

# **SOARING HEIGHTS OWNERS ASSOCIATION**

To: Members or future members  
Soaring Heights Owners Association

Re: Design Review Guidelines

The enclosed Design Review Guidelines (DRG) have been adopted as of April 11, 2011, as referenced at article XVII and XIX of the Declaration of Soaring Heights recorded September 1, 1998 at Carroll County Registry of Deeds, Book 1766, Page 384.

If you are planning new construction or outside changes to your property, please review these guidelines, together with the covenants and restrictions found in the Declaration (part of your deed). Prior to starting the project, please contact a board member to initiate the application approval process.

Thank you,

Soaring Heights Owners Association  
Board of Directors

## Design Review Committee Request Form

The Design Review Committee (DRC) reviews all proposed exterior modifications to your property within the community.

Homeowner's Name: \_\_\_\_\_

Soaring Heights Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### Request

All requests should be detailed and include drawings, specifications, schematics, etc. for proper evaluation, as detailed in Appendix A, Pg.3, Section IV..

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### Design Review Committee

\_\_\_ Approved

\_\_\_ Not Approved

\_\_\_ Additional information needed, please submit

\_\_\_ Remarks:

DRC Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SUBMIT TO: SHOA DRC, P O BOX 420, WEST OSS�PEE, NH 03890**

APPENDIX A  
DESIGN REVIEW GUIDELINES  
OF  
SOARING HEIGHTS OWNERS ASSOCIATION

4/13/11

I. AUTHORITY & PURPOSE.

The Declaration of Covenants, Restrictions and Easements of Soaring Heights, Inc., dated September 1, 1998 is recorded at the Carroll County Registry of Deeds as Book 1766, Page 384, (the "Declaration"). All property subject to the Declaration is also subject to the Design Review Process referenced at Article XVII and Article XIX of the Declaration, which process has been conveyed to the Soaring Heights Owners Association by deed of Soaring Heights, Inc. dated January 23, 2008 and recorded at the Carroll County Registry of Deeds at Book 2713, Page 460. Where a conflict exists between the Design Review Guidelines and the Declaration, the Declaration shall govern.

These Design Review Guidelines are adopted to maintain the standards established by the current residences subject to this Declaration, and to ensure consistency of building review and approval.

II. THE DESIGN REVIEW BOARD.

The Design Review Board (hereinafter "DRB") shall consist of three (3) Owners.

Any member of the DRB who submits a request to the DRB shall not participate in the review process. An alternate temporary member appointed by the Association's Board of Directors and shall act during any review of an application submitted by a DRB member. The DRB shall maintain minutes of all of its meetings, which shall be available upon request to all Owners no later than seventy-two hours after any meeting.

III. DESIGN CRITERIA.

A. Structure Architecture.

1. General Purpose. The general purpose of these guidelines is ensure that Homes, Home Lots, and Lots are part of a harmonious residential neighborhood situated in a natural, wooded setting.

2. Home Lots. Homes constructed on Home Lots shall have a minimum footprint of heated living space of 1,600 square feet for a single story building, and 1,200 square feet for a multi-level building, up to a maximum of 2 stories; the second story must have a minimum square footage of 66% of the first story. All Homes shall, at a minimum, have a single-car fully-enclosed attached garage, or a detached garage large enough to house a minimum of two cars. For purposes of these Guidelines, heated living space shall exclude garages, porches, decks, and basement areas on a concrete slab whether finished or not.
  3. Foundations. Exposed concrete shall be avoided wherever possible. All structure walls shall extend to within 24" of the proposed grade unless an alternative is approved by the DRB.
  4. Roofs. Roof slopes, materials and colors shall be consistent with the original Soaring Heights community. Buildings less than 40' wide shall have a minimum of an 8/12 pitch roof. Buildings 40' wide or larger shall have a minimum of a 6/12 pitch roof. Roofing material shall be architectural shingles, baked enamel, steel or other surface, as approved by DRB. Exposed metal chimneys greater than 2 feet tall must be enclosed.
  5. Siding, Windows, Doors and Exterior Colors. The DRB may develop and maintain a list of acceptable siding, windows, doors, and exterior colors, which shall generally be consistent with the sizes, colors, and materials already in use at Soaring Heights.
  6. Fencing and Walls. Fences and walls made of natural materials (i.e., wood or stone) are permitted with prior approval of the DRB.
  7. Hangars. Garages and hangers shall be architecturally consistent with the primary residence on the same lot. Neither hangers nor garages shall serve as primary residences, or include apartments.
  8. Culverts. Culverts shall be installed so as to permit the natural flow of water.
- B. Prohibited Improvements.
1. Any improvement that interferes with aviation access to roads, taxiways, and/or runways.

2. Any improvement that interferes with snow plowing or septic system maintenance.
3. Any improvements that alter the appearance of the property so that it no longer meets DRB Guidelines.
4. Landscaping and new structure construction or modification shall be designed to minimize disturbance of existing natural features. To the extent reasonably possible, existing site conditions shall be restored to the satisfaction of the DRB upon completion of construction or modification.

IV. THE APPLICATION, REVIEW AND APPROVAL PROCESS.

- A. Pre-Application Conference. An optional pre-application conference may be requested by any Owner. The Owner and his or her builder or architect may attend to generally discuss proposed new construction, modification or improvement and the anticipated time schedule. The pre-application conference site shall be determined by the DRB.
- B. Application-Structure Construction or Modification.
  1. The application shall consist of one copy of all permits and approvals issued by town and state, architectural drawings, and the DRB checklist. The application shall also include one (1) copy of a Site Plan for all proposed new construction or modification/improvement that alters the footprint of an existing structure (including decks).
  2. Architectural drawings (which may be prepared by an architect or a lay person) shall be drawn on a scale of  $\frac{1}{4}'' = 1.0$  foot and, at a minimum shall show:
    - a. All changes in floor level and the relationship to exterior grades.
    - b. All exterior views and dimensions of any proposed construction, or modification/improvements.
    - c. All doors and windows with dimensions.
    - d. All decks, porches and other appurtenances.

3. The completed Owner application, including checklist, shall be delivered to the DRB and shall constitute an agreement by Owner/Applicant to be bound by all terms and provisions of these Design Review Guidelines. No work shall begin until the completed application is received.

C. Review and Approval Process - New Construction or Modifications/Improvements

1. Notice and Scheduling of Site Review Meeting. Within fourteen (14) days of receiving an application, the DRB shall either:
  - i) schedule a meeting of the DRB to be held at the site of the proposed new construction or modification/improvements (“The Site Review Meeting”)
  - ii) return any incomplete application to the Applicant with a specific description of application deficiencies
2. Application Approval/Rejection. As soon as possible after the Site Review Meeting and in no event later than seven (7) days after the Site Review Meeting the DRB shall meet to deliberate and approve or reject the application. If rejected, the DRB shall notify the Applicant in writing of the specific reasons for rejection making reference to specific provisions contained in these Design Review Guidelines. If approved, the DRB shall sign, date and forward a copy of the Architectural Drawings, Materials List, and Site Plans to the Association’s Board of Directors and one copy will be retained by the DRB. Notice of approval or rejection, signed by the President, shall be sent to the Applicant by first class mail.
3. Inspections. The DRB shall have the right to perform inspections during the construction process to ensure that there are no deviations from the Approval, and to assist applicants when they have questions regarding the intent of the Design Review Guidelines.
4. Final Approval. Upon completion of construction the DRB shall visit the site and compare construction results with the approved Architectural Drawings and Site Plans. In the event construction deviates from the approved application, the DRB shall notify the

Applicant, and the Association's Board of Directors of the deviation describing with specificity deviations from the approved application. The Applicant shall have forty-five (45) days after the DRB Notice within which to cure any deviation. In the event construction is consistent with the approved application (including finish landscaping,) then the DRB shall forward Notice of Compliance, signed by the President, to the Association's Board of Directors and the Applicant.

V. CONSTRUCTION PROTOCOL.

A. Construction Contract. If the Applicant enters into a construction contract with a builder, such contract shall include, without limitation, the following:

1. Reference to and incorporation of these Design Review Guidelines.
2. A construction schedule reasonably acceptable to the Applicant, the builder and the DRB providing for a fixed completion date subject to deferral upon approval of the Applicant and the DRB in the event of unforeseen weather conditions or other matters beyond the control of the parties; however, the exterior construction and landscaping shall be completed within 365 days from the start date.
3. A liquidated damages clause providing for payment of Fifty Dollars (\$50.00) per day in the event construction continues beyond the proposed construction schedule with the penalty paid by the owner/Applicant to the Soaring Heights Owners Association, unless an extension has been granted by the DRB.
4. Provisions requiring that all tools and materials (exclusive of excavation equipment) be stored in the home covered or otherwise kept out-of-sight to other homes, and the general public at the close of each work day.
5. Provisions requiring that all scrap, trash and refuse be cleaned and placed in an on-site dumpster or trash receptacle at the close of each work day.
6. Provisions prohibiting the Applicant and/or the builder from using common land or common facilities (e.g. the Association's dumpster) for storage or disposal of construction supplies, debris or equipment other than as shown on the Site Plan.

7. The construction of Primary residence must precede that of Hangar and/or Garage.

B. Construction Activities. All construction activities shall take place consistent with the following:

1. Ingress and egress to the site shall be made through one location as indicated on the Site Plan. Damage to streets, common areas and trees as a result of construction activities will be repaired/replaced by the Applicant.
2. A dumpster shall be placed on-site prior to the start of work. All construction debris shall be placed in the dumpster and the area will be kept clean. No remodeling debris shall be placed in the Association's dumpster. The construction site shall be cleaned at the end of each work day with all materials and tools stored in the Home, covered or otherwise out-of-sight, and all trash/debris placed in the dumpster or removed from the site.
3. No signs will be displayed at any time, including those of contractors, subcontractors or signs advertising other goods or services.
4. The working hours for construction personnel at Soaring Heights Owners Association will be from 7 A.M. to 6 P.M., Monday through Friday and 8 A.M. to 1 P.M. on Saturday. No construction on Sundays.

VI. NON-COMPLIANCE.

- A. Penalties. In addition to the legal and equitable remedies applicable to violations of the Declaration, the Applicant shall pay liquidated damages in the amount of Fifty Dollars (\$50.00) per day for any violation that remains unabated after written notice is provided to the Owner/Applicant and/or the builder by the DRB, or the Association's Board of Directors. Any such fine will constitute a lien on the property as provided in Article [5] of the Declaration, with the same payable to the Association, as well as interest and costs of collection, including reasonable attorney's fees. Nothing herein shall alter the obligation of a builder to pay greater liquidated damages if required by a construction contract.
- B. Construction, Modification, or Improvements Prior to Approval. If, for any reason, new construction, modification or improvements are started prior



to the receipt of written approval by the DRB, the Owner shall be deemed in violation and shall be subject to penalties as provided above.

- C. Deviation from the Plan. Deviations from the approved application that occur during construction will be subject to the penalties as described at Section VLA, above, unless such deviations are approved in advance, in writing by the DRB.

VII. AMENDMENT.

These Design Review Guidelines may from time to time, be amended by the DRB and the Association's Board of Directors consistent with its rule-making authority as described in the Declaration.

VIII. DEFINITIONS.

All terms used in these Design Review Guidelines shall have their common meaning unless specifically defined otherwise in the Declaration.

The within Design Review Guidelines were adopted by the Board of Directors in accordance with the Declaration by Soaring Heights Owners Association, this 26 day of April, 2011.

SOARING HEIGHTS OWNERS ASSOCIATION

Diary E. Witt  
Witness

By: Gary Cole  
Gary Cole, President