerria, Bayberry, Spiraea, Lilac and/or Viburnum. Broadleaf evergreen type shrubs include: Barberry, Evonymus, Holly, Mountain Laurel, Leucothoe, Andromeda, Azaleas and/or Rhododendrons. Evergreen type shrubs include: Junipers and/or yens. Additional shrub types not specified above may be used if written approval is received from the **Committee**. Additionally, each home shall have installed a driveway lantern with a 8 foot post wired to the main residence, circuit breaker to light, with a photo-sensitive on/off switch. The lantern shall be located one foot from the outside of the Right of Way at the driveway or as more specifically shown in Exhibit "C". Said lantern and post shall be of type which is specified in Exhibit "C". An equivalent lantern may be substituted for the type specified in "Exhibit "C", if written approval is received from the **Committee**.

**Mechanical Apparatus:** Any and all roof mounted or free standing receiving or transmitting towers, aerials, satellite dishes, and solar collectors are prohibited and will not be installed on any lot or dwelling thereon unless approval is obtained from the **Committee**. Air conditioning condensers will not be located in the front of any dwelling and will be screened by sufficient landscaping.



**Auxiliary Structures:** Only those auxiliary structures, hereinafter enumerated will be allowed. Permitted auxiliary structures include an in ground swimming pool, a pool house, tennis courts, dog run, and/or not more than one additional out building such as a tool/storage shed. The design, materials used and colors of any auxiliary building(s) will be consistent with, in harmony with, of similar composition and built with similar material as the primary residence.

## **Construction Process**

### **Site Inspection and Clearing**

Prior to lot clearing and construction the lot owner or agent shall request that the **Committee** make a site inspection . The owner or agent should clearly mark the proposed area to be cleared and trees to be saved. The purpose of the site inspection is to insure compliance with the approved plans and to prevent any unnecessary damage to specimen trees and other unique site features. Inspections will be made within two (2) working days of the request. Authorization to proceed with clearing and construction will be issued immediately after the inspection.

### **On-going Construction**

The design review process aids in creating a fine quality community and enhancing the appearance and value of the property. Deviations from the design features of the approved plans of Design Guidelines defeats the purpose of the review process. With primary concern for residential elevations, accessory structures and their location on the site plan, and clearing restrictions, the **Committee** will observe the home closely during construction to insure the approved plans are being accurately constructed.

### **Violations**

Significant deviation may require that the **Committee** correct the condition per the approved plans, resulting in a charge to the lot owner for the expense. Written fourteen (14) day notice will be issued to the property owner or agent to correct any violation. If the violation has not been corrected within the fourteen (14) day period the offending condition may be corrected by Bay Colony Investment and Development, Inc. and the cost charged to the property owner.

## General Rules for all Tanglewood Contractors and Service Personnel

The following rules apply to all Contractors and their staff plus Service Personnel while on Tanglewood premises. Any questions or concerns can be directed toward Bay Colony Investment & Development, Inc. at Telephone (781) 762-1330.

1. Contractors are required to keep the job sites as neat and clean as possible. Trash and discarded materials such as lunch bags, cans and odd materials, must be removed daily. All debris stockpiled for removal, trash receptacles, and dumpsters should be located in the rear of the residence. Stockpiling of trash or any material on adjacent lots or streets is not permitted. If trash and debris on the job site becomes a noticeable problem, notification to the responsible party will be given by the **Architectural Standards Committee** to clean up the site within five (5) working days. If after the 5-day period the site has not been cleaned, Bay Colony Investment and Development, Inc. will remove the debris and charge the property owner.
2. Proper erosion control is the responsibility of the contractor. Adequate silt fencing and gravel at the entry drive must be properly installed and maintained. The streets should be kept free of mud, silt and debris from erosion and construction traffic.
3. Contractors will use only the utilities provided on the immediate site on which they are working.
4. Portable toilets are the responsibility of the contractors. They should be located out of the right of way and where possible screened from view.
5. Vehicles are to be parked on one side of the street only or on the immediate site on which the contractor is working. No vehicles (cars, trucks, vans, etc.) may be left in the subdivision overnight. Construction equipment may be left on the site while in use but must be kept off the street.
6. Washing of any truck or vehicle on the street is not permitted. Concrete delivery trucks may wash out on the immediate construction site only.
7. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by Bay Colony Investment and Development, Inc. and such costs billed to the property owner.
8. If any telephone, cable TV, electrical, water, or other utility lines are cut or adversely affected, it is the responsible party's obligation to report such an accident within thirty (30) minutes to Bay Colony Investment & Development, Inc. (508) 583-4440 or staff on site.
9. Loud radios or noise will not be allowed within Tanglewood. Normal radio levels are acceptable.



10. Building permits are the only sign or document to be posed at a home site during construction. Business signs or other forms of advertisement are not permitted.

Bay Colony Investment & Development, Inc. intends to enforce these regulations. Notification of violation will be sent to the responsible party and property owner defining those items not in compliance with the rules and regulations. Upon receipt of the notification, the involved parties have five working days to correct the situation or Bay Colony Investment & Development, Inc. will take the necessary actions to correct the violation.

EXHIBIT "A"

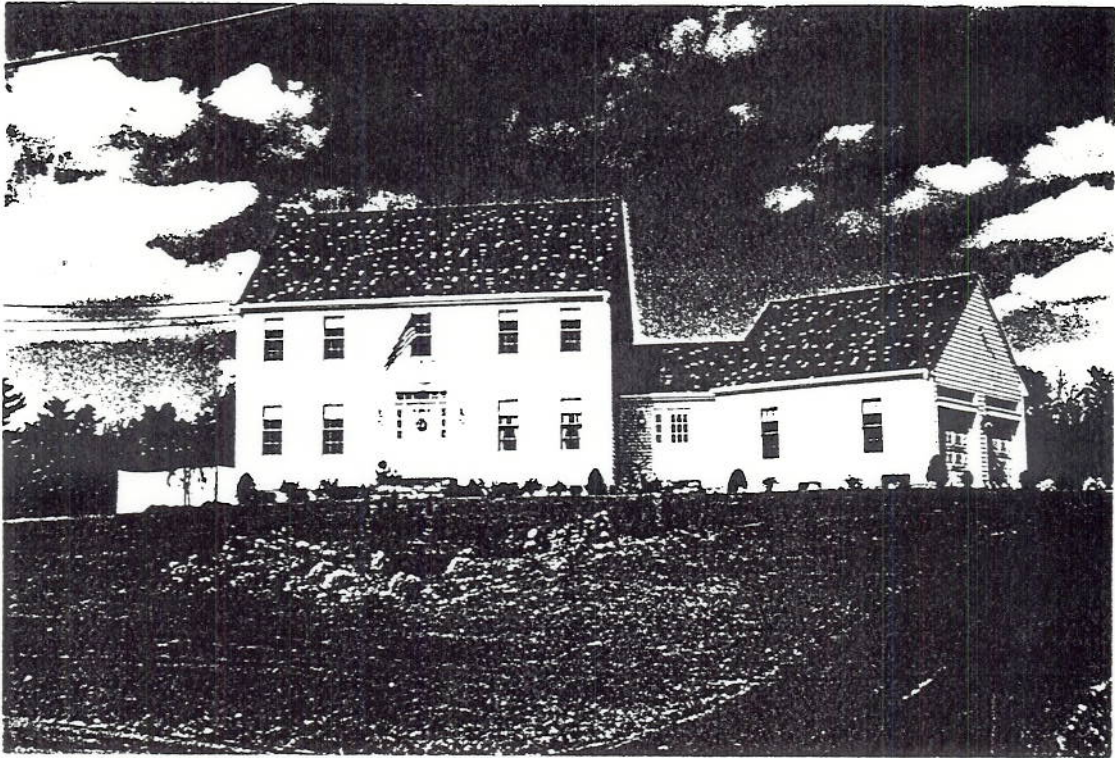




EXHIBIT "A"

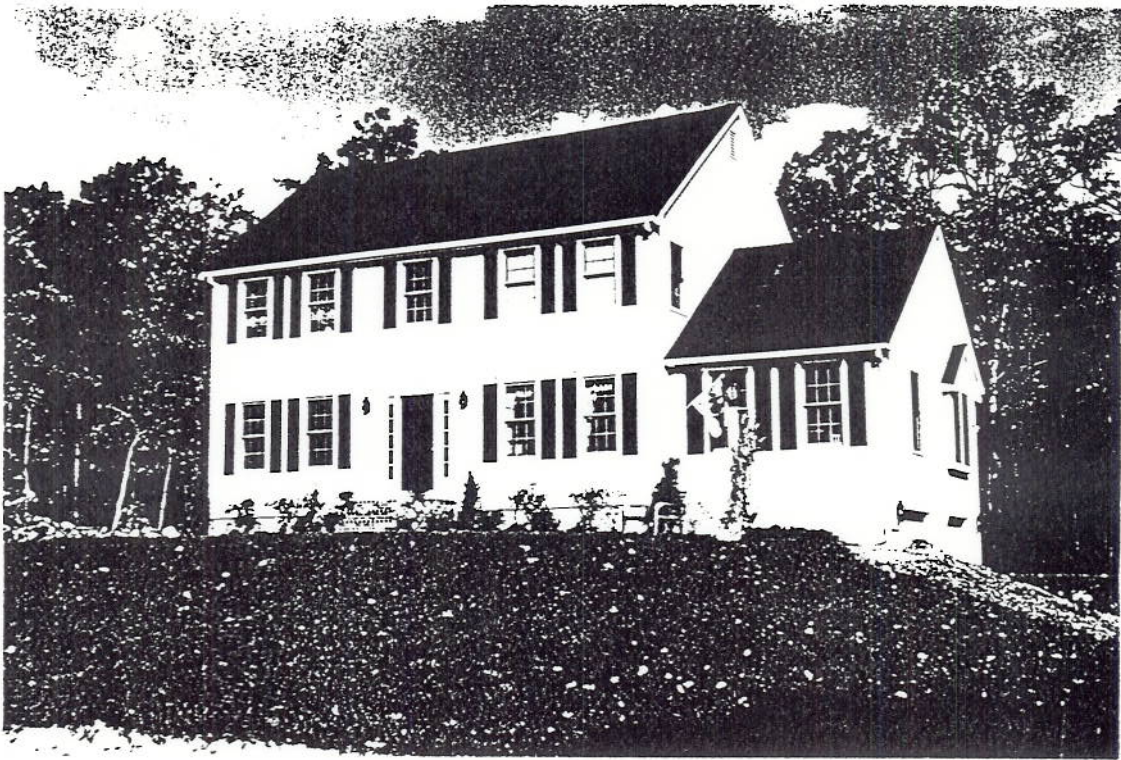


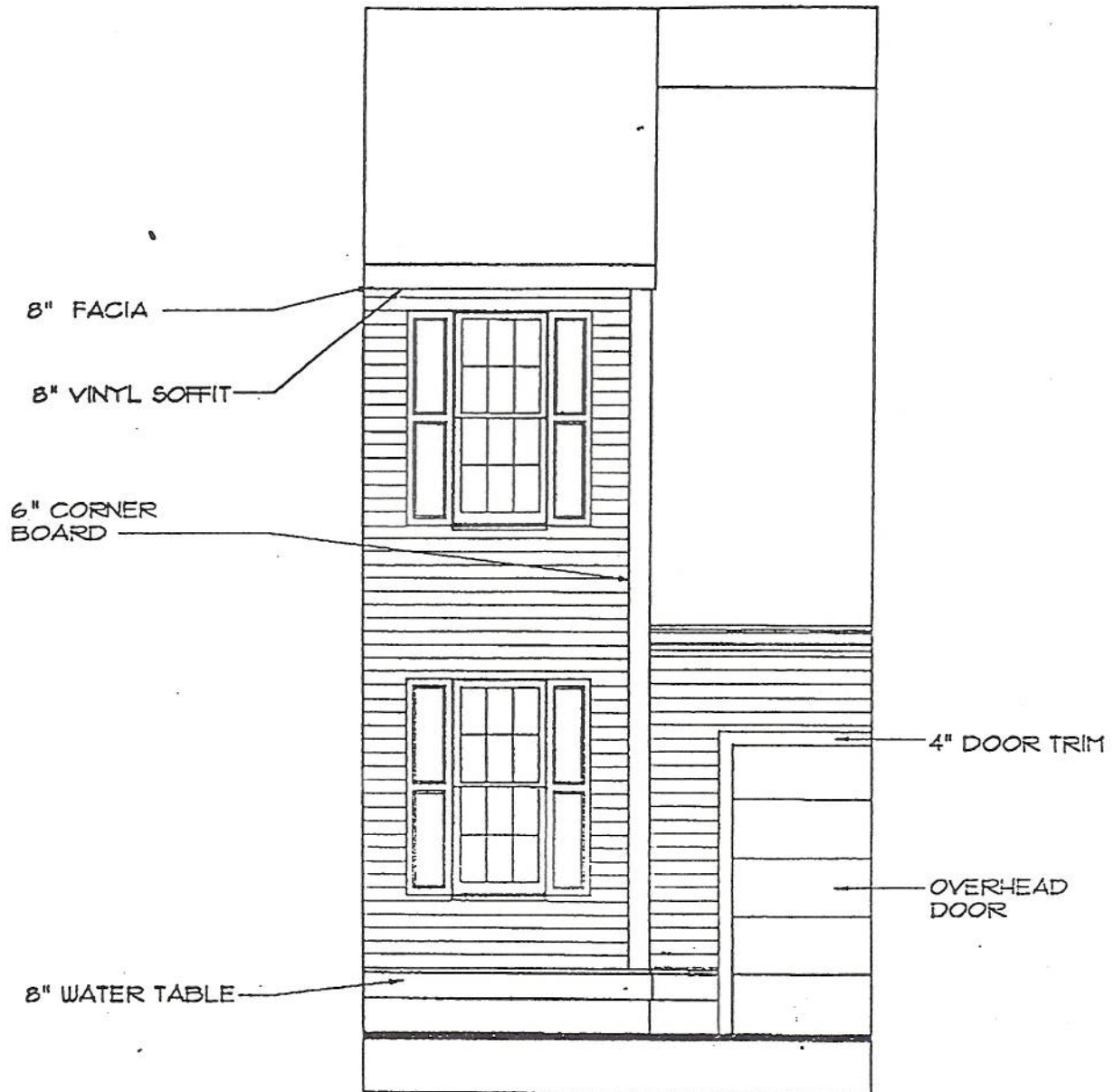


EXHIBIT "A"





EXHIBIT "B"

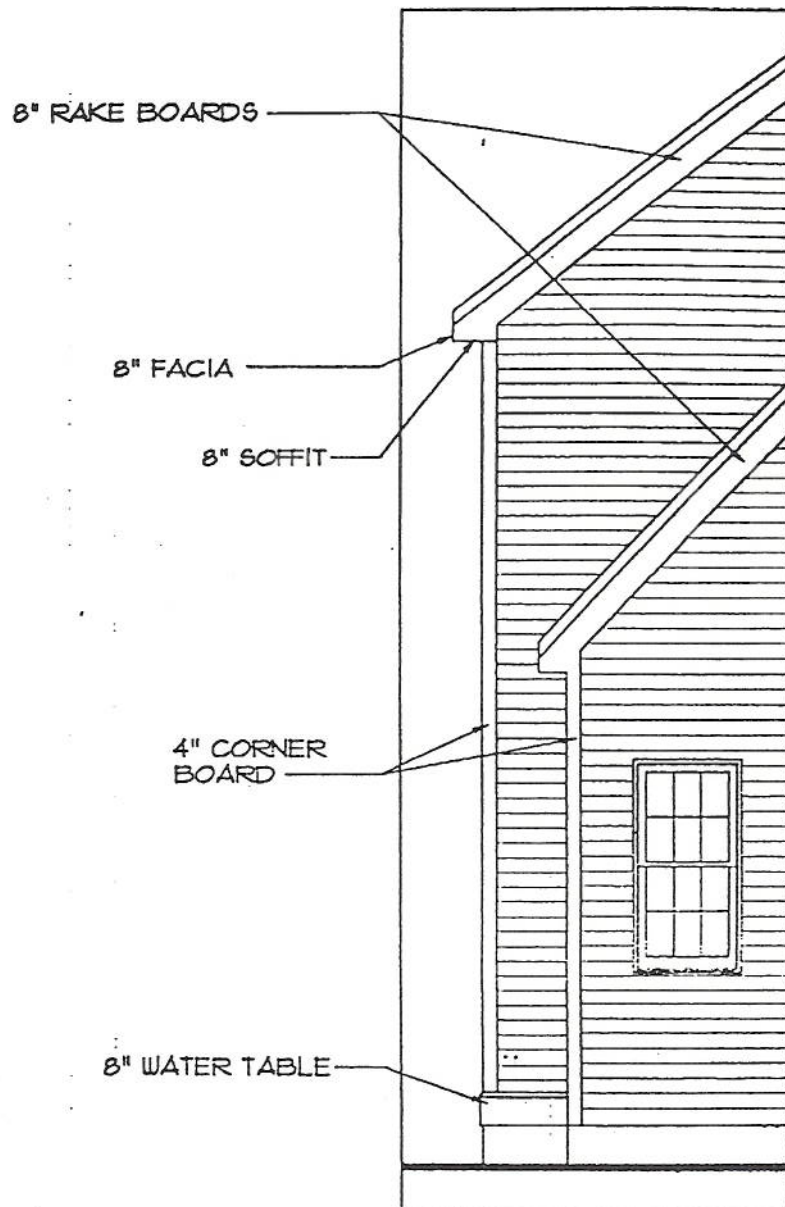


PARTIAL FRONT ELEVATION

PROPOSED EXTERIOR TRIM DETAILS

SCALE: 1/4"=1'-0"

EXHIBIT "B"



PARTIAL RIGHT-SIDE ELEVATION

PROPOSED EXTERIOR TRIM DETAILS

SCALE: 1/4" = 1'-0"

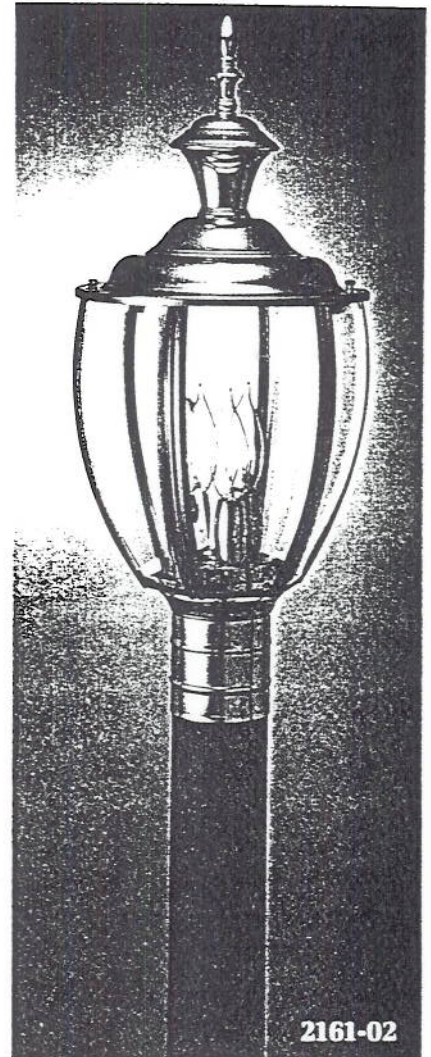


# EXHIBIT "C"

## NORWELL MANUFACTURING COMPANY, INC. LANTERN

Model	Finishes	Glass Options	Width or Dia.	Body Height	Overall Height	Extends	Lamps/Max Watt Type
1118	01,05,20	40	9"	17 3/4"			1-100W E
2006	01,02,05,20	40	8 1/2"	15 1/2"			1-100W E
2161	01,04,05,07,20	41	10"	22"			3-60W C
2235	01,04,05,07,20	40	13"	24 1/2"			3-40W C
2280*	01,04,05,07,20	40/43	13"	37 1/2"			1-150W E
2284*	01,04,05,07,20	40/43	9"	26"			1-150W E

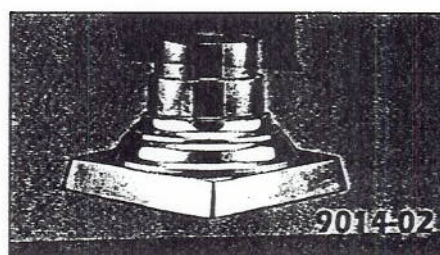
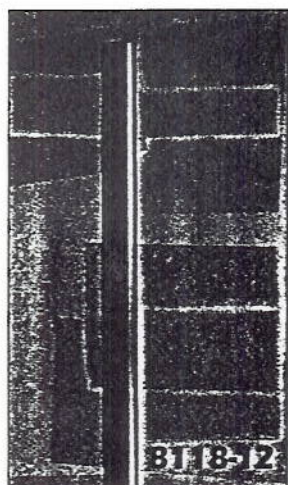
01 = Satin 02 = Polished 04 = Flemish 05 = Verde 07 = Sienna 20 = Black 40 = Clear 41 = Clear Beveled 43 = Seedy \* To order with cradle add "C" to the model number



**2161-02**

## EXHIBIT "C"

### SEA GULL LIGHTING POST AND BASE



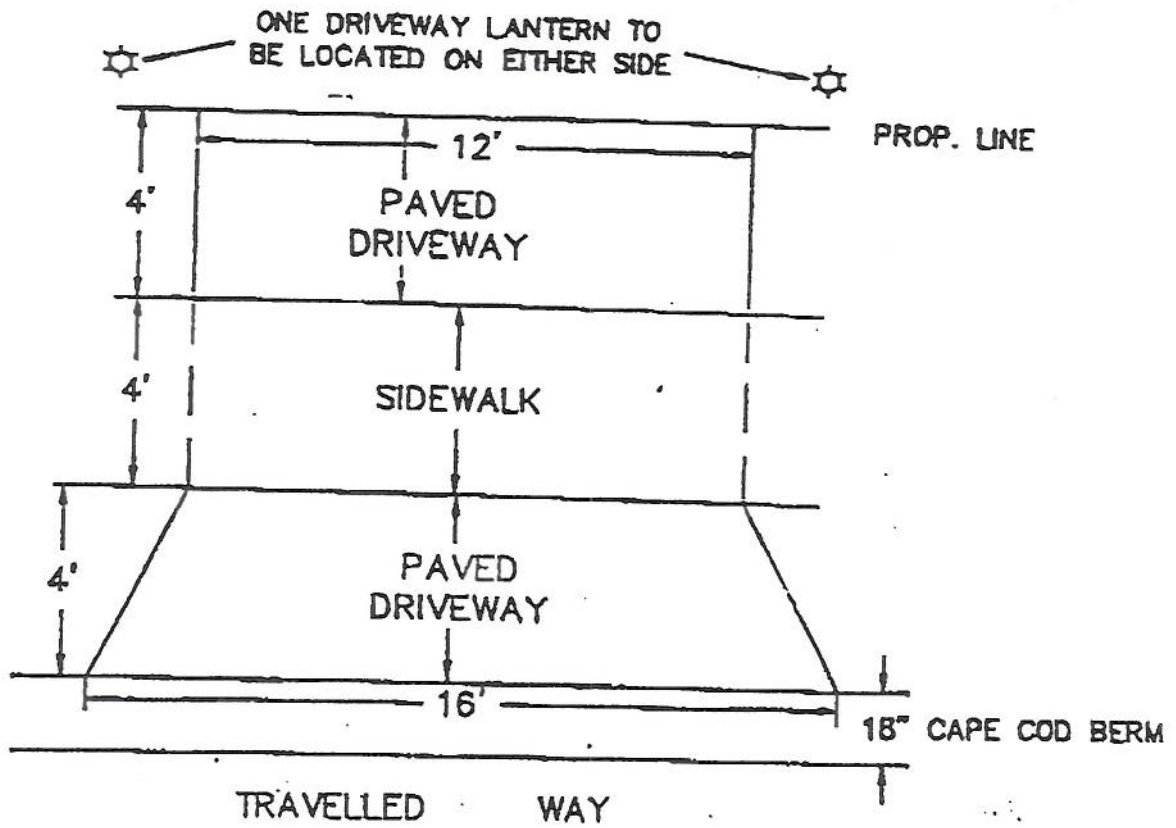
Item Number	Finish / Description	Diameter / Width	Height	Footnotes
<b>8102-12</b>	Black Powdercoat • Steel Post	3"	84"	
<b>8102-15</b>	White Powdercoat • Steel Post	3"	84"	
<b>8105-12</b>	Black Powdercoat • Aluminum Post	3"	84"	LR
<b>8106-12</b>	Black Powdercoat • Steel Post	3"	84"	LR
<b>8111-12</b>	Black Powdercoat • Aluminum Sculptured Post	3"	84"	LR
<b>8114-12</b>	Black Powdercoat • Aluminum Post	3"	84"	LR, PEC
<b>8118-12</b>	Black Powdercoat • Steel Post	3"	84"	LR, PEC
<b>8188-12</b>	Black Powdercoat • Cast Aluminum Base*	7 3/8"	24 3/4"	ANCHOR
<b>8189-12</b>	Black Powdercoat • Cast Aluminum Post**	4 5/8"	48 1/4"	
<b>9014-02</b>	Polished Cast Brass • Pedestal Mount	6" Sq.	4"	
<b>9014-12</b>	Black Powdercoat Cast Aluminum • Pedestal Mount	6" Sq.	4"	
<b>9014-15</b>	White Powdercoat Cast Aluminum • Pedestal Mount	6" Sq.	4"	
<b>9016-12</b>	Black Powdercoat Cast Aluminum • Ladder Rest*	15 3/8"		POST

LR: Ladder Rest Included, PEC: Photo Electric Control Included, ANCHOR: Cement Anchor Included, POST: Fits 3" Post, \*For Use With 8189 Only, \*\*For Use With 8188 Only



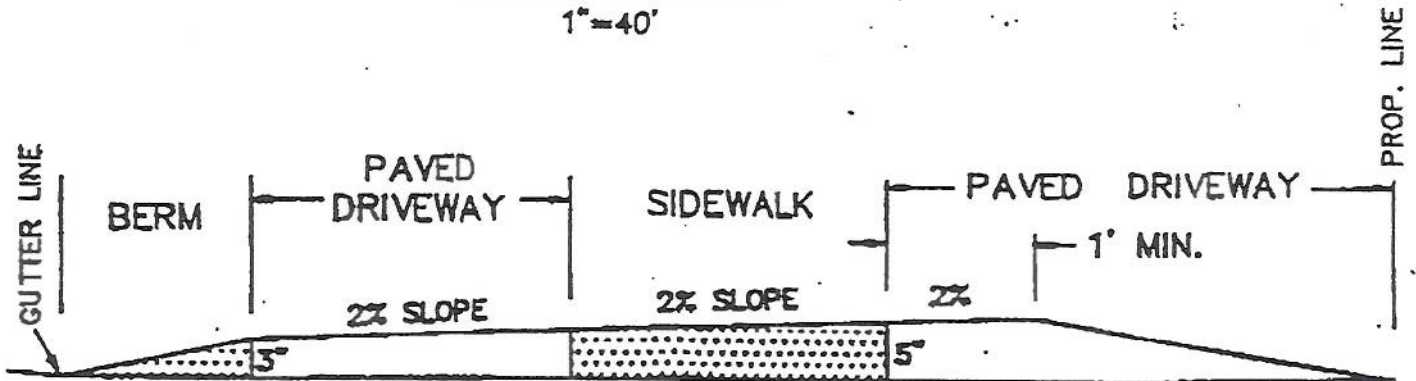
# EXHIBIT "C"

## DRIVEWAY LATERN LOCATION



## TOP VIEW

1"=40'



## SIDE VIEW

NOT TO SCALE

NOTES: DRIVEWAY TO BE CONSTRUCTED OF BITUMINOUS CONCRETE IN TWO 1.5" LAYERS.