

ARTICLE VII0VII0
Architectural Review Board

7.1. Board composition¹. The Mahoosuc Glen Architectural Review Board (the “MGARB”) shall consist of three (3) individuals. One member of MGARB shall be a representative of SR Golf Holdings,LLC. One member of MGARB shall be a representative of Sunday River Skiway Corporation. The third member of MGARB shall be a Homeowner who is appointed by the Board and shall be responsible to the Board.

7.2. Purpose². The MGARB shall regulate the exterior design and appearance of Homes and Improvements and the construction of Homes and Improvements, so as to (a) promote those qualities in the environment that bring value to the Subdivision and the Lots, and (b) foster the attractiveness and functional utility of the Subdivision as a residential development, including a harmonious relationship among structure, vegetation and topography. A more detailed discussion of the role of the MGARB and the guidelines it is charged with administering can be found in a document titled Mahoosuc Glen Architectural Review Process & Design Standards, (the “Design Standards”) which is attached hereto, marked as Exhibit D. The provisions of the Design Standards shall have the same force and effect as if recited in this Declaration of Covenants.

7.3. Aesthetic Considerations³. No Improvements, Homes, projections or other structures, and no fences, walls, patios, planters or other similar items shall be commenced, improved, constructed, maintained, erected, altered (as, for example, by painting or staining the exterior of any Home or glazing or tinting of any glass surface) or remodeled, nor shall any grading, excavation, tree removal, planting and/or exterior addition, change or alteration thereon be made, until plans and specifications accurately showing the nature, kind, shape, dimensions, materials, color (including color of paint or stain) and locations of the same shall have been submitted to and approved in writing by the MGARB. The MGARB shall also have the right to review and approve landscaping plans.

7.4. Criteria for Review⁴. Construction or alteration of all Homes shall be in compliance with the Design Standards, and construction shall not begin until Final Plan approval has been granted by the MGARB. The MGARB shall review all applications for new construction and alterations, considering:

- a. the purpose of such design review as provided in this Declaration and the Design Standards;
- b. the harmony, integrity and conformity of exterior design, color, and location relating to surrounding structures and topography;
- c. relation of the proposed construction to the natural topography, grade and finished ground elevation;

- d. relation of the structure to that of neighboring structures and to natural features of the Property;
- e. relation to the overall community design of Mahoosuc Glen;
- f. the character of the exterior materials, and the quality of the exterior workmanship to be employed;
- g. conformity of the plans and specifications to the purpose and general plan and intent of this Declaration and the Design Standards; and
- h. maintenance responsibilities and duties of the Association as specified in this Declaration.

7.5.0 Review Procedures⁶⁰. The MGARB's review procedures are more fully set forth in the Design Standards. The Association may adopt additional rules or guidelines from time to time setting forth or modifying procedures for the submission and review of plans for new construction and alterations. All such procedures shall be consistent with the following:

- a. Applications for MGARB approval of new construction or alterations shall be accompanied by a filing fee of \$500.00. The board may amend the amount of such fee from time-to-time provided that any such fee is either uniform (i.e. the same for all lot owners) or based upon reasonable criteria such as the estimated cost of the contemplated construction. Applicants also shall be responsible to pay all costs incurred by the MGARB in carrying out its review. By way of example and not limitation, such costs may include consultations by MGARB with architects, engineers or other construction professionals to assist the MGARB in the review of technical aspects of an application. The MGARB shall bill applicants for actual review costs incurred. These costs shall be in addition to the application fee.
- b. The MGARB may require such level of detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, drainage plans, elevation drawings and descriptions or samples of exterior material and colors. Review of any plan submitted for approval may be postponed until the MGARB has received any plans, specifications or other materials referred to in this subsection.
- c. Decisions of the MGARB and the reasons for the decisions shall be transmitted to the applicant at the address set forth in the application. If the MGARB fails to approve or disapprove such plans and specifications within 60 days after they have been submitted, then such plans and specifications shall be deemed to have been approved as submitted; provided, that for purposes of this subsection, such plans and

specifications shall not be deemed to have been submitted until any additional information or detail requested by the MGARB have been actually received by the MGARB.

7.6. Appeal Procedure. An applicant may appeal any final decision of the MGARB to the Board, which may reverse or modify such decision by a two-thirds (2/3) vote of those directors present and voting at a meeting at which a quorum is present.

7.7.0 Compliance with Legal Requirements70. Approval by the MGARB of any proposed new construction or alterations shall not be construed as a determination that the proposed work complies with the provisions of any municipal zoning code or other governmental requirement. The Homeowner proposing to undertake such work shall be solely responsible for complying with all applicable governmental requirements and obtaining all necessary permits and approvals, and shall submit evidence of such compliance to the MGARB on request.

7.8. Diligence in Completion8. After obtaining approval by the MGARB and satisfying all applicable governmental requirements, the Homeowner proposing new construction or alterations shall commence construction promptly, proceed diligently and notify the MGARB of the completion of construction within ten days after such completion.

7.9. Noncompliance9. The MGARB shall have power to enforce compliance with this Article VII in accordance with the following provisions:

a. The MGARB may request that the Board exercise its right to impose sanctions for violations of this Declaration and other rules and regulations of the Association, and, acting in the name of the Association, may apply to any court of competent jurisdiction for injunctive or other equitable relief against any Homeowner who undertakes or threatens to undertake any new construction or alterations that have not been approved by the MGARB.

b. With the approval of the Board, the MGARB may, at the initial cost of the Association, take such action as is reasonably necessary to remedy any noncompliance. Upon completion of any such action, the MGARB shall notify the Homeowner responsible for the noncompliance of the cost (including attorneys' fees and other professional fees, if any) of the remedial action, and such Homeowner shall reimburse the Association for such cost within thirty (30) days after the date of such notice. If such Homeowner fails to make such reimbursement within such 30-day period, the MGARB shall notify the Board of such failure, and the Board shall assess such cost against all Lots owned by such Homeowner in the manner and with the effect specified in Section 2.7, above.

c. The MGARB or its duly authorized representative may at any time inspect any construction work for which approval of plans is required, except that the MGARB's right to inspect new construction or alterations for which plans have been

submitted and approved shall terminate 180 days after completion of such construction. The MGARB's right to make inspections shall not terminate pursuant to this subsection if the plans for such new construction or alterations were not approved by the MGARB.

d. If, as a result of an inspection conducted pursuant to Subsection 7.9(c) the MGARB finds that construction that required MGARB's approval was done without obtaining such approval, or MGARB-approved construction was not done in substantial compliance with plans approved by the MGARB, it shall notify the Homeowner in writing of the failure to comply, specifying the particulars of noncompliance.

e. If the Homeowner disputes the MGARB's determination of noncompliance, he may, within thirty (30) days after the date of the MGARB's notice, request a hearing before the Board. If such a hearing has been timely requested, no action to enforce compliance shall be taken until the hearing has been held and the Board has announced its determination.

f. A Homeowner who is determined to have undertaken new construction or alterations in violation of the provisions of this article shall remedy such violation within thirty (30) days after the MGARB has given notice of such violation or, if such Homeowner has requested a hearing before the Board pursuant to Subsection 7.9(e), within 30 days after the date of any notice that the Board has found such violation to exist.

g. If for any reason the MGARB fails to notify a Homeowner of noncompliance with previously submitted and approved plans within 180 days after the MGARB has received written notice of completion from the Homeowner, the construction shall be deemed, for purposes of this Section 7.9, to comply with the approved plans.

7.10.0 Variances¹⁰. The MGARB shall have power to authorize variances from compliance with any of the architectural provisions of this Declaration, including restrictions on size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Any such variance must be evidenced by a document signed by a majority of the members of the MGARB and recorded in the Oxford County Registry of Deeds. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provision hereof covered by the variance, nor shall any such variance limit a Homeowner's independent obligation to comply with all applicable governmental requirements.

7.11. Approvals Set No Precedents¹¹. The approval by the MGARB of any plans, specifications, drawings or other proposal for any new construction or alteration shall not constitute approval of, or require the MGARB to approve, any similar plans, specifications, drawings or other proposal pending concurrently or subsequently submitted for approval.

7.12. Meetings12. The MGARB shall meet from time to time as necessary to perform its duties hereunder, and shall meet whenever instructed by the Board to do so. The quorum for any meeting of the MGARB shall be a simple majority of the members of the MGARB. The vote of a majority of the members of the MGARB at a meeting at which a quorum is present, or the unanimous written consent of the members of the MGARB taken in lieu of a meeting, shall constitute the act of the MGARB. The MGARB may from time to time by unanimous resolution designate a representative (who may, but need not, be one of its members) to perform any duties on behalf of the MGARB, except that the MGARB's power to actually approve applications or grant variances may not be so delegated.

7.13. Compensation of Members13. The members of the MGARB shall receive no compensation for their services as such, other than reimbursement for actual expenses incurred by them in the performance of their duties hereunder.

7.14. Address14. Unless the MGARB shall otherwise specify in a written notice delivered to all Homeowners, all requests for approval under this Article VII shall be submitted in person or by registered or certified mail to the principal office of the Association, directed to the attention of the MGARB.