

*ARC*

**ARCHITECTURAL REVIEW COMMITTEE  
GUIDELINES & SPECIFICATIONS**

**The Architectural Review Committee**

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## FORMS

- Form A: Architectural Questionnaire (2pp)
- Form B: Construction Application (2pp)
- Form C: Builders/Contractors “Code of Conduct” (1p “ARC”/ 1p “Site”)
- Form D: Builders Policies and Procedures (2pp)
- Form E: Minor Change Application (1p)
- Form F: Landscape Questionnaire (1p)

## APPENDICIES

- Appendix A: Minimum Specified Plant Sizes (3pp) & Plant Lists for Ecological Landscapes on Cape Cod (22pp)
- Appendix B: ARC Fee Schedule (5pp)
- Appendix C: List of ARC Approved Colors (1p)
- Appendix D: Approved Roofing Shingle Colors (1p)
- Appendix E: Performance Guaranty Fee Calculation Form (1p)
- Appendix F: Permit Certificate (1p)

**REVISIONS TO THE  
ARCHITECTURAL REVIEW COMMITTEE  
GUIDELINES & SPECIFICATIONS**

**Revision 1.1 – February 2005**

VII. GENERAL PROPERTY REQUIREMENTS:

8. Flagpole – Page 26

**Revision 1.2 – May 2005**

L. Mailboxes – Page 20

**Revision 1.3 – October 2005**

P. Utilities – Page 14

**Revision 1.4 – October 2005**

K. Pools – Page 19

**Revision 1.5 – December 2005**

- A. Setbacks, Massing, Building Height – Page 9
- K. Pools – Page 19

**Revision 1.6 – April 2006**

- II. The Design Approval Process
- Step 2. Retain Professional Design Consultant – Page 3

**Revision 1.7 – May 2006**

VII. General Property Requirements

2. Commercial Vehicles – Page 24

**Revision 1.8 – June 2006**

- Step 10 – Fees – Page 8
- H. Windows, Doors – Page 12

## **Revision 1.9 – August 2006**

### VII. General Property Requirements

8. Builders/Contractors “Code of Conduct” – Page 25

VIII. Enforcement Procedures – Construction - Paragraph 6 – Page 28

IX. Enforcement Procedures – Other - Paragraph 1 – Page 29

## **Revision 2.0 – October 2006**

F. Siding – Page 12

## **Revision 2.1 – November 2006**

### Section VII

9. Flagpoles – Page 26

10. Outside/Exterior Audio Speakers – Page 26

13. Tree Removal – Page 27

## **Revision 2.2 – December 2006**

Section IV – Landscape Specifications – Page 13

Reference to Form G – Landscape Questionnaire

## **Revision 2.3 – April 2007**

Step 3. Obtain a Survey

3a; 3j

Step 5. The Sketch Review (optional)

c. Site Plan

Step 6. Preliminary Review

b. Site Plan at a Scale of 1”=20”, showing the following:

Addition of:

*pictures of property from the street, coming, straight on and going. Other pertinent exposures that would be helpful.*

H. Retaining Walls

Addition of:

*5. Retaining stone walls may be in setbacks*

## **Revision 2.4 – July 2007**

### Step 7. The Final Review

*Addition of Paragraph re: Landscape Plan – Pg. 7*

## **Revision 2.5 – February 2008**

*Change Security Deposit to Performance Guaranty Fee throughout document*

### A. The Architectural Review Committee

*Addition – The ARC is empowered by the Peninsula Council . . . pg 1*

### Step 9. Building Permits

*Addition of paragraph – pg 8*

### Step 10. Fees

*Addition of paragraph – The ARC will remind . . . pg 8*

### A. Setbacks, Massing & Building Height

*Addition of paragraph 5 – p 10*

### O. Utilities & Equipment

*Addition to paragraph – p 13*

## **Revision 2.6 – September 2008**

*Addition of paragraph entitled “Generators” under P. Utilities & Equipment – p 14*

### M. Mailboxes

*Revision of paragraph referring to posts material – p 20*

### H. Windows, Doors

*Addition of paragraph 4 – p 12*

## **Revision 2.7 – June 2009**

### I. Introduction

*B. The Architectural Concept (Edited for clarity)*

*C. The Goal (Edited for clarity)*

### II. The Design Approval Process

*Step 2. Retain Professional Design Consultants*

*Second Paragraph (Edited for clarity)*

*Step 3. Obtain a Survey*

Addition of *I. Existing Fence*

F. Fences, Gates

Paragraph 2. (*Edited for Clarity*)

**Revision 2.8 – June 2010**

Insert paragraph F. “Outdoor Shower” – p 17

**Revision 2.9 – September 2010**

E. Shed – Clarification of setbacks and requirements; Add paragraphs 4 and 5.

K. Pools – Clarification of fencing; addition of paragraph 2 re: setbacks from septic/leach; clarification of screening of pool equipment.

**Revision 3.0 – April 2011**

**V. Architectural Review Committee Inspections and Certificates.**

Insert paragraph 6 – *Certificates Required for Transfer of Home* **pg 23**

**Revision 3.1 – October 2011**

M. Golf Course & Other Easements, Reserved Area  
*Addition of paragraph 6*

VII General Property Requirements  
*Addition of paragraph 11 **Outdoor Recreational Facilities***

VIII. Enforcement Procedure  
*Clarification*

**Revisions 3.2-December 2011**

8. Builders/Contractors/Subcontractors “Code of Conduct”  
Addition of e) pg 26 and Form C - *NO WORK is allowed in Maushop Village, including homes in the Buffer Zone, Memorial Day weekend through Labor Day.*

*January 10, 2013*  
*Page 25*

Delete “freestanding basketball hoops”.



**Revision 3.3 - January 11, 2013**

*Page 23*

Paragraph 6 – Certificates required for transfer of home

Change to **\$200** for Property only

**Revision 3.4 – November 11, 2013**

*Page 28*

More Specific Rules for removal of trees (pre-tree removal inspection)

**Revision 3.5 – August 9, 2014**

*Page 2*

Addition of rules for Renters **E. Renting**

## **I. INTRODUCTION**

### **A. The Architectural Review Committee**

The homeowners of New Seabury are bound by covenants and declarations developed to preserve and protect the natural beauty, serenity, and architectural character of New Seabury.

The Architectural Review Committee (ARC), is a part of the Peninsula Council, Inc. the New Seabury Homeowners Association. Check the Peninsula Council website ([www.peninsulacouncil.com](http://www.peninsulacouncil.com)) to see the current members of the ARC. The Peninsula Council employs the ARC to uphold and enforce these guidelines and specifications. To that end, the Owner must comply with the Committee Restrictions Article found in the duly registered Declarations of the various Villages of New Seabury and the Master Declaration, as amended, which is quoted in part below:

*“No structure, whether residence, accessory building, tennis court, swimming pool or other improvement, shall be constructed or maintained upon any Building Lot and no alteration to the exterior of a structure shall be made unless complete Plans, specifications and lot plans therefore, showing the exterior design, height, building material and color scheme thereof, the location of the structure plotted horizontally and vertically, the location and size of driveways, the location of the sewerage disposal system, the general plan of landscaping, fencing, walls and windbreaks, and the grading plan shall have been submitted to and approved, in writing by the Committee (ARC), and a copy of such plans, specifications, and lot plans, as finally approved, deposited with the Committee.”*

### **B. The Architectural Concept**

When the community of New Seabury was started in the 1960's the basic concept was that individual houses would be clustered in wooded surroundings with an emphasis on the preservation of the natural landscape form and vegetation. With this conceptual framework, the planners created a group of villages each with its own individual character and residential density. For instance: Bright Coves as a waterfront community, High Wood as an equestrian community, Greensward as a golfing community, etc. Initially four houses were built in Bright Coves as models for future development. These examples were enough to established the architectural expression implemented throughout New Seabury over subsequent years and that now is recognized as the unique 'look' of the community even though there are great differences between individual villages. For instance, think how different Triton Sound is from Bright Coves, High Wood from the Mews. Of course, New Seabury has evolved over the years. The ARC recognizes that architectural design within New Seabury has generally evolved to reflect a transition from seasonal vacation cottages to year-round residences. Thus, previously approved designs may no longer be appropriate in recognition of this evolution. Compatible diversity is highly encouraged. While variations of similar homes will be approved, identical homes will not. The ARC encourages all those planning to build to carefully study the houses already built in New Seabury, noting those that are inappropriate either because of the number already built or those styles, which have departed from the traditional coastal New England vernacular.

Maintaining the unique character of New Seabury becomes more difficult and critical as the sizes of homes increase. The preservation of the existing landscape and reserved areas becomes more important. As every lot gets built on, the strict maintenance of front and side setbacks is essential.

It is strongly recommended that you seek preliminary comments and approval from the ARC for any particular house style being considered prior to the formal preparation and submission of Plans.

### **C. The Guidelines**

The ARC Guidelines are developed by the Committee to assist all homeowners in the planning, construction, addition or renovation of their homes. The ARC Guidelines have evolved over the years and are revised constantly to reflect the current state of the community. Creativity is encouraged, but basic standards have been established to promote a harmonious community aesthetic at New Seabury.

The Guidelines are intended to help the homeowner focus on both the procedural and design requirements of the Committee. The ARC Guidelines are also intended to protect all property owners by providing a uniform review and approval process, which will in turn maintain New Seabury's unique character while protecting home values.

### **D. The Goal**

The goal of the ARC is to enforce the Guidelines and Specifications for New Seabury so that the whole community can benefit through the maintenance of:

- High property values
- A high standard of architectural design
- A uniform use of materials and colors
- The protection of the natural environment and landscape
- The protection of personal property
- An enjoyable, safe and stress free lifestyle

The required adherence of all homeowners to the Guidelines and Specifications, and the process of submittals to, approvals from, and comments by the ARC, by which means the Guidelines are enforced, will maintain and improve New Seabury's unique image and unusual value as a place to live.

### **E. Renting**

We would like to remind owners/and/or managers of rental property of certain obligations under the law and basic responsibilities as it relates to the peace and comfort of your neighbors.

Pursuant to Massachusetts General Law Chapter 272, Section 53, a person may be found chargeable for being a Keeper of a Disorderly House. Specifically, the law prohibits a person that "controls or manages the premises" from engaging in disorderly conduct such

as : noise that disturbs the public peace of the neighborhood; drinking of alcoholic beverages resulting in disorderly behavior; and gatherings of persons engaged in unlawful practices thereby endangering the public peace and corrupting good morals.

Disturbing the Peace may be found in Massachusetts General Law Chapter 272, Section 53. Disorderly conduct is defined in the same reference law. It should be noted that a breach of the peace is an arrestable offense. Additionally, a local by-law prohibits unreasonable noise caused by any radio or sound-making device (including amplification) from any building, structure, vehicle or premises from the hours of 10 pm to 8 am.

While the local by law refers to the hours of 10 pm to 8 am, here in New Seabury our homeowners come here to enjoy a nice, quiet, pleasant vacation and therefore, the Peninsula Council, Inc. and the Architectural Review Committee will work closely together to make sure that our homeowners enjoy their pleasant stay.

Excessive noise during the day will not be tolerated. Upkeep of renters/managers property must be maintained in accordance with these guidelines as stated as *D. The Goal*.

## **II. THE DESIGN APPROVAL PROCESS**

The Guidelines outlined herein are not intended to be onerous; the ARC believes each of them is essential to sustain the character, beauty and architectural integrity of New Seabury.

### **Step 1. Review the Relevant Documents**

- a. The Design Approval Process
- b. The Architectural Regulations
- c. The Submittal Forms
- d. Rules, Regulations, and Restrictions

### **Step 2. Retain Professional Design Consultants**

Selection of a qualified architect and landscape architect is required of all homeowners in New Seabury. Have your consultants read and acquaint themselves with all relevant documents. A list of Design Professionals who have worked successfully in New Seabury is available from the ARC. This list is not intended to be comprehensive or to discourage the selection of other appropriate architects or landscape architects.

**An Architect with Massachusetts registration must stamp the plans for all new construction including major exterior alterations and additions to existing property.**

Stamped drawings are not required for minor exterior alterations.

**A registered Landscape Architect must stamp the plans for all major site improvement and landscape designs.**

Stamped drawings are not required for minor landscape changes.

See Section IX. Definitions

### **Step 3. Obtain a Survey**

Employ a licensed Surveyor or Engineer to create a base plan of the Lot. This is necessary in the planning process to appropriately site the building, honor the easements and other improvements and to preserve the natural features of your home site. The survey must provide the following information at a minimum scale 1" = 20' and must be certified and stamped by the Surveyor:

- a. all existing roads-right of ways or paved surface, utilities and other improvements;
- b. property lines, easements, setbacks, and any other applicable zoning restrictions with dimensions and bearings;
- c. structures on adjacent lots must be shown;
- d. the outline of the proposed work limit;
- e. existing contours at 1 or 2 foot intervals based on mean sea level (or N.G.V.D. datum);

- f. location of all trees within the defined work limit over 6" in caliper and other significant vegetation;
- g. north arrow, Land Court Lot reference, Assessor's Map and Block number;
- h. title with name of legal owners, and name, address, phone and license number of surveyor;
- i. Location of golf course, drainage, path easements & any adjacent Reserved Land;
- j. Septic tank/leaching field locations
- k. Existing dock/float.
- l. Existing fence

**The property boundaries are to be permanently marked with concrete bounds.**

#### **Step 4. Begin with Your Architect**

Visit the home site and existing residences of New Seabury (particularly those within your area or village) with your architect. Discuss your ideas and requirements with your architect and have him/her produce sketches illustrating the design concept and showing how the house will be situated on the site. These drawings will be required at the Sketch Review.

#### **Step 5. The Sketch Review (optional)**

Deliver the materials listed below to:

*The Architectural Review Committee  
12 Mall Way  
Mashpee, Massachusetts 02649*

This step is optional and has been established to validate the analysis of the site and to assess if the design concept achieves the standards set by the Guidelines. The following items are recommended for Sketch Review:

- a. **Conceptual Sketches at a Scale of 1/8" = 1'**  
Sketch plans and elevations. Perspective sketches are optional. If the proposed residence is in the immediate proximity of homes on abutting properties, a comparative elevation study may be helpful for height and massing assessment.
- b. **Existing Conditions Plan** based on survey made by a registered engineer or surveyor at a minimum scale of 1" = 20'.
- c. **Site Plan** showing existing and proposed structures, setbacks, driveways, limits of work, contour lines, adjacent Reserved Land, road right of way and paved surface and other alterations to the site. Structures on adjoining properties should be indicated with their square foot area.
- d. **Photographs** showing existing conditions.

At this point, recommendations may be made by the ARC to be incorporated in documents developed for preliminary approval.

## **Step 6. The Preliminary Review**

Arrange a date for the Preliminary Review by contacting:

*The Architectural Review Committee  
12 Mall Way  
Mashpee, MA 02649*

Or by calling  
the ARC Office  
(508) 477-8855

Submit a copy of the preliminary design plans to the Architectural Review Committee. These plans will reflect the “schematic” stage of development in an architect’s design process. This step in the review process allows for the timely incorporation of the ARC recommendations, avoiding costly revisions to the final Construction Documents. The preliminary design must be presented with the following documents:

- a. **Form A - Architectural Questionnaire**  
This Form answers some basic questions for the Committee and assures the architect’s familiarity with the site.
- b. **Site Plan at a Scale of 1” = 20’**, showing the following:
  - north arrow
  - work limits
  - property lines, ALL easements, zoning setbacks with dimensions
  - existing and proposed contours
  - location of all trees over 6” in caliper. Trees proposed to be removed shall be noted.
  - building indicated as foundation plan with entry area delineated and roof and deck lines shown as dashed lines
  - first floor elevation indicated
  - drives, fences, walks, pools, docks, any proposed outbuildings
  - principal views indicated
  - adjacent existing structures located
  - pictures of property from the street, and surroundings. Other pertinent exposures that would be helpful.
- c. **Floor Plans at a Scale of ¼” = 1’**, showing the following:
  - room use
  - all interior and exterior walls
  - all windows and exterior doors with swings indicated
  - all overhangs of floors or roofs as dashed lines
  - overall dimension of Plans
  - driveway location, garbage, condenser and other enclosures

- d. **Elevations at a Scale of 1/4" = 1'** - One for each major exposure (at minimum, front, rear, each side) showing the following:
- outline, openings, doors and windows
  - principal materials rendered
  - building relation to existing and proposed grade
  - overall height from road grade and average existing grade to ridge of roof
  - roof pitch (expressed as vertical inches per horizontal 12 inches)

**Prior to the Preliminary Review meeting, the corners of the proposed house must be staked on the Lot for an inspection by a Committee member. Trees to be removed should be flagged with red surveyor's tape.**

### **Step 7. The Final Review**

This Review of the final construction documents confirms that they are consistent with the ARC Guideline Requirements and should include all recommendations made at the Preliminary Review meeting. Conformance to all applicable local, state and federal Building Codes is the responsibility of the Owner. The following documents must be presented:

- a. Form A – Architectural Questionnaire (if revised)
- b. Construction Documents as Follows:
1. **Site Plan at a minimum Scale of 1" = 20' showing the following:**
    - house footprint
    - existing and proposed grades
    - property lines, ALL easements, setbacks, and adjacent dwellings;
    - water service
    - septic tank and leaching area(s)
    - location of all walks, fences, drives, decks, fences, patios, pools, docks, etc.
    - limits of work and fence (no grading, construction, traffic, or storage of materials will be permitted beyond these limits)
    - location of screened trash and condenser enclosure
    - utilities meter and bulkhead location
  2. **Landscape Plan at a minimum Scale of 1" = 20' showing the following:**
    - roof plan
    - locations of and material specifications for all site amenities, including walks, drives, decks, patios, retaining walls, fences, pools and pool equipment, A/C units variety, size, location, and number of all plant materials, with plant key and table and with both common and botanical names.
    - exterior lighting location and type.
    - limits of clearing; trees marked to be removed and as indicated in field and specimen plants to be retained within the limit of work.



- limits of seeded or sodded areas, limits of bark mulch areas

*In some cases the final grading of the lot requires changes to the Landscape Plan and in this particular situation the ARC may recommend or approve delay in the Final Review and Approval of the Landscape Plan for 30 days.*

**3. Floor Plans at a Scale of 1/4" = 1' showing the following:**

- dimensioned foundation plan
- dimensioned wall, window, and door openings
- dimensioned interior walls
- room use labeled
- all overhangs of floors or roofs shown as dashed lines

**4. Elevations at a Scale of 1/4" = 1' including all architectural details**

and elements, including trim, materials, windows, doors. Finishes, siding, and roofs should be rendered.

Elevation drawings submitted for final approval must show house height to roof ridge from the average grade around the structure and existing and final grade at the house foundation. Include location of any retaining walls terminating against the foundation.

**5. Sections Plans**

- typical walls from grade to ridge at minimum scale of 1/4"=1'
- major sections at 1/4"=1' or greater
- typical deck and railing detail

**6. Optional Drawings**

- schedules (finishes, doors, windows, lintels)
- mechanical, electrical and plumbing plans
- structural plans
- roof plans
- any additional plans or details required for construction.

Final record plans should be reduced to 11" x 17" format, with a minimum scale of 1/8"=1' if possible. The Committee will stamp the drawings upon final approval and submit a letter of approval to the applicant.

***These documents must be filed with and approved by the ARC prior to commencement of construction, including site clearing.***

If there are substantial grade issues, the ARC may require or suggest that the Landscape Plan be presented 30 days after foundation has been backfilled.

**Step 8. Select a Contractor**

Ask your architect(s) to assist you in the selection of a building contractor and to arrange for a contractual agreement between you and the building contractor.

## Step 9. Building Permits

Before construction can begin, your general contractor (GC) must obtain a Building Permit from the Town of Mashpee Building Department. Issuance of a Building Permit by the Town does not overrule the need for approvals from the ARC.

The ARC works closely with the Mashpee Building Department and the town will not issue a permit until the ARC approves the project and issues their permit.

Form B – The Construction Application Form must be filled out and signed by the owner and the GC and submitted to the ARC with the Notice (Form C).

Form C - The NOTICE to All Builders, Contractors, and Architectural Review Committee Applicants, must be signed by you, the owner, and your GC and returned to the ARC office.

Form D – Builders/Contractors “Code of Conduct” must be signed in duplicate by you, the owner and your GC and the copy labeled “Site” should be posted in a visible location on the job site. The copy labeled “ARC” should be signed and returned to the ARC office.

Appendix F – Permit Certificate must be posted at the site or on the building in a location easily visible from the street.

## Step 10. Fees

An **ARC Filing Fee** is required with the initial submission of Plans and application. This fee is used to defray Architectural Review Committee costs, including but not limited to, site inspections, board review, and administrative time.

A **Performance Guaranty Fee (PGF)** (as shown on the attached *Appendix B: Fee Schedule*) is due before construction is permitted to begin. This deposit is held in an account to guarantee that the house (or other improvement) is built in accordance with the approved Architectural and/or Landscape Plans. In the event that a Certificate of Compliance is not issued, the PGF will be withheld until the work is brought into compliance with the plans as approved by the Committee. It is the responsibility of the homeowner to call the ARC to request a final inspection. The ARC will remind the homeowner about the Final Inspection for three (3) years at which time the deposit will be forfeited unless the homeowner is working with the ARC on a revised building schedule.

**Note:** ARC Filing Fees and PGF may be *doubled* for activities commenced without prior written approval by the ARC in accordance with these Guidelines and Specifications.

**Approval is only considered final when fees are paid, paperwork complete and the Permit Certificate has been issued to the homeowner and posted on site.**

**Damage Clause to PGF:** It shall be the responsibility of the owner of the property to keep and maintain the subject premises and all surrounding and/or adjacent areas, both common and private, including roadways, in good order and condition with consideration given to reasonable and ordinary wear and tear, and damage by fire and other unavoidable casualty. In the event the owner fails within a reasonable time to make any required repairs, or makes them improperly, then, in any event, the PGF given hereunder shall be used to make such repair(s) as are necessary to restore the damaged area(s) to its original condition and any remaining PGF funds shall be returned to the owner. In the event that such costs exceed the amount of the deposit, the owner will be assessed for the additional costs.

### **Minor Changes**

It is anticipated that homeowners may wish to make improvements or modifications to their home or property during the initial construction or at some time thereafter.

**No modifications to the approved design for the exterior of the home or the landscaping may be undertaken without prior review and written approval of the ARC.**

A request for review of the proposed modifications by the Committee must include the following:

- a. Form E – Minor Change Application,
- b. Site Plan of proposed location of improvements to a minimum scale of 1"=20',
- c. Letter of intent with description and purpose of improvements,
- d. Drawings by an Architect, Landscape Architect or Engineer as necessary to describe the improvements
- e. Material and color sample or specification (should match or be compatible with existing materials),
- f. Name and address of adjacent property owners.

Minor changes that do not alter the building form or change the exterior elevations can be approved in writing by an ARC representative. Major or significant changes will require approval by the Committee. Distinction between minor and major changes will be determined by the ARC at its sole discretion.

### **III. BUILDING DESIGN SPECIFICATIONS**

**All Architectural Plans for new homes shall be prepared by a registered Massachusetts Architect or a registered design professional holding a degree from an accredited school of Architecture (reference Section II, Step 2 of these Guidelines).**

In order to facilitate the design and review process, and to promote continuity among New Seabury houses, the Architectural Review Committee submits the following guidelines to be used in the development of architectural and site plans:

### **A. Setbacks, Massing & Building Height**

As homes increase in size in New Seabury the need to meet zoning requirements becomes more imperative.

1. As a general guideline, setbacks shall be compatible with Mashpee Town zoning and be appropriate to each Village. Specifically, structures should be located no less than **40 feet from the front lot line** and **15 feet from the side and rear** lot lines unless there are extenuating circumstances unique to the lot or Town zoning requires greater setbacks. The need for holding to these setbacks becomes even more essential today as homes have increased in size and scale and each village approaches being fully “built-out”.
2. To provide for a more intimate scale appropriate to the New Seabury community and to provide compatibility with adjacent properties, the elevations facing the property lines should be limited by plate height and roof line to the first story. A full, uninterrupted two-story elevation should be avoided. Successive stories should be contained within the core of the structure.
3. The vertical distance from the average existing grade around the perimeter of a dwelling to the top of the highest part of a flat or mono-pitched roof, or the highest gable or slope of a hip roof shall not exceed 35 feet.
4. Not more than 30% of a lot shall be covered by structure(s).
5. **Siting of the Home:** Teardowns or new construction with existing homes in adjacent lots should not alter the view lines of the abutters.

### **B. Style**

1. Generally, the architectural theme (both design and materials) should be an interpretation of traditional seaside residences with a focus on originality and diversity applied within the design context that has become New Seabury’s signature style.

Most important in the New Seabury design context is a respect for the nature and scale of the land to the extent that the houses compliment rather than dominate the landscape. In short, houses should appear to be of small scale even if large in area and blend into the landscape as much as possible.

2. Emphasis on informality rather than formality.

### **C. Materials and Systems**

The ARC subscribes to the use of, so-called GREEN technology in the construction process. We encourage home builders to use utility systems and materials that meet or exceed GREEN standards.

### **D. Details**

1. The details should be consistent with each other, and, if a traditional house, should be consistent with the accepted standards of that vernacular.
2. There should be emphasis on vertical elements and details, particularly where overall massing of the house is horizontal; as an example, windows should be higher than they are wide.

### **E. Colors**

1. Emphasize monochromatic, natural gray color schemes (using stains wherever possible) which relate to the coastal and wooded landscape. Bright, saturated urban hues are not appropriate. Natural weathered shingles must be treated with a weathering stain/bleaching oil. Please refer to *Appendix C: Approved List of Colors*. Garage doors should be the same color as the body of the home.
2. Trim color should generally be the same as the body of the house, or where architecturally appropriate, soft white or off white. Please refer to *Appendix C: Approved List of Colors* for approved off-white trim colors.
3. The ARC office has manufacturers' samples available for viewing to aid the homeowner in selecting an appropriate paint scheme.

### **F. Foundation**

1. The natural slope and contours of a building site should not be modified in any major way. All house foundations must be designed to fit the natural grade of the lot. No more than 6" of concrete should be exposed after final grading. All cellar windows and doors must have areaways. Changes in grade at the foundation should be performed in a limited series of steps rather than at an angle, using retaining walls as required.
2. In cases of extreme grade changes where the foregoing is not practical, the Site and Landscape Plans must show top of foundation relative to the topography and must successfully resolve all special grade problems on the site through use of retaining walls or extension of the siding over the foundation walls.

## **G. Siding**

1. Emphasis on wooden shingled surfaces rather than masonry or manufactured siding. On wooden shingles five-inch (5") maximum exposure to the weather is allowed. Siding should take on the appearance of Cape Cod siding rather than composite material or wood.
2. Emphasis on continuity in wall surfaces rather than a panelized effect.
3. Natural weathered shingles must be treated with a weathering stain/bleaching oil.

## **H. Trim Boards**

1. Trim boards are recommended at window and door openings, and shall have a minimum width of 4 inches.

## **I. Windows, Doors**

1. Color of window and door frames must be specifically approved in writing and noted on the plans.
2. The architect should make every attempt to match the window and the window trim as to color.
3. When a request is made to change windows, the specific new window details must be specified. Changing the type of windows can significantly alter the architecture of the home and needs to be reviewed and approved by the Committee.
4. Please refer to the Mass State Building Code 780 CMR 7<sup>th</sup> Edition. Section 5301.2.1.2 under Design Criteria for the new regulations of hurricane strength windows.

## **J. Chimneys**

1. Appropriate materials include used brick, wood, or natural fieldstone.
2. Dimensions: Minimum size (in plan) to be 48" x 28" and finished to a minimum of 36" above roof as measured at the chimney, or more, as may be required by code.

## **K. Roofs**

1. Architectural grade shingles in the gray and brown shades are suggested for roofing. Cedar Shingles are optional. The ARC would like to see a contrast between the siding color and roof shingle. For approved roofing materials list, please refer to *Appendix D: Approved Roofing Shingles*.

2. In general, the minimum roof pitch shall be 8" in 12". All major roof sections shall have the same or complimentary pitch(s).

#### **L. Skylights**

1. While desirable for opening up the area below the roof to light and air, skylights are generally readily visible on the elevated roof plane and their extensive use shall be avoided. However, if well designed, a skylight is one of the simplest means of altering a roof to admit light and air without disturbing its plane surface, and it is less noticeable than a dormer.
2. Skylights should have a flat configuration, be parallel and as close to the roof plane as possible. Bubble or other protruding skylight designs are discouraged on sloping roofs but can be appropriate on certain flat roof designs.
3. For standard installations, a skylight may be approved for an area of up to three (3) percent of the floor plan (horizontal) area under a roof plane. For example, a gable roofed house 24 feet wide and 32 feet deep could have a maximum of 23 square feet of skylight.

#### **M. Dormers**

1. Full shed dormers, which cover the main roof plane are not acceptable to the ARC. To encourage appropriate shed dormers and to maintain the integrity of the dominant roof plane, the ARC provides the following criteria:
  - a. shed dormers must be in modest proportion to the overall house design,
  - b. a minimum 4/12 pitch must be provided
  - c. the face of a shed dormer be predominantly window, not wall.
  - d. longer shed dormers shall be flanked at either end by standard gabled dormers
  - e. the roof should be intersected six inches or more below the ridge
  - f. the height of the shingled wall should be minimal, and
  - g. the dormers should be set back at least one foot from the building face and thirty inches from each gable end.

#### **N. Exterior Architectural Lighting**

1. Exterior wall mounted light fixtures should be harmonious with the architectural house style.
2. Light fixtures shall be of types that produce soft levels of illumination and avoid nighttime light pollution. Bright light sources should be avoided. All exterior lighting including floodlighting, landscape and dock lighting must be so located or shaded so that the light source is not directly visible at an intensity greater than one (1) candle power from outside the Lot.

## **O. Gutters**

1. Gutters and down spouts are an architectural component of a home and if proposed, must be shown on the Architectural Plans.
2. When approving gutters, the Committee considers the Village or Community in which the home is built. In general, gutters must blend into the architecture of the house. Aluminum gutters, if approved, should match the trim colors of the house. Downspouts should be architecturally integrated with the house. Downspouts should empty into drywells.

## **P. Utilities & Equipment**

Heat pumps, air conditioning units, generators, pool equipment and any other outdoor equipment should be shown on all plans. The location should be carefully considered so that they will not visually intrude on a neighbor's property. Noise producing equipment should be shielded and screened to suppress noise with a four foot wall/fence and with dense evergreen planting.

### **GENERATORS:**

1. The placement of the generator must be shown on the Site Plan presented for a new home or addition. If it is an existing home, a site visit and/or site plan will be required before approval will be given to install the generator.
2. The ARC considers emergency generators that are installed at a home a structure and therefore must comply with all setbacks. The generator must be placed no closer than 5' from the side property lines.
3. The generator must be screened from view to the abutters, the street and golf course (if applicable) with a fence and/or evergreens tall enough to conceal the generator.

## **IV. LANDSCAPE SPECIFICATIONS**

**All Landscape Plans shall be prepared by a landscape architect or a design professional holding a degree from an accredited school of landscape architecture (reference Section II, Step 2 of these Guidelines).**

**Form G – *Landscape Questionnaire*** – must be filled out for General Revisions to Landscape or a Pool and Landscape project.

## **A. Existing Vegetation and Site Preparation**

1. Respect for and preservation of the natural vegetation is one of the principal hallmarks of the New Seabury concept. In support of this basic concept, as



much as possible of the natural ground cover and trees on any lot shall be preserved intact. Only those trees, which are clearly an obstruction to the construction of the house, and driveways and decks, if planned, shall be removed. Trees to be saved should be identified on the Landscape Plan. **In no case, may a tree in excess of 6” in diameter at the base be removed without prior approval of the Architectural Review Committee.**

2. The “**Limits of Clearing**” shall be established, marked in the field, and approved by the ARC prior to any site clearing, demolition, or construction activity. A 6 foot rigid plastic, wood, or chain link construction fence shall be placed around all areas to remain undisturbed. This fence shall only be removed upon completion of construction and final inspection by the ARC. No soils or construction materials are to be placed or stockpiled in the areas beyond the ‘Limits of Clearing’.
3. **Tree Removal.** Consideration should be given to replacing trees removed with other native species that will not endanger the home but return the landscape element lost with the removal.

## **B. New Plantings**

The site shall be landscaped in layers. Please refer to the attached list of appropriate plant species and size guidelines, *Appendix A*.

1. The front of the lot along the street shall have trees native to Cape Cod (See Appendix A) unless significant existing trees exist. Driveway entrances shall be flanked with ornamental plantings.
2. Parking areas shall be concealed from the street and adjacent properties with shrubs and trees. A home must provide a minimum of two off street parking spaces.
3. Landscape buffers shall be maintained between residences and adjacent lots, either by use of undisturbed existing vegetation, or with new plantings.
4. The use of bark mulch shall be limited to no more than 10% of the developed area of the lot and used with discretion only where necessary under planted trees or shrubs. **Wood chips or crushed shells are not approved for use as mulch.**
5. Grass, either as lawn or as native meadow grasses and flowers is encouraged for use in open areas. In areas of wetlands or adjacent to bodies of water, approval for planting grass must be obtained from the Mashpee Conservation Commission.
6. Landscaping shall include evergreen plantings to buffer exposed foundation, air conditioning units, pool equipment and utility service/meter from adjoining property while still providing all necessary access.

7. Care should be taken to prevent bark mulch washing into the roadways or onto a neighbors' property due to heavy rainstorms.

### **C. Plant Specifications**

Landscape Plans should specify plant quantities and sizes that will result in a well-developed and attractive site landscape at the completion of construction. A minimum size specification of plants appropriate for use in New Seabury landscape plans has been developed and must be adhered to as attached herewith (ref. *Appendix A: Minimum Specified Plant Sizes*). This plant list is not intended to be a comprehensive list of all suitable plant materials for use in New Seabury. Plants not specified therein should be of compatible size to similar species included in the list.

### **D. Decks**

1. Decks should be integrated into the house design in scale, placement, and detailing. They should be considered as a visual complement to the main building. The placement of a deck should be carefully related to the building massing. An elevated deck that is extended from one wall plane of a house and isolated in mid air on spindly supports is visually awkward and weakly connected to the building or the ground and will not be approved. The massing of a building should be used to anchor the location of elevated decks. A deck could be: (a) placed into a corner of the massing with walls on two sides; (b) set partially into an inset of the building's massing; or (c) placed on the roof of a small mass subsidiary to the main structure. A porch roof over part of the deck, or even an open structure such as an arbor or pergola, could give it more substance and a feeling of enclosure. Attention should be paid to the size and detailing of the supports of the deck, so that they appear sturdy and attractive. A porch on the ground under a raised deck can also make the upper deck look more solidly anchored.
2. The skill with which the deck is integrated into the building massing affects, whether its overall size is proper for the building. An elevated deck, particularly those extended outward from a house, should not be out of proportion or balance with the building mass onto which it is attached. The greater the height of a deck above ground, the more disruptive is its visual impact. Therefore, it is preferred that decks be built as low as possible. Elevated first floor decks will be restricted so as not to intrude on the natural surroundings and must be skirted with lattice having openings of no more than two inches in order to integrate the deck with the surrounding landscape. A deck built on a flat roof must not be too large in relation to the main mass of the house.
3. The deck structure shall be constructed of natural wood and stained or painted to match the house. No vertical wood surfaces shall be left unfinished. An alternative material can be considered on a case by case basis. Pressure treated lumber shall be stained or concealed with trim.

## **E. Sheds**

1. Small accessory buildings such as sheds and pool cabanas shall be integrated into the home and shall be architectural consistent with the house as to siding, roofing and color.
2. If freestanding, the accessory building shall be architecturally connected to the primary structures with fencing, pergolas, and/or plantings, as appropriate.
3. The placement of the shed should be carefully considered so that it will not intrude into setbacks or damage a neighbor's view. A plan will be required when a request for a shed is made.
4. Sheds 120 sq ft cannot be closer than 5' from the side and rear property lines and further away if possible. *(A short form permit is required by the Town of Mashpee)*
5. Sheds over 120 sq ft must be placed 15' from the side and rear property lines. *(A regular building permit is required by the Town of Mashpee)*

## **F. Outdoor Shower**

1. The shower must be placed so that it is not visible from the street, neighbors or golf course easement. Plantings can be used to buffer the shower.
2. It must be surrounded by a wood enclosure for privacy not to exceed 6' in height.
3. The enclosure must be painted/stained to match the color of the home.
4. A plumbing permit is required from the Town of Mashpee.

## **G. Fences, Gates**

1. Fences should be designed to both blend with the architecture of the home and the landscaping. They should provide privacy from neighbors or for security around pools. Fences should not be designed to "wall off" the home from the street and the neighborhood.
2. All fences and gates shall be constructed of natural wood and stained or painted to match the house. No wood shall be left unfinished. As an alternate, black vinyl coated chain link can be used when it backs up to undeveloped land. Black vinyl coated chain link is NOT appropriate when visible to the golf course or neighbors. Black Architectural metal fencing is appropriate when abutting the golf course.
3. Plastic fences are generally not considered to be appropriate for use in New Seabury, however, due to the natural atmospheric condition of Cape Cod the Committee will entertain a request.

4. Unless otherwise appropriate and approved, all fences shall be framed panels, with a lower section of solid boards to 4'6" in height, with an upper 16" – 18" section of horizontal lattice with spacing between lattice no greater than 2 inches to 2 ½ inches. The total fence height should be no greater than 6 feet. Other vertical board fences may be considered if once an appropriate brochure or drawing is provided to the ARC.

*All fences should be constructed with the finished/cosmetic side facing out.*

## **H. Exterior Landscape Lighting**

1. Walk and driveway lights should be fixtures that have an indirect type light source. Fixtures should be garden type with recommended height of 2'-6" or less.
2. All exterior light fixtures shall have fluorescent, energy saving bulbs. Intense light sources which are visible beyond the property lines are prohibited. This includes dock lighting. The amount of landscape lighting should be minimized and only illuminated while using the area in question. i.e. the lighting should automatically shut off at a reasonable time so as not to disturb your neighbor.

## **I. Retaining Walls**

1. Retaining walls visible from the street, adjacent lots, the golf course or the water shall be of natural stone. **The Mews Village** does allow Vineyard Blend Pavers as an alternative – installed in an alternating vertical and horizontal pattern.
2. Boulders 18" or greater in diameter shall not be used.
3. Walls higher than 24" shall be constructed with mortar on a solid foundation.
4. Timber retaining walls are generally not permitted. **The Mews Village** does allow timber but the timbers must be painted to match the home.
5. Retaining walls may be permitted in setbacks.

## **J. Driveways**

1. Driveways and Parking areas shall be permeable and constructed of native stone (5/8" diameter or less), brick, cobble or unit pavers. **Crushed shells are not approved.**
2. All drives shall have a minimum 36" granite cobble apron.

3. Asphalt paving may only be considered where site conditions prevent the use of permeable pavement. Rainwater from asphalt driveways may not be discharged into the public way.

#### **K. Edging**

1. All landscape and driveway edging shall be of steel, granite cobblestone or brick.
2. Timber, aluminum, and plastic edging materials are not permitted. **Timber can be used in The Mews Village ONLY.**

#### **L. Pools**

1. All pools shall be enclosed with a stained or painted wood vertical board fence 4' 6" with 16 to 18 inch lattice topper (5 to 6 feet total height) where visible from the street and to adjacent properties to afford privacy. For areas backing up to Reserved Land a 5' high black vinyl coated chain link can be used. For areas backing up to a golf course easement an architectural black metal fence can be used.
2. A pool must be placed 10' from a septic tank and 20' from a leach field. It must be placed 15' from the property line and cannot be placed less than 4' from a home.
3. Tiles used in construction of Infinity Pools or pools with waterfalls that are visible from the Golf Course or neighbor must be presented to the ARC for approval as part of the hardscape/landscape plan.
4. A pool fence may not be constructed on any reserved area, golf course, or open space easement.
5. All pool equipment must be screened from the street and adjacent properties with a fence and/or plantings and shall be located in an area, which will not adversely affect the quiet enjoyment of neighboring properties.
6. All gates entering the pool area should be self-closing to insure safety.

#### **M. Golf Course and Other Easements, Reserved Areas**

1. There may be NO clearing of a Golf Course Easement or of any other protected easement.
2. There may be NO clearing of a Reserved Area other than at the specific direction of a Village Committee and with approval from the ARC.

3. No structure, hardscape, landscape, building or other encroachments shall be constructed in any easement or reserved area.
4. Fences that encroach into the golf course easement must be removed or moved when replaced.
5. Only the easement holder, New Seabury Properties, can approve any exception to encroachment into the golf course easement.
6. If a tree falls in the golf course easement and does not affect play, it will not be removed by golf course maintenance. It will be the responsibility of the homeowner, if they so choose, to remove the downed tree at their expense. If, however, the tree does interfere with play, it will be removed by golf course maintenance.

## **N. Mailboxes**

1. The Architectural Review Committee has four approved designs for an integrated mailbox and/or newspaper receptacle to be used in the New Seabury community. The following are approved mailboxes:
  - Birdhouse mailbox with the newspaper receptacle and mailbox side-by-side;
  - Post mailbox with the newspaper receptacle below the mailbox;
  - Single post with dual mailboxes with newspaper receptacle below the mailbox; and
  - Single post with dual mailboxes;

A wooden post is preferred by the ARC. Other materials will be considered as long as they can be painted to match your home. Height of the post should be 42"- 44". The mailbox should be a neutral color to blend with your post or home. (i.e. gray, tan, ivory, black and white) Any other color is not in compliance with the ARC Guidelines and Specifications.

**A sample mailbox is available at the ARC office.**

*Pictures of the approved mail post/mailboxes are available for your review at the ARC office.*

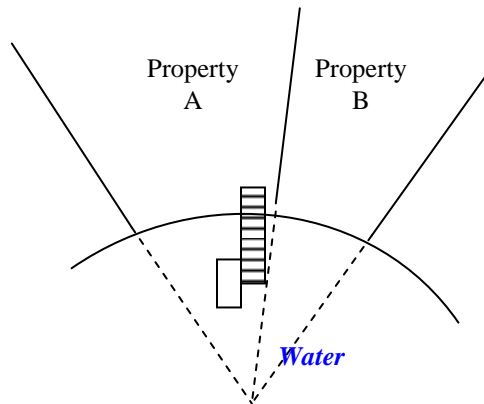
## **O. Fresh Water Docks**

1. **Size and Location:** Docks and Platforms, exclusive of ramps and walkways, shall not be larger than 8x6 (48 square feet), and preferably smaller and shall be located inside a projection of the waters edge property line so as not to interfere with abutters' rights. Projection of the walkway should be no more than 15' from the shore. *(See diagram below)*

**2. Construction:**

- a) Any anchoring devices shall be positioned so as not to interfere with navigation or swimming.
- b) All colors shall be designed to blend into the surrounding landscape. White is not a permitted color for docks, platforms, ramps or walkways.
- c) Only approved materials shall be employed for all construction to insure invasive species are not introduced into the water body.

**Storage:** Floating docks may be stored on property owners land during off-season but must not be visible to the street.



## **V. ARCHITECTURAL REVIEW COMMITTEE INSPECTIONS AND CERTIFICATES**

### **1. Certificate of Approval of Plans and Specifications**

Upon completion of the review process, the Committee will issue a *Certificate Approving the Plans and Specifications* as finally approved in conformance with the schedule as set forth in the applicable Village or Master Declaration. A *Permit Certificate* signifying ARC approval will be issued at the same time. The *Permit Certificate* must be posted visibly on the site during construction. The Committee's role in the construction process does not end here.

### **2. Limits of Clearing Inspection**

Prior to clearing, a "Limits of Clearing" Inspection must be requested. A construction fence delineating the limits of work and protecting the areas to be left undisturbed must be installed. The trees to be saved, within the "Limits of Clearing", must be flagged. The trees to be removed, outside the "Limits of Clearing" must also be flagged and the house corners should be staked for this inspection. When approved, the Committee will issue a letter of approval.

### **3. Foundation Inspection and Certificate**

A Foundation Inspection should be requested once the foundation is poured, backfilled and graded consistent with the approved Landscape Plan. An "As Built" Foundation Plan must be submitted to the ARC prior to scheduling the Inspection. When approved, the Committee will issue a Certificate approving the foundation as poured. The framing of the dwelling and appurtenant buildings must not begin until this Certificate has been issued.

### **4. Framing Inspection**

The Framing Inspection should be called for upon completion of framing, but prior to the installation of electrical and mechanical systems, insulation, siding, windows, doors, and roof tiles. When approved, the Committee will issue a document of approval.

### **5. Final Inspection / Certificate of Compliance**

At the time of completion of construction, it is the responsibility of the homeowner to call the ARC office and ask for the Final Inspection. A member of the ARC will verify compliance with the construction documents and Plan(s) as approved at Final Review.

**Note:** Any proposed changes to the approved architectural or landscape plans must be submitted to the ARC for approval *prior* to their implementation at the site.



Minor discrepancies will be noted on the Record Plans. Major discrepancies will require the submittal of revised plans to the ARC and must be approved, corrected or otherwise satisfactorily resolved prior to the issuance of the *Certificate of Compliance*. Full compliance will result in the return of the PGF.

The Architectural Review Committee reserves the right to recover legal expenses in the event of enforcement of compliance with these Guidelines and Requirements.

**NOTE:** In the event that the subject project is not built to approved Plans and the issue is not resolved to the satisfaction of the ARC the deposit amount will be forfeited irrespective of whether a Certificate of Compliance is subsequently issued, and a **Certificate of Non-Compliance** may be issued and recorded with the Barnstable County Registry of Deeds. This document will affect the clear title and would affect the ability to finance and convey the property.

## **6. Certificates required for Transfer of Home.**

In order to close on a property in New Seabury, you must provide the ARC office, via fax or hand delivered a completely executed copy of the P & S. The ARC will provide all other necessary documents to obtain the ARC *Certificate of Compliance and Non-Assessment* from the ARC (*Please keep in mind that the ARC does do inspections of homes before the Certificate is executed*). *Certificate of Compliance and Non-Assessment(6D)* from the Peninsula Council and the *Certificate of Waiver of Right of First Refusal* from the developer, New Seabury Properties, LLC. For coordination, preparation of documents, research, and inspection there is a cost of **\$400** to the ARC OR **\$200** for property only. You must request this information within a minimum of one month before the closing date.

## **VI. APPROVAL PROCESS TIME FRAME**

1. All plans and/or documents must be submitted and approved within six (6) months from date of application unless an extension is requested and granted by the Architectural Review Committee.
2. If all Plans (Architectural, Landscape, and Site/Septic), are not received within the six (6) month time period, a new application and fee will be required to obtain approvals.

**Construction shall commence within ONE (1) YEAR following the date of approval of the Plans. If not, a new application must be filed along with a new filing fee/deposit payment if the project is to continue.**

Construction should be completed within ONE (1) Year. Extenuating circumstances may warrant an extension, which can be obtained by written request to the ARC.

## VII. GENERAL PROPERTY REQUIREMENTS

To maintain general community standards, the following requirements as stated in the New Seabury Master Declaration and the Village Declarations will apply to all properties within New Seabury.

1. **Vehicles** Parking of boats and boat trailers on property is determined by the individual village committees and historically varies within the New Seabury Villages. At no time are boats or trailers allowed to be parked on the street.

If boats are allowed on property, every attempt should be made to hide them from view from the street or neighbors. Bright colored shrink-wrap should be avoided so as to make the boat less visible.

Unregistered vehicles and RV's are not allowed on property at any time.

2. **Commercial Vehicles** For consistency across all Villages of New Seabury the ARC is adopting the Town of Mashpee's R-3 residential type of uses in regard to Commercial Vehicles.

The Town of Mashpee By-Laws state: "*Not more than one (1) commercial vehicle per lot, not to exceed two (2) tons capacity*" will be allowed to be parked/stored on the premises of a New Seabury lot. The ARC will work with the Building Inspector of the Town of Mashpee to ensure compliance with Town By-Laws and the ARC Guidelines and Specifications.

3. **Antennas** No antennas or satellite dishes greater than 18" in diameter shall be installed which are visible from the street or adjacent properties. Homeowners should work closely with any satellite TV provider as to location of the dish. Service providers should try to in the most desirable location and still provide good service.
4. **Unsightly Elements** No wall or window mounted air conditioning units, clothes lines or hammocks shall be installed which are visible from the street or adjacent properties.
5. **Maintenance** All properties shall be maintained and kept in a clean and neat condition. Driveways shall be kept free of weeds and debris. Lots shall be cleaned up each year by **June 1st at the latest** and **again in the fall** to remove leaves and branches. Landscape plants shall be kept trimmed and pruned. Undeveloped lots may be kept in a natural state except that storm-damaged trees visible from the street or adjacent properties must be removed without delay. Each village committee should maintain the 10' utility easement on undeveloped lots. On a developed lot, the utility easement is to be maintained by the property owner. While plantings can be placed in the 10' utility easement, fencing, stone walls or any permanent structure cannot be placed within that 10' utility easement.

6. **Repairs** Alterations, replacement or painting of existing architectural elements (e.g. roofs, siding, driveway edging, retaining walls, landscape) **must be submitted** to the ARC for approval and must conform to the current standards and guidelines.
7. **Signs** No sign of any kind shall be displayed to the public view on any lot except one (1) sign of not more than 200 square inches in size denoting **only the name and profession of any resident owning or living on such lot.** This will specifically **prohibit**, among other things, all “For Sale” signs, “For Rent” signs, balloons and temporary Contractor/Builder signs. **A Fine System for realtor signs is in effect as explained on page 25 – IX. Enforcement Procedures – Other.**
8. **Builders/Contractors/Subcontractors “Code of Conduct”**
  - a) **Hours of operation are Monday through Friday 7:00 a.m. to 5:30 p.m., and Saturday 7:00 a.m. to 1:00 p.m. These are the only allowable work hours. This includes NO deliveries before 7:00 a.m.**
  - b) **Summer hours are start time of 7:30 and all work must end at 5:30 p.m. This includes NO deliveries before 7:30 a.m.**
  - c) **Work on Sundays or Holidays is strictly prohibited.**
  - d) **NO WORK will be allowed on Saturdays starting July 1 thru Labor Day weekend.**
  - e) **NO WORK is allowed in the Maushop Village, including the Buffer Zone, Memorial Day weekend through Labor Day.**
  - f) The construction site shall be kept neat and tidy with a dumpster for all construction debris. The ARC and town permits should be posted preferably in a DocBox type container (information available at ARC office);
  - g) The dumpster should never be full and overflowing;
  - h) The street should be kept free of sand or dirt and swept daily at the end of the work-day if necessary. All abutting pavement must be protected from damage by construction equipment and any and all damage must be fully repaired before return of deposit;
  - i) Contractors and subcontractors vehicles and equipment may not obstruct the streets. Parking on properties other than the construction site requires permission of the property owners. Please restrict work vehicles to (5) in number and park on construction site, NOT on street;
  - j) Portable restrooms should be positioned so as not to be offensive to the public view.;

- k) All construction materials must be stored on the property, not in the street or on adjacent property;
- l) Workers shall not play radios, tapes, boom boxes, etc. No loud talking, yelling or vulgar language is not allowed;
- m) If workers bring dogs to the site, the animals must be restrained and not permitted to leave the construction site;
- n) No tradesman signs of any kind shall be displayed to the public view on any building lot. A builder can display one (1) sign of not more than two hundred (200) square inches in size denoting only the name of the builder provided that sign has been pre-approved by the ARC in regard to color, wording and size;
- o) If work does commence before the issuance of the ARC's *Permit Certificate* and *Certificate of Approving Plans and Specifications*, **THE NON-REFUNDABLE FILING FEES WILL BE DOUBLED**

9. **Flag poles** Flag poles are permitted in New Seabury. However, the location of the Flagpole **must be approved by the ARC.**

The ARC will not approve flagpoles on the coastal bank due to prevailing winds and the associated noise that will affect the neighbors.

According to generally accepted Flag Rules and Regulations, the following table shows appropriate sizes for flags and flagpoles for display at your home.

<b>Flagpole</b>	<b>Flag Size</b>
20'	3' x 5' or 4' x 6'
25'	4' x 6' or 5' x 8'
30'	5' x 8'

*The height is from the ground.*

All flagpoles must be made of fiberglass and firmly anchored in place. If a flagpole is over 25 feet high, it must be set in concrete.

The flagpole may not be placed in a manner that has a negative impact on a neighbor's view.

The flagpole may not be placed in a location where, if it falls, it will strike your home or fall on your neighbor's property or home.

Your flag must be taken down when you are not in residence.

The flagpole must be illuminated if the homeowner intends to fly the flag 24 hours a day.

Flags shall be flown in accordance with the Flag Rules and Regulations, a copy of which is available at the ARC office.

Contact Eagle Fence & Flagpole @ 508 540-3161 and speak to V. J. Enright for additional information.

10. **Outside/Exterior Audio Speakers** Speakers in and around pools or backyards are of concern to the ARC. In some villages exterior speakers shall NOT be installed as they will be offensive to the abutting neighbors. If you are in a larger village the placement of speakers should be such as to keep the sound on the premises. Consideration must be given to prevailing breezes that will carry sound beyond the properties boundaries. Speakers should be turned on ONLY between 9:00 a.m. and 9:00 p.m. and only when you are in residence.
11. **OUTDOOR RECREATIONAL FACILITIES:** Installation of outdoor recreational facilities such as basketball hoops, back boards, jungle gyms, tennis courts, etc., will be considered by the ARC on a case by case basis but under no circumstances will the facility be permitted if the Committee determines it will disturb the peace of, or have an adverse affect on the abutters. The proposed facility shall be submitted for approval depicted on an accurate certified site plan and shall include distances from property lines and all adjoining buildings on the same lot and surrounding lots and indicate any mitigating landscape features.
12. **Tree Removal** Trees greater than 6” in diameter cannot be removed without an inspection and approval by the ARC. The wholesale removal of trees on property is not allowed. The ARC does recognize that as trees grow they do need to be thinned out, and some trees become diseased and present a danger. Trees can be a key architectural element in the overall property so must be considered carefully before removal.

#### **FOR REMOVAL OF TREES (PRE-TREE REMOVAL INSPECTION)**

1. Every tree to be taken down must be tagged with a ribbon either red or pink so as to not create confusion. **No exceptions.**
2. A picture or pictures will be taken before cutting, clearly showing the trees to be cut and if appropriate those nearby that are not to be cut. **No exceptions.**
3. All trees marked will be reviewed in person to ensure accuracy.
4. Pictures will be printed and placed in the file as well as kept in an electronic folder until after the work is completed and all is signed off. **No exceptions.**
5. The ARC representative must be able to clearly state every time (no exceptions) that the trees cut were approved by the ARC.

**Absolutely NO trees larger than 6” in diameter can be removed without the Pre-Tree Removal Inspection.**

**Please note that the Tree Removal Permit Certificate is only good for 30 days. All limbs and tree debris must be removed from the property as to appear that no tree work was every done. At no time can the debris be stored in an easement, Reserved Area or the neighbor's property. All wood-chips must be removed from the premises. They cannot be spread on any property here in New Seabury.**

## **VIII. ENFORCEMENT PROCEDURES**

Failure to abide with the rules and regulations of the Architectural Review Committee will result in enforcement as required to address violations.

Generally, the following action(s) will be taken by the Committee to address non-compliance with these guidelines:

1. Letter of Notification of Infraction, request for plans and/or request to attend Architectural Review Committee Meeting to discuss non-compliant issue(s).
2. Cease & Desist letter with request for an appearance before the ARC on the infraction.
3. Letter of Intent to File Certificate of Non-Compliance with Barnstable County Registry of Deeds will be sent to the homeowner with the current fines and assessments noted.
4. Filing of Notice of Non-Compliance with Barnstable County Registry of Deeds. Such filing will result in an encumbrance on the subject property, which will affect mortgage processes and restrict any transactions regarding the property until the Certificate of Non-Compliance is replaced with a Certificate of Compliance.
5. All other remedies available to the Committee as authorized under the Master Declaration and Village Declarations may be pursued, including assessment of costs incurred to address and enforce compliance.

### **CONSTRUCTION – SPECIFIC TO ADDITIONS, NEW HOMES, AND POOLS WITH LANDSCAPE**

6. If ANY of the policies of the Builders/Contractors “Code of Conduct” Article VII Paragraph 8 are ignored:
  - a. The builder will be notified in writing or by phone to correct the problem immediately;
  - b. The second offense will mean a \$100 fine;
  - c. All subsequent violations will be subject to a \$250 fine;
  - d. All fines will be deducted from the homeowners PGF.

*It is the Committee’s intent and desire to work with each property owner in resolving each issue informally.*



**IX. ENFORCEMENT PROCEDURES - OTHER**

Failure to abide by certain rules, regulations of the ARC can result in a fine in order to secure compliance by the homeowner.

1. Article VII Paragraph 7 – Signs, the following scheme has been adopted:

Effective August 1, 2006, the ARC is instituting a Fine scheme to secure compliance with Article 3.10 of the Declarations, which forbids “For Sale” signs on homes within New Seabury. The only exceptions are signs from New Seabury Company Partnership a/k/a New Seabury Real Estate.

<b>First Offense</b>	Warning
<b>Second Offense</b>	\$50.00
<b>Third and subsequent</b>	\$100.00 per offense

The offense notification letter will request the sign be removed within two (2) weeks and the offense will be checked randomly for compliance.

**The fine will be payable immediately or at the time the home is conveyed. When the ARC prepares the paperwork for the Real Estate closing the fine will be added to the closing fees.**

2. **Notice of Violation of ARC Guidelines and Specifications:**

Failure to comply with the Notice within thirty (30) days will result in an action being filed in the appropriate Court to compel compliance with the Guidelines and Specifications.

## **IX. DEFINITIONS**

<i>Architect</i>	A design professional who has a Bachelor's Degree in Architecture from an accredited school of architecture, college or university and is registered in Massachusetts. The Committee may waive this requirement for minor alterations or additions. At the discretion of the Committee, the design of minor alterations or additions may be performed by designers, contractors or owners, provided they are competent in designing such elements.
<i>Boulders</i>	Natural rocks larger than 18" average diameter.
<i>Hardscape</i>	Site amenities other than plantings, (e.g. driveways, patios, decks, pools, walks, fencing, pergolas, and retaining walls).
<i>Landscape Architect</i>	A design professional who has a Bachelor's Degree in Landscape Architecture from an accredited school of landscape architecture, college or university.
<i>Limit of Clearing</i>	Predefined area of lot, which may be cleared for development, and may include specific trees and shrubs to be saved.
<i>Limit of Work</i>	Predefined area of lot outside which no work may occur, except as otherwise specifically noted.
<i>Stones</i>	Natural rocks less than or equal to 18" average diameter.
<i>Structure</i>	Any constructed building, pool, or deck elevated above grade.

***The Architectural Review Committee may amend these Guidelines and Specifications from time to time, with the approval of the Peninsula Council. Applicants should contact the Administrator for any changes or amendments in effect at the time of application.***