

Exhibit "D"

# Newhaven

## GUIDELINES OF THE ARCHITECTURAL REVIEW COMMITTEE

Established April, 2005

### **INTRODUCTION**

It is the intent of this manual to assure each Owner (Builder or Homeowner) that Newhaven will be developed and constructed as a community of quality homes that have tasteful and aesthetically pleasing architectural design; long lasting quality materials and high construction standards; that are harmonious with surrounding structures and topography; and, that have landscaping and other site improvements consistent with the aesthetic quality of Newhaven as a whole.

The Declaration of Covenants, Conditions and Restrictions for Newhaven (Covenants) require a standing committee of the Newhaven Community Association, Inc. ("Association") called the Architectural Review Committee (ARC) whose function is to review (approve or disapprove) plans for any proposed construction or alteration within Newhaven. The Covenants have granted the ARC discretionary powers and enforcement regarding the aesthetic impact of design, materials, landscaping, overall impact on surrounding property, and other aesthetic matters. It shall not be the intent of the ARC to impose a uniform appearance within Newhaven, nor to discourage creativity on behalf of Builders and Homeowners. Its intent is to promote and assure that all improvements are aesthetically compatible with each other; incorporate a unique yet pleasing discriminating character; and, are constructed to reflect the quality and permanence of timeless residential architecture.

These guidelines have been prepared by the ARC as a guideline for Builders and Homeowners in their selection of concepts for construction within Newhaven. This manual does not include all building, use, and other deed restrictions associated with Newhaven, and, accordingly, each Builder and Homeowner should familiarize themselves with the provisions of the Covenants and By-Laws of the Association. The inclusion of any recommendation in this Manual shall not preclude the ARC's right to disapprove any proposed matter to the extent of its power to do so under the Declaration.

## **DEVELOPMENT THEME**

Newhaven's overall plan has been designed to encourage friendly neighborhood interaction in a casual yet sophisticated atmosphere. With only 56 homes, Newhaven will have an intimate neighborhood setting.

To fulfill this theme, design elements have been borrowed from Old World Villages of Europe and historically inspired traditional American neighborhoods. Sidewalks lead down tree-lined streets. Evergreen hedges hug the outside edge of the sidewalk to frame the street lined with Alley Elm Trees. The hedge will flank each home's front entry walkway to create a welcoming presentation for friends and visitors. Livable front porches and covered outdoor spaces will be encouraged for interaction with friends and neighbors. Homes will be located as close as possible to the street, usually 50 to 85 feet from the back of the curb, to also encourage neighborhood interaction leaving the abundance of space in the back backyard.

Gathering places have been placed throughout the grounds. A gracious one acre circular grassed park is surrounded by street trees, the sidewalk and hedges. This park is designed to encourage a stroll, a run, or that afternoon ball game. Beyond the hedges, each home on the Park will be positioned to have a direct vista of the park.

The architecture in Newhaven will reflect the casual sophistication of the European Countryside. Old World architecture including English Country, French Country, French Norman, Regency, Tudor, Jacobean and even the Early American styles that were inspired by the Old World including Shingle, Colonial Revival, Dutch Creole Cottage, Italianate and Greek Revival. Newhaven will embrace a wide variety of styles yet all the homes will be required to be harmonious with the neighborhood as a whole. Builders and homeowners will have the utmost freedom in planning and building their homes so long as the designs preserve the charm and unity of the neighborhood as a whole.

The enforcement of the architectural guidelines will assure the development of a well-conceived, distinctive neighborhood where families come together to nourish their lives.

## **THE REVIEW PROCESS AND GENERAL INFORMATION**

The design and construction review process is a three-step process: Concept Review, Final Review and Final Inspection of improvements. Thorough and timely submission of information as well as adherence to the design standards set forth in this Manual will prevent delays and minimize frustration of all parties involved. Questions concerning the interpretation of any matter set forth in this Manual should be directed to the ARC.

## **REVIEW FEE AND CONSTRUCTION BOND**

When a Builder or Homeowner submits plans to the ARC for Conceptual Approval or Final Approval, the submission shall include the "Review Fee" and "Construction Bond" as described below. The "Application Form" (available from the ARC) shall be used as a transmittal record of the submission and ARC response as to the submission.

The Review Fees shall be set forth by the ARC. The ARC Review Fee Schedule may be obtained from the ARC.

On all New Home Construction, the Builder or Homeowner shall submit to the ARC a Construction Bond, or check in the amount of One Thousand Dollars (\$1,000.00) per unit to be held in escrow by the ARC until the improvements are complete and the ARC performs its Final Inspection. The construction bond shall be used to offset any costs incurred by the Association or ARC in order to:

- A. Repair damage to any property caused by the Builder or Homeowner or their subcontractors, suppliers and representatives during construction.
- B. Recover legal fees and other costs incurred by the ARC in order to correct any construction or alteration not performed in substantial compliance with the plans receiving Final Approval.
- C. Pay for any fines or penalties imposed by the ARC or the Association for violation of any rules of conduct (example: keeping roadways clean during construction) or regulations governing use of property within Newhaven.

## **CONCEPT APPROVAL**

Any Builder or Homeowner may submit preliminary or conceptual drawings and specifications or other information to the ARC for Concept Approval prior to the preparation and submission of detailed plans and specifications for Final Approval. A Concept Approval is not mandatory, but is provided for the convenience of Builders and Homeowners in order that they may accomplish a timely and thorough preparation and ultimately receive Final Approval of their construction plans and other submittals.

The ARC shall review the information and indicate its approval, disapproval or recommendation as to the plan. A Concept Approval given by the ARC shall not constitute approval for the commencement of construction, but only approval of the conceptual information being reviewed.

Submittals for Concept Approval of any New Home Construction shall include:

- A. Concept Exterior Elevations.
- B. Concept Floor Plan.
- C. Concept Exterior Materials.
- D. Such other information, data, and drawings as may be reasonably requested by the ARC.

## **FINAL APPROVAL**

No construction of a building or structural improvement; no landscaping or other site improvement; and no alteration or addition to any existing structure or site improvement shall be made on any property until the plans and specifications showing the proposed design, nature, kind, shape size, color, materials, and location of same shall have been submitted to and shall have received Final Approval by the ARC. Builders or Homeowners requesting Final Approval of any improvement shall submit sufficient exhibits to demonstrate compliance with standards and requirements of this Design Review Manual. Construction must commence within twelve (12) months from the date of Final Approval or such Final Approval shall be void. If Final Approval is granted subject to conditions, the conditions shall be satisfied within sixty (60) days of issuance or Final Approval shall be void.

Submittals for Final Approval of any New Home Construction shall include at a minimum two (2) sets of the following and shall be designed by a Registered Architect or person of similar competency:

- A. Site Plan at a minimum scale of 1" = 20' showing: a clearing and grading scheme with proposed and existing land contours, grades, and flow of the site drainage system; location and size of trees having a diameter of three inches or more proposed to be removed from the site; and, the dimensions and locations of all buildings, access drives, parking, utilities (water, power, telephone, cable, etc.), street pavement location and all other proposed improvements to the site.
- B. Floor Plans at a minimum scale of 1/4" = 1' for all floors, cross sections and elevations including projections and wing walls (floor plans should also show total square feet of air conditioned living area).
- C. Plans, elevations, types of materials and other information associated with any other site improvement or ornamentation, including exterior lighting, walls,

fencing and screening, patios, decks, pools, porches and signage.

- D. Exterior materials and finishes to be used.
- E. Such other information, date and drawings as may be reasonably requested by the ARC.
- F. The Review Fee is due at time of submittal.
- G. The Construction Bond is due at the time that Final Approval is granted by the ARC.

If, after the initial New Home Construction, a Builder or Homeowner desires Final Approval for an alteration or addition, sufficient information shall be submitted to the ARC to allow it to fully understand the proposed alteration or addition. Such information could be as simple as a letter with a material sample or picture, or as complex as the above-stated submittals.

The ARC may require a rough stakeout of the proposed New Home Construction or Major Alteration or Addition prior to rendering its Final Approval on any matter.

## **INSPECTION**

The ARC shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under this Manual. Upon completion of construction, a Builder or Homeowner shall give written notice to the ARC using the transmittal form provided by the ARC. Attached to the notice shall be a final survey and copy of the Certificate of Occupancy for the newly constructed improvement. Upon "Final Inspection" of the improvements by the ARC and provided that such inspection determines that the improvements were constructed in substantial compliance with the plans and specifications approved by the ARC, the ARC shall return the Construction Bond (less any amount withheld for reasons described previously).

Builders and Homeowners are forewarned that the Covenants have granted to the Board of Directors of Newhaven Community Association, Inc. broad discretionary powers regarding the remedy or removal of any non-conforming improvements constructed within Newhaven. In this regard, if the ARC finds that any improvement was not performed or constructed in substantial compliance with the submittals receiving Final Approval at its recommendation, the Board of Directors of the Association may remedy or remove the non-conforming improvement, and assess all costs of such action against the Owner of the lot and if not timely paid, file a lien against the lot in the county land records.

## **CONDUCT**

All Owners of lots, whether Builders or Homeowners, shall be held responsible for the acts of their employees, sub-contractors, suppliers, and any other persons or parties involved in construction or alteration of a homesite. In this regard, the Owner shall be responsible for the following:

- A. Ensuring that the construction site is kept clean and free of all debris and waste materials, and that stockpiles of unused materials be kept in a neat and orderly fashion. Keeping the Newhaven roadways free of construction mud or other materials. Enforce the parking of vehicles on the same side of the road of the construction site only.
- B. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well being of other personnel on the site or other parties within Newhaven, or affect the quality of workmanship. Profanity or any other unacceptable actions will not be tolerated. The Owner will be required to permanently bar such workers as described above from the job site.
- C. Assuring that the aforementioned are properly insured. The Owner or Contractor must carry a minimum of one million (\$1,000,000.00) liability insurance and provide the ARC with proof of same.
- D. Assuring the aforementioned does not commit any violations of the rules and regulations of the Newhaven Homeowners Association, Inc. or the ARC.

## **APPEAL**

If an application for Concept Approval or Final Approval has been denied; or if an approval is subject to conditions which a Builder or Homeowner feels are harsh or unwarranted, or if there are disputes to any other matter related to actions of the ARC, the Builder or Homeowner may request a hearing before the full committee of the ARC with three Newhaven Community Association Board Members also reviewing the appeal. At the hearing, the Builder or Homeowner will be allowed to present his position on the matter and make requests or recommendations as to an alternative action. After the hearing, the ARC will review the information presented and notify the Builder or Homeowner of their final decision on the matter. The decision of the ARC regarding such matters shall be final.

## GENERAL COMMUNITY STANDARDS

### RESIDENTIAL USE

Each Lot shall be used for residential purposes exclusively. Leasing of a Lot for residential occupancy shall not be considered a business use. Business use by the Owner or Occupant residing in the residence is not prohibited so long as the business activity: (a) does not otherwise violate the provisions of the Declaration or Bylaws; (b) is not apparent or detectable by sight, sound or smell from the exterior of the Lot; (c) does not unduly increase traffic flow or parking congestion; (d) conforms to all zoning requirements for the Community; (e) does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; (f) is consistent with the residential character of the Community; (g) does not constitute a nuisance or a hazardous or offensive use; and (h) does not threaten the security or safety of other residents of the Community, all as may be determined in each case in the sole discretion of the Board of Directors.

Real estate brokers and Homeowners (and their agents) may show any homesite and dwelling unit, for sale or lease. Where model homes are permitted, the following shall apply:

- A. No signs, banners, and the like items shall be permitted unless approved by the ARC. Such signs, banners, and the like items will also not be permitted at the entrances to Newhaven. If so approved, they shall be constructed using the design and erected in a location approved by the ARC and shall be removed promptly at the request of the ARC.
- B. The interior and exterior of all model homes shall be kept clean and free of debris and all landscaping and other site improvements shall be well maintained at all times. No Builder shall use a model home for any aspect of the Builder's business other than the selling and marketing of homes in Newhaven.
- C. The use of a dwelling unit as a model shall cease within one (1) year of the initial approval by the ARC. Extensions for a specific period will be considered by the ARC.

## **TEMPORARY IMPROVEMENTS**

No temporary building or structure shall be permitted on any homesite except that trailers, temporary buildings, barricades and the like may be permitted during construction of a permanent improvement, and provided that the ARC shall have approved the design, appearance, and location of the same. They shall be removed not later than fourteen (14) days after the date of completion of the improvement(s) for which the temporary structure was intended, and shall be permitted for no longer than a period of six (6) months unless the ARC grants an extension of time.

## **UTILITY SERVICE**

No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals or for transmission of electric current or energy, shall be constructed or placed on any homesite unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on the home, or other approved improvements. Above ground electrical transformers and other equipment may be permitted if properly screened and approved by the ARC. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

## **REFUSE AND STORAGE AREAS**

Garbage and refuse shall be placed in containers and shall be capped and contained in such a manner that they are inaccessible to animals. The container shall be concealed within buildings; be concealed by means of screening walls of material similar to and compatible with that of the building; or, concealed by sufficient landscaping to provide a permanent screen from view of surrounding property. These elements shall be integrated with the building plan, be designed so as not to attract attention, and shall be located in as reasonable, inconspicuous manner as possible.

## **STORAGE TANKS**

No storage tanks, including but not limited to those used for storage of water, gasoline, oil, other liquid or any gas, shall be permitted outside a building except as approved by the ARC.



## **BUILDING SETBACKS**

It is recommended when able to located the house as close to the street as possible to create the intimacy of an Old World community. This placement will create a minimum social space in the front yard and maximize the private space for the back yard.

Minimum building setback lines are as shown on the recorded subdivision plats for Newhaven and generally (including porches, eaves and overhangs) shall be fifty (50) feet from the front lot line (back of curb), fifteen (15) feet from the side lot line, and thirty (30) feet from the rear lot line. In the event of a conflict between these setback restrictions and the recorded plat, the more restrictive provisions shall control.

When a homesite fronts on more than one street (such as a corner homesite), the minimum front setback shall apply to the frontage of all such streets. The ARC shall approve the direction in which the front elevation of any dwelling unit shall face on a homesite.

The ARC may grant an exception for the above minimum setbacks in a case where a homesite would be rendered unbuildable due to its size, shape or topography, and to save existing trees but has no authority to grant exceptions to minimum setbacks shown on recorded plats. The ARC may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

## **DRIVEWAYS**

Parking spaces, garages, curb cuts, and the driveway to a garage shall be planned and installed in an attractive and functional manner and shall consider the location of existing trees, street trees, topography, streetscape and compatibility with surrounding improvements.

All homesites shall have a paved driveway of stable and permanent construction of at least twelve (12) feet in width. The entrance to all drives and walkways will be paved with concrete materials, unless otherwise approved by the ARC. Curb cuts shall be flared in an attractive and functional manner. Curb cuts shall be uniform and shall be constructed to the specifications as set forth by the ARC and all governmental authorities. All driveways and walkways shall have a light broom finish and joints shall be provided to prevent surface cracking. Stamped concrete shall be permitted provided the color of stamping is approved by the ARC.

## **SIDEWALKS**

Builder/Homeowner shall install sidewalks on each lot along the length of the entire property line which fronts on any interior street. All sidewalks shall have a light broom finish and joints shall be provided to prevent surface cracking. Sidewalks shall be five feet wide and installed exactly twelve feet off the backside of the curb and or in accordance with the layout established by the ARC and any requirements of governmental authorities. When sidewalks intersect with streets, curbs shall be cut and finished in accordance with driveway curb cuts to provide wheelchair accessibility. This should apply to all sidewalks with the exception to the front walk, which extends from the front door to the front curb.

## **STREET TREES**

The Development Company installs street trees. During the building process, an initial street tree will purchase and installed by the Development Company. After which, it is the responsibility of the Builder or Homeowner to maintain street trees along the street frontage of the homesite regardless of the size of the homesite or the amount of street frontage. If a street tree requires replacement due to destruction, disease, theft, death or any other reason, the Builder/homeowner is responsible for reimbursing the Development Company, Homeowners Association or entity responsible for overseeing the Community for the purchase and installation of the replacement trees. Street tree placement and type shall be set by the ARC. The ARC shall review the landscape and site plan to check that street tree spacing and location is consistent with neighboring homesites. Replacement street trees shall be matched to adjacent trees. The builder or homeowner is responsible for maintaining street trees in an acceptable manner.

## **LANDSCAPING / STREET FRONT IMPROVEMENTS**

The Builder or Homeowner shall provide Bermuda sod and install an irrigation system for all lawn areas, front, sides and back. A landscape plan must be submitted for approval. This plan can be provided by a landscape architect but is not required. A plan prepared by the installer, builder or homeowner on a surveyed plat including the house, any flatwork, plantings and drainage flow. The builder or homeowner shall install shrubbery and landscaping in accordance with the minimum landscape standards as set forth by the ARC. Such landscaping shall be designed and installed to enhance the beauty of the homesite and its surroundings. Natural areas shall NOT be edged in concrete, wood or metal. Edging shall not be installed without the approval of the ARC.

The Builder or Homeowner is encouraged to install front walkways with minimum width of 5 feet extending from the front door/stoop to the curb of the street. In many cases, a centrally located driveway will double as a front walk entry. Front walkway materials shall be concrete with light broom finish, stamped concrete, brick, stone, slate or pea gravel. The ARC must

approve material selection and finish.

The Builder or Homeowner is required to install an evergreen hedge along the street front along the outside of the sidewalk and shall be maintained at a 2 foot height and 2 foot width. To maintain consistency, the developer will contract with a nursery to grow the same hedge material to be held for installation. Hedge material will be provided and installed by the developer at the builder or homeowner cost. It will be the responsibility of the property owner to water and maintain the hedge. In the event the hedge dies, is diseased or damaged, the hedge will be replaced by the homeowners association or developer at the cost of the property owner.

Fencing or garden walls shall be allowed and located behind the hedge leaving a planting area for the hedge of no less than 4 feet and shall have a minimum height of 2 1/2 feet and maximum height of 4 feet. The ARC shall approve the location, design and material selection for garden walls, fences and hedges.

The Builder shall install at least one natural flow gas lantern as specified by the ARC to illuminate the sidewalk intersection at the front walkway/driveway. The lantern shall be located within six feet from the backside of the front sidewalk and next to the front walk or driveway if a front walk is not part of the plan.

The Builder or Homeowner shall be responsible for maintaining the landscaping and street front improvements in an acceptable manner.

## **DRAINAGE AND GRADING**

No drainage ditches, cuts, swells, streams, impoundment's, ponds, or lakes; no mounds, knobs, dams, or hills; and no other physical improvements or elements of the landscape or terrain which control or determine the location of flow of surface water and drainage patterns may be created, destroyed, altered or modified without the prior written approval of the ARC, whether on private property or common areas.

Special attention shall be given to proper site surface drainage, so that surface water will not interfere with surrounding homesites and natural drainage flows. Paved areas shall be designed to allow surface water to drain naturally and not to allow water to collect and stand. All buildings shall have a minimum floor finish elevation equal to or greater than one foot above the one hundred year flood elevation or in keeping with the current and or updated County requirements. Fill shall not be deposited or removed without ARC approval.

## **GAMES AND PLAY STRUCTURES**

All basketball backboards and any other fixed games and play structures are subject to approval by the ARC and shall be located at the side or rear of the building, or on the inside portion of the corner homesites with setback lines. Play structures shall be located where they are the least conspicuous. Treehouse or platforms of a like kind or nature shall not be constructed unless approved by the ARC.

## **SWIMMING POOLS AND TENNIS COURTS**

Any swimming pool or tennis court to be constructed upon any homesite shall be subject to review by the ARC. The design must incorporate, at a minimum, the following:

- A. The composition of the material must be thoroughly tested and accepted by the industry for such construction. No vinyl pools will be allowed.
- B. Screening in of pools is discouraged, but may be allowed by the ARC. Pool cages and screens must be of a color and material approved by the ARC.
- C. Fencing of tennis courts shall be green, black or brown vinyl clad chain link; and limited to ten (10) feet in height.
- D. Pool screening and tennis court fencing shall be located where least visible from the street.

No above ground pools shall be allowed.

## **SIGNS**

No signs whatsoever (including, but not limited to, commercial, political and similar signs) shall be erected or maintained on the homesite except such signs as may be required by law and such sign as may be approved by the ARC. For sale signs must be in accordance with the for sale sign specifications set forth by the ARC. Contact the sales office at 770-719-2939 for sign detail.

## LIGHTING

All exterior lighting shall be consistent with the character established in Newhaven and be limited to the minimum necessary for safety, identification, and decoration. Exterior lighting of buildings for security and/or decoration shall be limited to concealed uplighting or downlighting and the style and type of lighting shall be compatible with the building design and materials. The source of lighting shall not be visible from streets and other common areas and no color lens or lamps are permitted.

The Builder shall install a natural flow gas lantern as specified by the ARC to illuminate the sidewalk intersection at the front walkway/driveway. The lantern shall be located within six feet of the backside of the front sidewalk. While it is not mandatory, it is recommended to install open flame gas lanterns on the house. **For purchase of an approved gas lantern, contact Barnett Land Company at 770-631-7000.**

If tennis courts are lighted, homeowner shall be considerate of neighbors and shall not burn lights past 10:00 PM.

## FENCES AND WALLS

All fences and/or walls where permitted shall complement the primary structure in material, design and finish. Wood fences may be stained or painted. Chain link fences are not allowed. Vinyl clad chain link fences are allowed for tennis courts only. Fencing shall be a maximum of 6 feet. Fencing shall not be installed directly on the property line, but rather at least one foot inside the property line and or one foot inside any buffer located on the property. Fence connections shall occur only when the ARC approves and only if the neighboring property owner approves the connection. All fencing must be approved by the ARC for style, location and function. Special attention will be required for perimeter fencing on Redwine, Bernard, the golf course and the ponds.

## LAWN FURNISHINGS

No birdbaths, frog ponds, flag poles, lawn sculptures, artificial plants, bird houses, rock gardens, or similar types of accessories and lawn furnishings are permitted on any homesite without prior approval of the ARC. Outdoor planters, hanging baskets, or any other yard or house appointment shall not have the appearance of plastic. Holiday decorations shall be removed no later than two weeks following the actual holiday.

## **BUILDING CONSTRUCTION STANDARDS**

### **ACCESSORY STRUCTURES**

No more than one (1) detached single-family residential dwelling shall be erected on a homesite. Accessory structures must be approved by the ARC and materials shall complement the primary structure.

### **MINIMUM BUILDING SIZE**

The minimum square feet of air conditioned living area required for main residential dwelling structures is 3200 excluding the basement.

### **MAIL BOXES**

The Builder shall provide and install the mailbox as specified by the ARC. Homeowners shall maintain mailboxes and replace any destroyed or deteriorated mailbox.

### **PORCHES**

All porches must have a minimum depth of 8 feet. All porches must be vertical in proportion. The ceilings and railings must be painted or stained. Venting lattice shall be spaced no greater than 2" and can be applied at a 45-degree angle or vertically/horizontally. It is preferred and recommended to apply the lattice vertically/horizontally. Exceptions may be granted based on architectural merit.

### **EXTERIOR MATERIALS**

Finish building materials shall be wood clapboard, wood shingles, board and batten, concrete fiberboard, solid and painted PVC with the appearance of smooth or grained wood, brick, stone or stucco with a smooth sand finish; and shall be applied consistently to all exterior elevations. Exterior materials shall not be plugged-on. Exterior material should have a purpose. When stone or brick is used, the section or sections where applied should be continuous around corners and not applied to the façade only. All foundations shall consist of the same material. All brick, all stone or all stucco only.

Aluminum or vinyl siding shall not be used. Aluminum and vinyl clad windows may be used if reviewed and approved.

Color selections shall be harmonious with each other and with natural materials, and shall be compatible with colors of the natural surrounding and other adjacent property. No two-tone paint colors will be permitted on exterior walls. All exterior wood shall be painted or stained.

## **WINDOWS**

All windows, transoms and door sidelights shall be simulated divided light (SDL) or true divided light (TDL) in wood, vinyl or aluminum clad materials. Each window shall contain no less than four divided panes. In other words, a double hung window would require at least one vertical mullion to create two divided lights for the top and two divided lights for the bottom window, thus creating four divided lights total. A casement window would need a minimum of one vertical and one horizontal mullion to create the minimum of four divided lights.

## **DOORS**

Primary doors (all doors facing the street) shall be constructed of solid wood and stained or painted. Primary doors with glass shall be wood SDL or TDL.

## **EXTERIOR TRIM AND DECORATION**

Exterior window and door trim and similar decorations shall all be of the same color and material, unless otherwise approved, and shall be either of the same material as exterior wall or directly compatible. All exterior windows and doors must have a minimum 3-1/2" casing or backband. Brick mould alone is not permitted.

Fascia, gutters and downspouts shall blend in and be directly compatible with the architectural detail of the exterior walls. Copper gutters are recommended where possible.

Exterior columns and posts shall be no smaller than 8" x 8".

Exterior shutters shall be sized to match window openings and be operable. Shutters shall be hinged to the frame of the window and secured to the house with decorative shutter holds or more commonly referred to as shutter dogs.

## **INTERIOR WINDOW COVERINGS**

As viewed from the exterior, all windows must have white sheer drapery linings, interior shutters, or blinds and shall be compatible in color and style with the exterior building.

## **CEILING HEIGHTS**

Ceiling height on the main floor of the primary dwelling shall be a minimum of 10 feet and the secondary floors shall be a minimum of 9 feet.

## **BUILDING HEIGHTS**

Heights of buildings shall be compatible with adjacent buildings in a given area.

## **ROOFS**

The composition of all pitched roofs is recommended to be slate, copper, asphalt shingle-architectural style, metal, cedar shakes or other composition approved by the ARC. All pitched roofs must have at least 8:12 slope. Flat roofs shall not be permitted on the main portion of the structure. The ARC shall have the authority to grant variances based upon architectural merit.

Skylights must not be visible from the street unless the skylight is an architectural element and is SDL or TDL.

## **CHIMNEYS**

Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone or stucco with a smooth sand finish and can not be cantilevered. If the fireplace is a metal (self insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cawling or be surrounded by a material approved by the ARC. All fireplaces shall be vented through a chimney chase.



## **GARAGES**

All residential dwellings shall include a garage adequate to house two (2) automobiles and no more than three (4) automobiles.

- A. Floor space allocation for each automobile shall not be less than eleven (11) feet in width and twenty-two (22) feet in length. Special cases may be presented to the ARC for garages to accommodate such items as large vans, boats, etc.
- B. No detached garage shall be less than four hundred eighty-four (484) square feet of total floor space.

All garages shall include garage doors (which shall be a minimum width of nine (9) feet for each automobile) operated by automatic door openers, and a service door. Where possible, no garage door or service doors shall be located on the street front of a residential dwelling unless it is behind the main body of the house or detached. Garage doors shall always be located where they are least visible to persons approaching the residence. When garage doors face the side homesite line, screening from view by landscaping is recommended. The ARC recommends that the garage be located at the rear of the house or to the side, behind the main body of the house. "Detached garages and 'drive-thru porte-cocheres are preferred." Any side-attached garage must be subordinate in massing to the main dwelling and is subject to approval by the ARC based on architectural merit.

Garage doors shall have the appearance of historic "Coach Doors" and be constructed of a material that is similar in appearance to the exterior materials of the buildings, and the color of the garage doors shall be compatible with the color of other exterior finishes of the building. Garage doors, automatic door openers and service doors shall be maintained in a useful working condition and shall be kept closed when not in use. No garage shall be converted to other usage without the substitution of another garage. No carports will be permitted. Port cashiers of an architectural purpose or drive through connections to the main part of the house shall be permitted.

## **INTERIOR DESIGN AND CONSTRUCTION**

All building interiors shall reflect the aesthetic quality and permanence displayed in the architectural character of the exterior design. In its review, the ARC shall consider the functional layout of the floor space and the quality of the finish material and accessories.

## **ENERGY EFFICIENCY**

All homes shall qualify for an overall energy performance in compliance with local and state codes. Double paned insulated SDL or TDL windows are required.

## **APPURTENANCES**

All exterior mechanical equipment including, but not limited to, transformers, vents, air conditioning compressors, pool pumps, meters, etc., shall be concealed from view by walls of the same material and color as the building or by an opaque landscaping screen. No solar heaters shall be allowed where visible from any street.

## **ANTENNAS**

Where visible from any adjoining property, no antenna for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained.

## **BURIAL PITS**

Burial pits are not allowed. Construction debris, and discarded trees must be removed from the property.

## **BURNING**

No burning is permitted. Should a special exception permitting burning be granted, a County burning permit shall be obtained and a copy provided to the ARC.

## **GENERAL CONSTRUCTION ITEMS**

Silt screening shall be placed on the construction site at locations to prevent mud/wash from entering the roadway, sidewalk or path and any properties, which may be affected by the construction. Gravel shall be placed on the road entrance to the construction site.

Toilet facilities must be furnished for the workers on the job site.

Heavy construction, such as framing, is discouraged on Sunday and is not permitted after sundown on Sunday.

Speed limits must be observed within the Newhaven Community. Builders and Homeowners shall ensure that all sub-contractors are made aware of the speed limits.

## **ENFORCEMENT**

These Building Guidelines may be enforced as provided in the Declaration.

## **WAIVER, AMENDMENT AND THIRD PARTY BENEFIT**

The ARC maintains the right from time to time, at the ARC's sole discretion, to waive, amend or modify these Guidelines. Neither the ARC nor its agents or employees shall be liable for failure to follow these Guidelines as herein defined. These Guidelines confer no third party benefit or rights upon any entity.

## **NON-LIABILITY OF THE ARC**

Neither the ARC nor its respective members, secretary, successors, assigns, agents or employees shall be liable for damages or otherwise to anyone submitting plans to it for approval by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ARC with respect to any submission, or to otherwise follow these Guidelines. The role of the ARC is directed toward review and approval of site planning, appearance, architectural vocabulary, and aesthetics. The ARC assumes no responsibility with regard to building design or construction, including without limitation, the structural, mechanical or electrical design, methods of construction, or suitability of materials.

## **ACCURACY OF INFORMATION**

Anyone submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submission, including without limitation, all site dimensions, grades, elevations, utility locations, easements and other pertinent features of the site or plans.

**ADDITIONS, CHANGES AND GENERAL UPDATES TO  
NEWHAVEN  
GUIDELINES OF THE ARCHITECTURAL REVIEW COMMITTEE**

Additions, changes and general updates will be posted in this section in addition to the body of this document. Builders and Homeowners will be notified of these changes in writing.

**NEWHAVEN  
Concept Architectural Review Application**

**Form A**

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Lot: \_\_\_\_\_ Date: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Builder: \_\_\_\_\_ Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Buyer (if presale): \_\_\_\_\_ Landscape Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

1. Are there any variances from the Newhaven Architectural Guidelines being requested under this application?

Yes  No

*If Yes, please attach description of variance request and reason.*

2. Include the following (to remain on file with the ARC):

- Concept Exterior Elevation (may be sketch, photograph or picture)
- Concept Floor Plan
- Concept Exterior Materials (including manufacturer name/color)
- Other information/drawings that may be helpful to the ARC

3. Submit completed application to:

Newhaven Architectural Review Committee  
c/o Barnett Land Company  
1235 Robinson Road, Suite D  
Peachtree City, GA 30269

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**FOR REVIEW COMMITTEE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Due Out: \_\_\_\_\_

Concept Review Action:

Approved: \_\_\_\_\_ Approved with Conditions: \_\_\_\_\_  
(see attached)

Denied: \_\_\_\_\_

**NEWHAVEN**  
**Final Architectural Review Application**

**Form B**

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Lot: _____	Date: _____
Street Address: _____	
Builder: _____	Architect: _____
Address: _____	Address: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____
Buyer (if presale): _____	Landscape Architect: _____
Address: _____	Address: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____

1. Are there any variances from the Newhaven Architectural Guidelines being requested under this application?

Yes       No

*If Yes, please attach description of variance request and reason.*

2. Include the following (one set to remain on file with the ARC):

- Site Plan
- Floor Plan
- Elevations & Sections
- Landscape Plan including front walk & sidewalk feature

3. Complete the attached Exterior Features Chart

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**NEWHAVEN**  
**Exterior Features Chart**

**FORM B**  
**Page 2 of 3**

Lot: \_\_\_\_\_  
Street Address: \_\_\_\_\_

<u>FEATURE</u>	<u>MATERIAL</u>	<u>COLOR/FINISH</u>	<u>DESCRIPTION &amp; MANUFACTURER</u>
Exterior Material	_____	_____	_____
Foundation	_____	_____	_____
Porch Columns	_____	_____	_____
Porch Railing	_____	_____	_____
Porch Ceiling	_____	_____	_____
Porch Undertrimming	_____	_____	_____
Chimney	_____	_____	_____
Roofing	_____	_____	_____
Front Door	_____	_____	_____
Fascia/Trim	_____	_____	_____
Windows	_____	_____	_____
Window Trim	_____	_____	_____
Shutters	_____	_____	_____
Window Boxes	_____	_____	_____
Driveway	_____	_____	_____
Front Walk	_____	_____	_____
Sidewalk Feature (hedge/fence/wall/gate)	_____	_____	_____
Other	_____	_____	_____

**Please provide samples or photographs when possible.**

**NEWHAVEN  
Exterior Features Chart**

**FORM B  
Page 3 of 3**

Lot: \_\_\_\_\_  
Street Address: \_\_\_\_\_

I certify that I have read the current Newhaven Architectural Guidelines, that I have complied with all applicable parts of those standards, and that the information presented above is true to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Submit completed application and check in the amount of \$150 to:

Newhaven Architectural Review Committee  
c/o Barnett Land Company, LLC  
1235 Robinson Road, Suite D  
Peachtree City, GA 30269

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**FOR REVIEW COMMITTEE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Due Out: \_\_\_\_\_

Concept Review Action:

Approved: \_\_\_\_\_ Approved with Conditions: \_\_\_\_\_  
(see attached)

Denied: \_\_\_\_\_

Comments:



**NEWHAVEN  
Construction Agreement**

**Form C**

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Lot: \_\_\_\_\_ Date: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
\_\_\_\_\_  
Builder: \_\_\_\_\_ Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Buyer (if presale): \_\_\_\_\_ Landscape Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Please include, as a part of this application:

- 1. Blackline for marketing:
  - a. Front Elevation
  - b. Floor Plan
  - c. Front Walk & Sidewalk Feature
- 2. Sales Price
- 3. List of Features and other information necessary for marketing
- 4. Construction deposit in the amount of \$1,000 made payable to:

Newhaven Architectural Review Committee  
c/o Barnett Land Company  
1235 Robinson Road, Suite D  
Peachtree City, GA 30269

I certify that I have read the current Newhaven Architectural Guidelines, including the general rules for Conduct, that I have complied and will comply with all applicable parts of those guidelines, including Final ARC Approval (Form B), and that the information presented above is true to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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**FOR REVIEW COMMITTEE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Due Out: \_\_\_\_\_  
Deposit: \$ \_\_\_\_\_ Date: \_\_\_\_\_  
Return of Deposit: \_\_\_\_\_ Date: \_\_\_\_\_

**NEWHAVEN  
Final Inspection**

**Form D**

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Lot: \_\_\_\_\_ Date: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Builder: \_\_\_\_\_ Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Buyer (if presale): \_\_\_\_\_ Landscape Architect: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Requested Date of Inspection: \_\_\_\_\_

I do hereby certify in good faith that the contracted structure on said Lot conforms to the Newhaven Architectural Guidelines and the Construction Documents as approved by the ARC. All site work, landscaping, cleaning, removal of temporary utilities, and repair of damage to the right-of-way and common areas has been implemented. This constitutes a request for return of the construction deposit.

\_\_\_\_\_  
Builder's Signature

\_\_\_\_\_  
Date

Submit to: Newhaven Architectural Review Committee  
c/o Barnett Land Company  
1235 Robinson Road, Suite D  
Peachtree City, GA 30269

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**FOR REVIEW COMMITTEE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Due Out: \_\_\_\_\_

Pass Final Inspection: \_\_\_\_\_ Changes Required: \_\_\_\_\_  
(see attached)

**NEWHAVEN**  
**Application for Change(s)/Addition(s)**

**Form E**

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Lot: _____	Date: _____
Street Address: _____	
Builder: _____	Architect: _____
Address: _____	Address: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____
Owner: _____	Landscape Architect: _____
Address: _____	Address: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____

Description of Change (attach Architect's sketch of proposed change):

Reason for Change:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Submit to:                      Newhaven Architectural Review Committee  
   c/o Barnett Land Company  
   1235 Robinson Road, Suite D  
   Peachtree City, GA 30269

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**FOR REVIEW COMMITTEE USE ONLY**

File Number: _____	Date Received: _____	Due Out: _____
Approved: _____	Approved with Conditions: _____ (see attached)	
Denied: _____		