

Procedure to be followed by Unit Owners wishing to make changes to their Homes and/or Limited Common Areas, adjoining.

The Homes at Swan Pond condominium has very detailed and specific Rules and Regulations, based on the Condominium Master Deed and Declaration of Trust Legal Documents, regarding the exterior "look and feel" of the homes and the limited common areas. To find out what is allowed, and what is not allowed, please very carefully read Section 4.0 - Changes to Units and Limited Common Areas, Section 6.0 - Fence Regulations, and Section 7.0 - Painting Regulations, pages 9-12 in the Rules and Regulations Handbook. These Sections are reprinted, below.

The Board of Trustees has established a Design Review Committee (DRC) to review all proposed changes, and to forward their recommendations to the Board of Trustees for final approval.

Proposed changes, which must be submitted to the Design Review Committee, include the following:

- Re-paint house
- Storm door
- Skylight
- New Window
- Deck
- Replacement furnace with new vents through exterior wall
- Changes to strip between driveways
- Attic conversion to livable space
- External HVAC piping to upper floor
- Window conversion to bay window
- Fencing
- Storm windows
- Re-roof house
- Portico
- Screened Porch
- Replacement windows
- Swing set
- Walkways
- Patio
- New bushes, trees, and plantings

All requests for changes to your home or to the limited common area that you are responsible for are to be sent by letter or email to the Design Review Committee.

You must ascertain the requirements for, then obtain and provide a copy to the Trustees, of all Building Permits or other Permits when a requirement of the Town of Walpole, or other authority having jurisdiction. The consent of the Trustees is made contingent upon you having obtained all required Permits, and having provided the Trustees with a copy of each. When the work has been completed, you must provide a second copy of each of the Building Permits or other Permits, showing the Inspectors' "sign-offs" for the required inspections.

If you begin (or complete) work to make changes, alterations, additions, etc. to the interior or exterior of your home or to any limited common area adjoining, without having obtained: (a) the prior written consent of the Board of Trustees by letter or email; and (b) a Building Permit or other Permit when a requirement of the Town of Walpole, or other authority having jurisdiction, the Trustees to may direct that those changes, alterations, additions, etc., be removed and your home or the limited common area adjoining be restored to the condition existing prior to such unauthorized change; or you may be subject to a fine of \$500. This provision also applies

should the Board of Trustees not receive copies of the Building Permit, or other Permits, as specified above.

All requests for painting or staining the exterior of homes are also to be sent to the Design Review Committee by letter or by email, including supporting documents as required. However, if you are repainting with the same paint or stain as the original color, you need only state that as your intention in writing. No further action on your part is required.

Step-by-Step Procedure

1. Submit your detailed proposal in writing, to the HASP Office, who will forward it to the Design Review Committee. The proposal should include a complete description of the work to be done together with sketches and drawings giving location, height/elevation and other pertinent information, and a plot plan drawing showing specifically where the work will be done.
2. The Design Review Committee will forward its recommendation to the Board of Trustees. The DRC may request additional information or detail, from you, which will be conveyed to the homeowner by the HASP Office. (The DRC may take up to one week to make its recommendation.)
3. The Board of Trustees will vote on your proposal, after receiving the DRC's recommendation, at the next regularly scheduled Monthly Meeting.
4. Approval by the Board of Trustees will be conveyed to you in writing by the HASP Office, including requirements for you to provide copies of the Town of Walpole Building Permit for the work (where required by the Town of Walpole), both before starting the work, and again at the end of the work documenting the "sign off" of all required inspections of the work by Building Inspectors.
5. In addition to adhering to this procedure, when you are contemplating exterior modifications or additions to your property, it is highly advisable that you notify your neighbors of your intentions. This may eliminate potential problems or strained relations.

Emergency Procedure

In an emergency – such as the failure of your home's heating system during the winter months, the replacement of which may require adding new vent pipe(s) in the exterior wall of the home – you should immediately contact the HASP Office, or, out of normal office hours, a Member of the Board of Trustees, to request an emergency approval of the change. If warranted, a decision can be made and communicated to you verbally, confirmed by email, within 24 hours.

Relevant Passages From the Master Deed (MD) and Declaration of Trust (DT):

4.0 Changes to Units and Limited Common Areas:

Note: See the Preface to this document, particularly the section dealing with Trustee powers and Unit Owner responsibilities. Also, the “Statement of Purposes: Restrictions on Use” section of the Master Deed beginning on page 13, Section 11 should be examined in its entirety, as this document mentions only the most common restrictions.

- Units shall be used solely for residential purposes. (MD - page 13, Section 11, paragraph 1)
- No noxious or offensive activity shall be carried on in any Unit or in the common areas and facilities, nor shall anything be done therein which may be, or may become, an annoyance or nuisance to the occupant of any other Unit. (MD – page 13, Section 11, paragraph 2)

Note: This restriction appears twice in this Section of the Master Deed.

- No Unit may be used for transient purposes; no Unit shall be leased for less than one (1) year. (MD – page 13, Section 11, paragraph b)

Clarification: All leased Units are subject to the provisions of the Governing Documents of the condominium, including this document.

Addition: Regardless of a lease to another party, the ultimate responsibility for payment of condominium fees resides with the Unit Owner.

Addition: Subleases are forbidden.

The following and similar changes and modifications to the Units and to the limited common areas require written approval of the Board of Trustees, which may be withheld for any reason:

- A structure or improvement of any kind, including but not limited to fence, patio, porch, vestibule, screened enclosure, flagpole, awnings, landscape decorative objects, trees shrubs or walkways.
- Any exterior change, addition, structure, projection or decoration.
- Any and all other physical structures of any kind, type or description that shall be installed, constructed or affixed within the limited common area.
- Any changes in the color of paint or stain to the exterior of the unit, including the color of the trim, shutters and roofing material.
- Approved fences shall not be located beyond the fence lines shown on the plot plan filed with the first deed of each Unit.
- Wild grass or wild vegetation located within the limited common area shall remain in its natural state unless otherwise permitted by the Board of Trustees.
Note: Any changes under this ruling must conform to Conservation Commission rules.
- No soil, fill or gravel shall be removed from the limited common area.
- No external, or window mounted, air conditioning units.
- No painting or attaching of any decoration on the interior surface of any window within a Unit.
- No Unit shall be reconstructed or rebuilt after a fire or casualty threat to a design or color which differs in any way from its original design or appearance.

- No swimming pools, sheds, outbuildings, etc., are permitted.
- No satellite dish antennas having a diameter larger than eighteen (18) inches.
- No canopies or clothes lines.

Note: All of the above are found in MD – page 14, Section 11, (c)

Note: “The prohibition of “solar collector panels” removed from this document by the Board of Trustees on April 22, 2008.

Addition: Unit Owners are reminded that it will be necessary to obtain written approval from the Board of Trustees BEFORE installing solar collector panels, and Unit Owners should bear in mind the requirement to “...preserve the architectural and aesthetic “character” of the community...” as laid down in the Governing Documents.

- No noxious or offensive activity in a Unit or in the limited common area of a Unit will be tolerated. No Unit Owner shall make or permit any disturbing noises by him/herself or any family member or tenant that will interfere with the rights, comfort and convenience of any other Unit Owners. (MD – page 14, Section 11, e)

Addition: Reduced noise period: 10:00 p.m. – 8:00 a.m.

- No boats, trailers, campers, motor homes, commercial vehicles, etc., will be parked or stored in any driveway or limited common area. (MD – page 14, Section 11, f)
- No machinery, supplies, materials or equipment relating to any business conducted by a Unit Owner or occupant shall be stored in the limited common area, except where approved construction activities are taking place. (MD – page 14, Section 11, g)
- No sign of any kind shall be displayed on the exterior of a Unit or limited common area appurtenant thereto. (MD – page 15, Section 11, h)
- No outdoor clotheslines or other such apparatus shall be used or maintained anywhere within the condominium or the limited common area of any Unit. (MD – page 15, Section 11, j)

The Trustees shall have the power to levy fines against Unit Owners for violations of this Master Deed and for violations of the Rules and Regulations established by the Trustees. (This statement appears in the body of the middle paragraph on page fifteen (15) of the Master Deed.)

<u>5.0 Important Telephone Numbers:</u>	Property Management Office:	508-660-9913
	Office FAX:	508-660-9919
	Emergency Number:	911

6.0 Fence Regulations

Added to this document by the Board of Trustees on July 28, 2003

1. All requests for fencing by a Unit Owner must be submitted on the approved form, together with a copy of the deeded plot plan, which will show where fencing is allowed, to the Design Review Committee (DRC) prior to the 20th of the month.
2. Upon review of the fencing request by the DRC, the proposal will be forwarded to the Board of Trustees, along with the DRC's recommendation. The DRC will not correspond with the Unit Owner at this time, unless the Committee needs further information.
3. The Board of Trustees will consider the fencing request at the next regularly scheduled Board Meeting. After the meeting, the Board will notify the Unit Owner of their decision. Further discussions may follow if there is more pertinent information forthcoming. At its discretion, the Board may make it a condition of approval that the Unit Owner notifies neighbors before beginning the work.
4. Required structural design of the proposed fencing:
 - a. Either white vinyl material or wood (cedar) painted white.
 - b. Types:
 - 1) Privacy – No more than two (2) solid construction panels together, no higher than six (6) feet and no wider than eight (8) feet per panel. This is to avoid the blockage of light and air to the abutter's lawn as well as to avoid the resemblance of a barricade. Total length: Sixteen (16) feet.
 - 2) Transitional – No more than one (1) panel, which slopes from a height of six (6) feet to four (4) feet. Total length: Eight (8) feet.
 - 3) Regular – “Open Picket” style no higher than four (4) feet to follow the approved fence lines per the Board of Trustees, as shown on the deeded plot plan.
 - 4) Gate – No more than one (1) gate to be no higher than four (4) feet.
5. Maintenance of the fence shall be done by the Unit Owner for both sides (i.e. cedar fence to be painted white) on a regular basis. This will be strictly enforced by the Board of Trustees.
6. As always, “Dig Safe” must be contacted prior to any approved installation of fencing.

7.0 Painting Regulations

Added to this document by the Board of Trustees on July 29, 2002

To ensure community harmony, the following regulations have been adopted by the Board of Trustees as an amplification of the existing regulations on repainting of Units:

1. All Unit Owners are required to notify management of their intention to repaint.
2. In the case of exact replication of existing colors, the Unit Owner must state in writing that is his/her intention. No further Unit Owner action is required.
3. To change to a different color scheme, but one of the original developer-approved combinations, the colors to be used must be cited, e.g. "like the Unit at ADDRESS". The request will be forwarded to the Design Review committee for its recommendation to the Trustees and the Unit Owner will be notified of the decision.
4. To change to a new, previously non-existing color combination, the Unit Owner must submit the chosen paint chips and a manufacturer's color chart that demonstrates the manufacturer's recommendation for the suitability of the paint combination. Subject to Design Review Committee and Trustee approval, the two contiguous and two opposite Unit Owners will be notified of the request and invited to view the color selections at the management office. Subject to no objections within seven (7) calendar days, the request will be approved.
5. If simply changing paint manufacturers, Unit Owners must match the existing colors, declare in writing that to be the case, and not approximate the similarity.
6. All "minor" color changes such as trim and doors must be submitted to the Design Review Committee for approval.