

Exhibit 4 Design Guidelines

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DESIGN GUIDELINES AND DESIGN REVIEW PROCESS
 FOR MEADOW RIDGE, SOUTH HILLS, FERNBANK AND NORTH HILLS
 SUBDIVISIONS AT
CRESS CREEK
 A RESIDENTIAL - GOLF COURSE Community

DESIGN GUIDELINES

- I. Intent of the Design Guidelines 1
- 11. Design Review Process Overview 2
 - A. General Procedures and Requirements for the Applicant/Builder
 - B. Application/Submittal Fee Information
 - C. Master Planning
- 111. Concept Review 3
 - A. General Procedures and Requirements for the Applicant/Builder
 - B. ARC Concept Review Meeting
- IV. Preliminary Plan Review 4
 - A. General Procedures and Requirements for the Applicant/Builder
 - B. Preliminary Plan Review Requirements
 - C. ARC Preliminary Plan Review Meeting
- V. Final Plan Review - Construction Documentation Review 5
 - A. General Procedures and Requirements for the Applicant/Builder
 - B. ARC Final Plan Review Meeting
 - C. Specific Final Plan Review Requirements
- SITE DEVELOPMENT GUIDELINES 6**
- ARCHITECTURAL GUIDELINES 8**
- SUMMARY 13**
- Appendix 1-Submittal Packet 15**
- Appendix 2-Regulations 19**
- Appendix 3-Recommended Plant List 22**
- Appendix 4-Notification Sign 23**

I. INTENT OF THE DESIGN GUIDELINES

Meadow Ridge, South Hills, Fernbank, and North Hills Subdivisions at Cress Creek (hereafter referred to as Subdivisions at Cress Creek) are a community where diverse interests intermingle. Without controls, the potential for the unpredictable efforts of one owner to devalue those of another is increased. Therefore, these Design Guidelines, pertaining to all site and building development, have been adopted to provide a basis for consistency of development, while respecting the natural setting and allowing creative expression within individual environments.

The primary areas of concern addressed by these Guidelines are Site Development and Architectural Appearance, especially as these relate to harmonious relationships with the existing terrain and among neighboring structures.

In general, the goals are to minimize harsh contrasts in the landscape and architectural context, to conserve pleasing and significant natural systems, and to encourage unassuming architecture appropriate to this unique environment.

Any type of construction proposed for Cress Creek property is subject to review under these Guidelines, including but not limited to the following elements:

1. Any grading and/or disturbance of vegetation
2. Drainage alterations
3. Road construction
4. Walk construction
5. Utility construction
6. Construction of new housing
7. New construction of site features such as tennis courts, pools, greenhouses, gazebos, bridges, retaining walls, fences, and patios.
8. Additions to, or renovations of, existing features which alter the exterior appearance including landscaping.

The process for establishing the Architectural Review Committee (ARC) and defining the specific duties and powers conferred on it is defined in ARTICLE XI of the Public Offering Statement for the Subdivisions at Cress Creek.

The ARC reserves the right to revise these Guidelines as changing conditions and priorities dictate, in order to maintain maximum real and aesthetic benefits to the Subdivisions at Cress Creek/Fernbank properties.

These Design Guidelines shall apply to all properties within the Subdivisions at Cress Creek and are subject to the criteria established in the current Federal, State, and County regulations, as well as all zoning and subdivision regulations and building codes (International Residential Code 2000 or the latest adopted edition), whichever criteria are most restrictive.

It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek the assistance of a qualified design professional with skills appropriate to the task at hand, such as an architect, landscape architect, civil engineer, surveyor, etc.

These Design Guidelines have been designed for the purpose of effective use of time as well as to provide a high quality of service in reviewing applications.

II. DESIGN REVIEW PROCESS

A. General Procedures and Requirements for the Unit Owner and Builder

1. All construction that is to be undertaken within the Subdivisions at Cress Creek is subject to review under these Design Guidelines.
2. Prior to preparing a submittal, the Applicant (unit owner or agent) should review a copy of these Design Guidelines and the respective Covenants, Conditions, and Restrictions for the Subdivisions at Cress Creek.

3. The applicant shall submit application fee and all required materials for review by the ARC no later than 15 calendar days prior to the scheduled committee meeting.
4. Materials will be reviewed prior to the meeting for completeness of the submittal. If the application is incomplete, the applicant will be informed prior to the meeting. The applicant will then be required to provide all of the requested materials either before the ARC or, in the case of minor amendments at the ARC meeting. If the applicant does not comply with these requirements, the ARC reserves the right to defer reviewing the application until all such requested materials have been provided.
5. The approval process for Hardscape and Softscape Modifications are detailed under III. Concept Review.

B. Application/Submittal Fee Information

1. The purpose of these fees is to obtain recovery of the administrative and professional services incurred to conduct consistent and comprehensive design review and to comply with applicable notification and documentation required by these guidelines. The anticipated result is a net zero impact on both the CCUOA and FUOA budgets and consequently the annual unit owner's assessment.
2. Administrative and Professional Services
 - a. Architectural and design consultation and recommendations
 - b. On-site reviews
 - c. Notifications to applicants, nearby neighbors, committee members and others
 - d. Recording of finding and decisions
 - e. Preparation of minutes
 - f. Maintenance of all pertinent documentation to provide a total history of each lot and to support comparative reviews
 - g. Funds collection and disbursement including bookkeeping

3. Applicant shall attach a check payable to Fernbank Unit Owners Association, Inc., or to the Cress Creek Unit Owners Association, Inc., with the submittal packet.

4. Submittal Fee Structure

a. Fees for New Construction

Concept Review	\$175.00
Preliminary Plan Review to Final Review	\$500.00
Required additional review meetings	\$175.00 each

b. Fees for Hardscape Modifications

The following modification to a developed site are categorized as hardscape modifications: Additions, construction of an outbuilding, driveway, retaining walls, parking, deck, terrace, fence, path, pool, patios, tennis court, lighting or other structures.

Project Cost Estimate	Review Fee
\$25,000	\$250.00
\$10,000-\$25,000	\$150.00
\$5,000-\$9,999	\$150.00
\$2,500-\$4,999	\$50.00
\$1,000-\$2,499	\$35.00
\$1,000	\$25.00

c. Softscape Modifications

There will be no fees charged for softscape additions or changes to property. Examples of softscape modification include: change of exterior paint color; removal of trees; and planting of shrubs, flowers and trees.

C. MASTER PLANNING

The Cress Creek/Fernbank Homeowners associations and the ARC will provide a review of any proposed design that is intended to be Master Planned (implementation phased over a period of time greater than a year).

The Master Plan design can either be a CONCEPT REVIEW submittal in which case the Owner may seek and receive general approval for the overall design concept, or the submittal can be the PRELIMINARY PLAN DESIGN REVIEW in which case the Owner may seek and receive general approval for specific design elements.

Final Design review approvals are valid for one year but may be renewed (no review, no fee) for an additional year by letter of request filed to ARC within 30 days of expiration date if there are no changes.

III. CONCEPT REVIEW

A. General Procedures in Preparation for meeting with the ARC for the Applicant.

After selecting a site and an architect and formulating a rough concept for development of, or alteration to the property, a very important first step shall be a presentation of this concept to the ARC.

This will help to ensure that the desired development is compatible with the site and neighboring development and further meets the goals of these guidelines.

It is anticipated that the review comments will be general in nature. The ARC and its professional consultants may address specific questions at the Concept Review, however.

B. Prior to the Concept Review the applicant shall:

1. Review the Design Guidelines. (Please refer to the Design Review Process Checklist, Appendix 1, page 17)
2. Review the Covenants, Conditions and Restrictions
3. Site Visit prior to ARC meeting by applicant/builder/architect or design consultant.
4. Sign and submit the Concept Review Application from Appendix 1, page 15, with a statement of the total square footage under roof with concept sketch drawings.
5. ***Post a sign at the street side of their Lot which advertises the date of their scheduled ARC Meeting. The sign will be made available to the applicant by the ARC upon submittal of their fees. The sign must be posted for no less than five days prior to the date of the hearing. Failure to post will require postponement of the hearing for the Applicant's case. This requirement is for any review that requires a fee (New Construction or Hardscape Modifications).***

C. ARC Concept Review Meeting

1. The Applicant and his/her consultant(s) shall present a description of the design and shall respond to questions about the construction program by the ARC and its professional consultant(s). A verbal and graphic description on the construction program would include a building concept(s) and approximate location(s), means of access, grading concepts, and extent of site disturbance.
2. A conceptual sketch plan shall be submitted to the ARC at 1" to 50' scale with 2' interval topo showing approximate building location, approximate driveway, walkway and landscape locations, accompanied by an artistic sketch of the front elevation of the building with a declaration of style of architecture.
3. The ARC shall make any comments deemed pertinent to the construction program during this meeting, after which the applicant or his/her agent may proceed to develop more detailed plans.
4. For Hardscape Review, which is a modification or addition to an existing structure, the Applicant must submit adequate information to fully illustrate existing conditions.

IV. PRELIMINARY PLAN REVIEW

A. General Procedures and Requirements for the Applicant

The Applicant and his/her builder or architect shall develop, following the Concept Review, a more detailed building and/or site plan. These plans shall incorporate recommendations by the ARC and any other information in order for the ARC to accurately assess impacts on the site and adjacent properties. Plans should give an exact indication of building location(s), mass, and materials, access, grading, limits of disturbance, and planting concept.

B. ARC Preliminary Plan Review Meeting

1. The applicant shall schedule to meet with the ARC at a place and time as determined by the ARC, giving at least a 15-calendar day notice to the ARC.
2. The review meeting will focus on scale and massing of the building and location of the building on the site. It may also include a review of architectural details, but does not preclude additional detailed comments to be addressed in the final plan review.
3. In addition, there shall be a review of any other significant structures, such as outbuilding, recreational facilities, retaining walls, fences, etc.

C. Specific Preliminary Plan Review Requirements

The applicant starts the preliminary plan review process with the submission of the following required information.

1. Detained Site Analysis

- Survey and legal description of property boundaries and any easements, provided by a licensed surveyor
- Existing topography, with a minimum 2' interval and extending 50' beyond all property lines, with indications of significant drain ways
- Precise locations of all shrub masses, trees with 2" or greater caliper, and rock outcrops
- Existing locations of all utilities required to service the property
- Location of all adjacent roads
- Indication of north arrow and scale
- Name, address and phone number of legal owner(s), surveyor, and architect.

2. Landscape and Final Grading Plan

The Applicant must submit a Landscape Development Plan for approval. The plan must be 1"==20' scale (or larger) and locate all proposed new and existing trees larger than 4" caliper (or tree lines), shrubs, vines and ground covers and all information indicated below.

- Precise building location(s)
- Precise driveway and parking locations
- Location of any other outbuildings, decks, terraces, fences, paths, pools, tennis courts, lighting or other structural construction
- Proposed grading and drainage, including any necessary structures, culverts, detention areas, etc.
- Proposed planting, with indications of plant locations and types, indication of means of irrigation, if required, and limits of any required slope stabilization with description of methods to be used
- Routing of any required utilities including locations of any above grade enclosures (switching boxes, transformers, bottled gas, HVAC units, etc.) and the landscaping screening thereof
- Location of any exterior enclosures required for trash removal.
- Elevation from 4 sides with finish grade demonstrating foundation reveals
- Finish grading plan with 2' interval contour lines to foundation, expanded detail

3. Preliminary building plans, including at least the following:

- Floor plans, at 1/8" == 1'0"
- Roof plans, at 1/8" == 1'0"

- Elevations of all sides of proposed construction at 1/8" = 1'0"
- Pertinent sections, at 1/8" = 1'0"
- The applicant shall provide 2 sets of plans to the ARC 15 days prior to the Preliminary Plan Review.

V. FINAL PLAN REVIEW - CONSTRUCTION DOCUMENTATION REVIEW

A. General Procedures and Requirements for the Applicant

Following approval of the Preliminary Plan, detailed design may resume, incorporating recommendations of the ARC and any other minor design changes suggested by the Applicant and/or architect. At this point, the level of detail shall be such that after submittal and approval, construction could begin.

Pending final approval based on comments provided by the ARC, the Applicant must revise all changed drawings to reflect the approved configuration. These drawings must be 100% accurate before the ARC can provide the final approval.

B. ARC Final Plan Review Meeting

1. Applicant shall meet with an ARC representative on site to review field stake out and final plan specifications.
2. Refer to Preliminary Plan Review. All procedures shall be similar, except that the ARC shall give approval to seek a building permit, should the plans prove to be acceptable. The ARC reserves the right to reject any plans, which vary significantly from the verbal approvals.
3. Once the ARC has approved the Final Plan and Construction Documents and demonstrated compliance with these Design Guidelines, issuance of the building permit should be straightforward in most cases. No construction may begin until the permit is issued.
4. It should be noted that approval by the ARC is valid for only one year. Should a building permit not be applied for, the entire process may have to be repeated at the discretion of the ARC.
5. The Final Plan and Construction Documentation Review form must be signed and presented to an ARC representative.
6. Construction period rules shall be reviewed with Applicant and Builder with attention to locations of trash disposal and porta toilet, etc.

C. Specific Final Plan Review Requirements

1. Resubmit Detailed Site Analysis if any additions or adjustments have occurred. Final site plan showing all the elements indicated in the Preliminary Plan Review. All of the site issues will be reviewed in detail for compliance with approved concept and preliminary reviews.
2. Resubmit Detailed Construction Program, including all changes and adjustments, with precise locations and dimensions of all improvements.
3. Resubmit refined floor plans, roof plans, elevations, sections, perspective sketches and optional models.
4. Final elevations shall be primarily reviewed for massing and detail. Note all elevations must be accurate to the actual desired design. Handwritten notes, which describe changes from base plans, hand scribbled windows, notes on material changes, inaccurate grades, etc. will not be acceptable. Important exterior details must be included either in section or large-scale detail drawings.
5. Resubmit refined plans for all other significant structures.
6. Elaborate upon planting plan, indicating all materials to be used, with quantities, sizes, conditions, and any special remarks, including existing plants to be removed or transplanted. Include an irrigation plan, completed by qualified personnel (if required).
7. Accurately field stake property boundaries and corners, setback, and/or centerlines of all improvements, giving horizontal and vertical dimensions where appropriate. Tag all trees over 4" caliper which are to be removed.
8. Submit color board depicting all significant exterior materials, colors, and textures.
9. Submit complete set of specifications.
10. Provide proposed schedule of construction.

SITE DEVELOPMENT GUIDELINES

INTRODUCTION

Each Lot in the Subdivisions at Cress Creek has its own specific qualities and characteristics. The ARC will be looking very critically at site plans to determine whether existing features are respected and sensitively utilized. A preference will be expressed for plans which minimize disturbance of existing vegetation, rock formations, and drainage patterns, while taking advantage of short and long views and maximizing solar exposure. Respect for adjacent development is also essential; coordination of elements such as building massing, sun/shade patterns, indoor/outdoor relationships, and access will help make for better neighbors.

SITE DEVELOPMENT

In order to promote the consistent and sensitive construction of site improvements within the Subdivisions at Cress Creek residential neighborhoods, the ARC has established a maximum for lot coverage of a single family detached lot of 15% of total usable square footage for the building footprint including decks. The maximum lot coverage allowed for duplex lots shall be 25% of the total usable square footage of both lots for the combined building footprint including decks.

The above formula has been applied to the total usable square footage for each lot and is described in more detail on the Official Development Plan enclosed in the map pocket.

GRADING

All site improvements should be designed to minimize the extent of grading required. Techniques for doing this include "stepping" buildings down slopes, providing access across slopes instead of down them, and using low retaining walls where feasible. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1, with 2:1 slopes permitted when excessive disturbance of ground would otherwise result. All graded slopes should be "rolled" back into existing slopes, so that, after revegetation, no sharp contrast exists between existing and disturbed slopes. All areas which are to be preserved (trees, shrubs, rock outcrops, etc.) shall be marked and easily visible throughout the construction period.

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or re alignment must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a nondestructive course. If culverts or structural channels are required, these should be detailed such that contrast with the existing environment is minimized.

On most properties, the location and the volume of water that has historically entered and departed the site must be accepted. Within the site, adjustments can be made as described above.

EROSION CONTROL (see Fig. 1)

During all site disruptions, approved techniques for controlling erosion within the site and onto other sites shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Proper revegetation shall begin as quickly as possible after soil disruption and should be well established within one year after disturbance.

PLANTING AND IRRIGATION

All planting that occurs on the Subdivisions at Cress Creek property shall conserve and complement the existing plant materials. Areas immediately adjacent to the buildings may incorporate some ornamental plantings but should quickly transition to more naturalized materials, which shall consist of grasses, groundcovers, shrubs, and trees that are either similar to those on-site or are analogous in appearance and have low water requirements. (Recommended Plant List, see Appendix 3.)

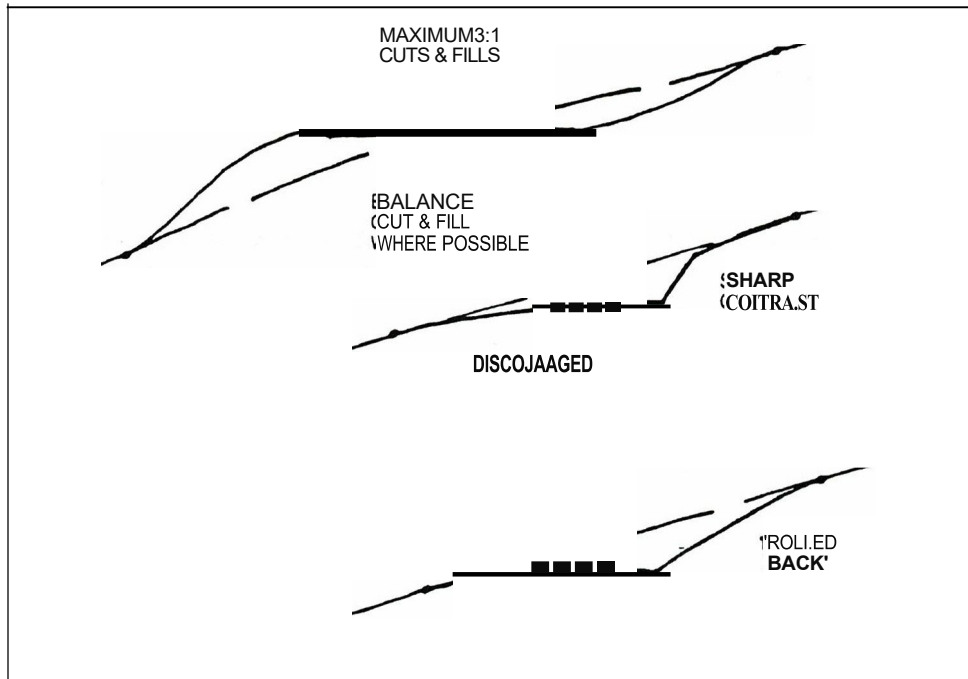


Fig. 1-Erosion Control

Irrigation systems, when needed, should efficiently distribute water to those plants which require it. Temporary and drip or other low-water consumption systems will be encouraged where appropriate.

GARDENS

Gardens, while encouraged at the Subdivisions at Cress Creek, should be located so that both the garden and its accessory operating areas are at least partially screened from primary views.

DRIVEWAYS AND PARKING

Access from the street should be as easy as possible without overly emphasizing the parking area or garage. Parking areas should be located out of major sightlines and partially screened with grading and planting, while garage doors should be oriented away from the primary entrance view.

Driveways should intersect the road at approximately 90° for maximum visibility and should not exceed 8% in slope, except where use of short pitches up to 12% may lessen site impacts.

Driveways may be constructed within 6 feet of the side setback limit for the purpose of accommodating a turnaround for side entry garage as an example, but a landscape buffer of a minimum of four feet high opaque shrubbery must be planted between the edge of the drive and the property line.

ACCESSORY STRUCTURES

Should any accessory buildings or facilities be developed on the property (such as detached garages, gazebos, greenhouses, tennis courts, pools, etc.), they should adhere to the standards outlined for buildings and site planning. It is important that the massing and scale, as well as forms, materials, and other detailing should be well coordinated with the main structure(s) on the site. Generally, no storage sheds will be allowed without ARC Approval.

RETAINING WALLS

Should any retaining walls be developed on the site, they should be as low as possible, and, if higher than 6', should be terraced to minimize impact. Materials used should complement the natural surrounding, with use of stone, masonry and textured and/or colored concrete encouraged. Wooden materials, due to their more temporary nature, are not as suitable for extensive use.

Use of rock terracing as a landscape retaining wall is encouraged. Rock must be larger than rip rap size and placed on a 2 to 1 slope and topped with a minimum of 12 inches of clean till and 4 inches of topsoil so that no horizontal outcropping of rock is exposed.

FENCES AND SCREENING

The use of fences and screening for privacy in outdoor "living areas" shall be acceptable when such screens are complementary in design to the main structures. Continuous screens along property lines, in the form of fencing or formal planting, will not be encouraged.

LIGHTING

All exterior illumination used for buildings, drives, walks, signs, and general landscape purposes shall be a "sharp cutoff" design, minimizing impacts on adjacent properties. Low voltage, low level landscape lighting is encouraged.

TRASH RECEPTACLES

All areas used for storage of solid waste shall be screened from off-site views, using materials and forms complementary to the main structure(s).

VIEWS AND VISTAS

It is a primary goal of the landscape design to preserve existing views and vistas across open spaces and through wooded areas to the golf course and to other panorama views. The ARC will place importance on the impact that construction will have on views from neighboring properties and from public open space. Those of maximum importance have been identified and indicated on the Master Site Plan for each area of development. Preservation of these identified views is mandatory.

ARCHITECTURAL GUIDELINES FOR THE SUBDIVISIONS AT CRESS CREEK

INTRODUCTION

The housing of the Subdivisions at Cress Creek will be designed to embody a combination of rural and village images unique to the Shepherdstown, West Virginia area. However, rather than reconstruct a colonial village literally, details, forms and the scale of traditional Shepherdstown architecture will be used as the starting point in the generation of comfortable architecture expressive of the Subdivisions at Cress Creek Life Style. This organizational scheme will contribute to the value of the entire project while creating a sense of community and neighborhood identity. It will also accommodate growth within the development which responds to varying market conditions while encouraging high value homes.

STYLES OF ARCHITECTURE

Architectural styles are an integral component at the desired image for the Subdivisions at Cress Creek. The town of Shepherdstown and surrounding areas provide an excellent model for appropriate architectural styles and concepts. The predominate growth of this region spans two hundred years and draws upon five broadly interpreted architectural styles: Colonial, Georgian, Federal, Greek Revival and Victorian. Also encouraged is an interpretive style at architecture which is base on these historical references. The desired effect is to have the interpretive style compatible with traditional styles. Scale, massing, windows, doors, dormers, trimwork and finishes are interrelated ingredients that must be properly executed. The review process will be more stringent for interpretive styles than for the live historical styles.



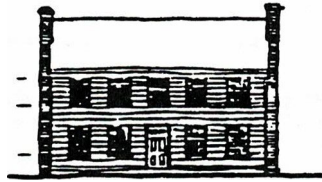
FEDERAL



GREEK REVIVAL



VICTORIAN



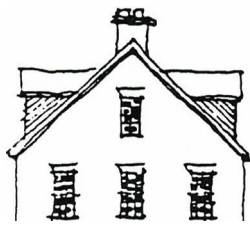
COLONIAL



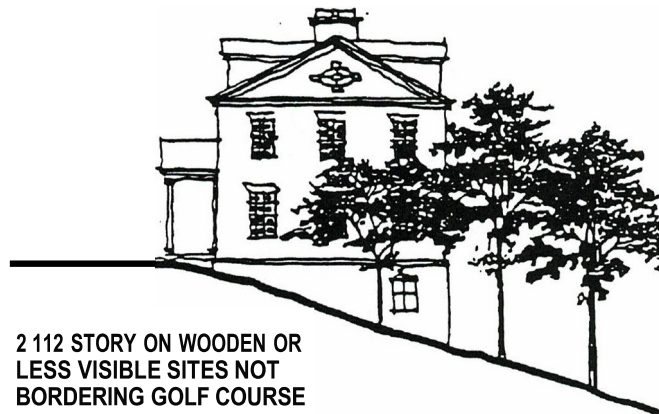
GEORGIAN

BUILDING MASS

Traditional regional architecture typically has one or more simple volumes with one predominate mass. When complex and varying masses are joined together, order must be established. Additive massing of simple shapes is encouraged while notches, cut outs and cantilever forms and combinations of complex forms (especially in the juxtaposition of roof forms) are discouraged. Building heights are restricted to 2½ stories maximum including walk-out basement on the golf course and 2½ stories maximum not including walk-out basement on lots not bordering the golf course. However, a maximum height of 1½ stories is encouraged on lots bordering the golf course. Lower buildings are generally more appropriate on exposed sites while taller buildings can be more successfully incorporated into less visible and more protected sites. A building may not be rotated more than 30 degrees off parallel to the street.



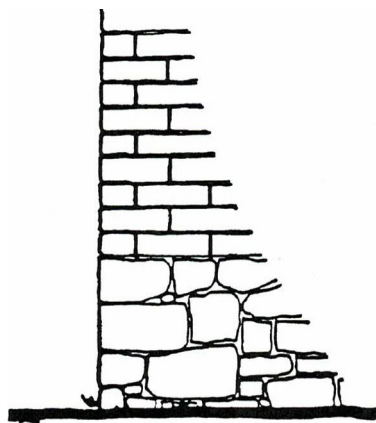
1 1/2 STORY ON EXPOSED SITES
BORDERING GOLF COURSE



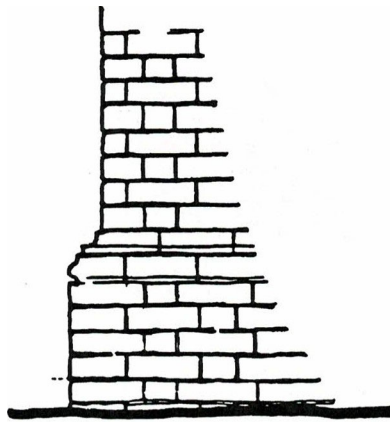
2 1/2 STORY ON WOODEN OR
LESS VISIBLE SITES NOT
BORDERING GOLF COURSE

FOUNDATION MATERIALS

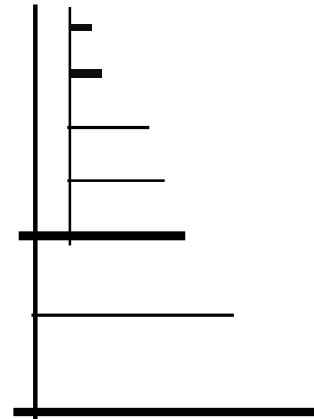
Exposed foundations should be brick, stone, concrete or cement parged or split faced concrete block. The use of "fake brick" form liners for concrete foundations is prohibited. Use of houses on raised pilings is discouraged except on steep wooded sites. The use of exposed standard concrete block foundations is prohibited.



STONE
LAY IN PREDOMINANT
HORIZONTAL FASHION
LAY FLUSH WITH BRICKWORK



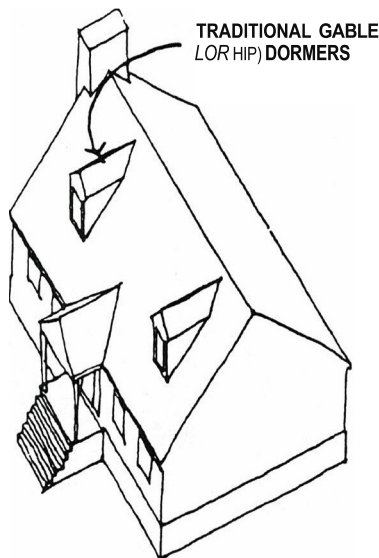
BRICK
USE MOULDED BRICK WATER
TABLE TO DIFFERENTIATE
FOUNDATION



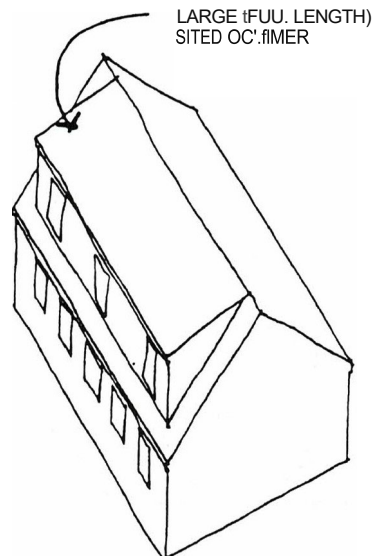
STUCCO
USE OVER CONCRETE OR
BLOCK WITH WOOD SIDING

DORMERS

All dormers should be carefully designed and positioned in scale with the house and roof, and in balance with other features of that elevation of the house. In general, the dormer should be placed away from the roof gable and pulled back from the cornice. The use of large shed dormers that extend the length of the roof is discouraged.



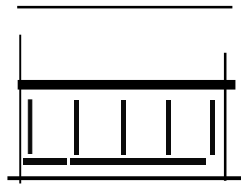
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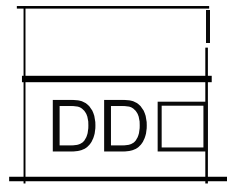
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WINDOWS

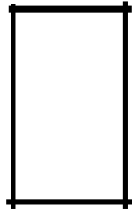
The window type, size and placement are to be wed to achieve a balanced and harmonious facade appropriate to a particular architectural style. When a wall becomes 50% glass or more, very careful attention to proportion and detail will be essential. Window types with large panes of glass including picture windows and glass sliding doors should be used in moderation and handled with design sensitivity. No glass sliding doors will be permitted on the front facade of a house. True divided lights are recommended for windows. In lieu of true divided lights (or true divided lights with energy panels) "simulated divided lights" are acceptable. Snap in muntins are generally discouraged, but prohibited on duplex units. Painted wood windows are recommended rather than clad (vinyl or aluminum) or metal windows. If clad or metal windows are used, detailing (casings and sill) will be scrutinized to verify that it is as historically accurate as possible.



Oscsa..FIAGED



e-co..ROGED



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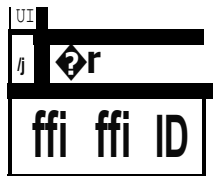
VICTORIAN



COLONIAL

ROOFS

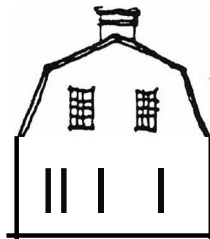
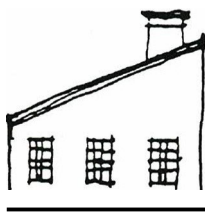
The form of the roof and materials used on it create a significant part of the visual impact of a building. Gable, hip and shed roofs will generally be acceptable while gambrel, flat, mansard and A-frame roofs are discouraged. Traditional regional architecture have sloped roofs of 7:12 or greater (except for porches and shed dormers). Consistent use of the same slope and design should facilitate a balanced visual impression in relationship to multiple masses within a single dwelling. All vent stacks, exhaust vents and skylights should be located in the most unobtrusive way possible and painted to match the roof. Cedar shingles, composition shingles, slate and standing seam metal roofing is encouraged. The use of light colored shingles are discouraged. Traditional colors and earth tone colors in keeping with the style of architecture are encouraged.



MANSABO



FLAT



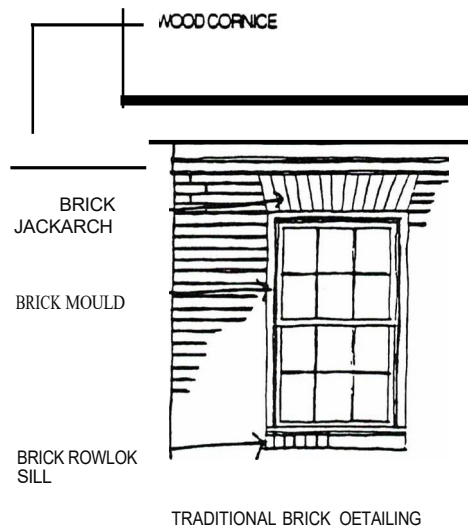
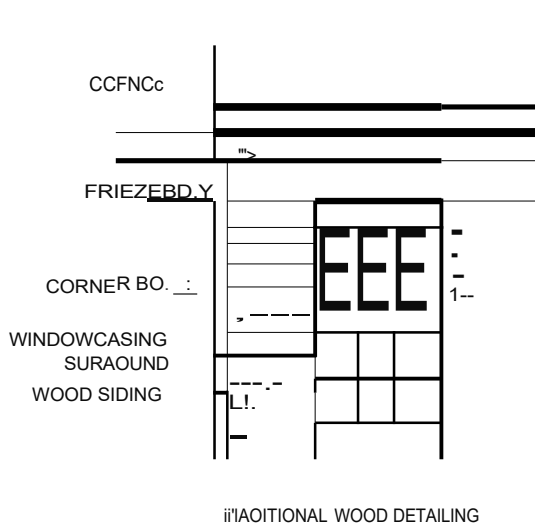
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HIP

TRIMWORK AND CORNICES

Typical exterior trimwork includes corner boards, casings, rakeboards and cornices. Considerable attention will be paid to the review of these elements to determine that size and proportion is appropriate to a particular style. The cornice is a primary architectural element that distinguishes a particular style from another. Particular care is required that the cornice be designed appropriately in scale, proportion and detail in relation with the entire building. Exterior window casings are a requirement. "Trimless" windows will be prohibited. Wood trim boards should be sized and detailed in a fashion appropriate to the style of architecture and the materials used on the facade. The use of aluminum for fascia and soffit material is prohibited. While use of synthetic trim and molding such as Fypon, Synboard or other high density polymer is discouraged, it is not prohibited. However, when these materials are used, additional scrutiny will be applied by the ARC to verify that the materials used are historically accurate to the proposed style of the house.



EXTERIOR DOORWAYS

A doorway is a critical feature of a dwelling's composition. A pleasant sequence of space and visual features such as walkways, courts and landings leading to an entrance is important. Likeness in design and detailing is encouraged and monumental outscale entrances are discouraged.

GARAGES

The garage should not be unnecessarily predominant. Its scale and massing should not be in competition with the main house but should be a compatible if not integrated form. The garage door should not face the street or public way whenever possible. Garage doors should not sit on the front building setback line. Intervening buildings, fences, or tree and shrub planting can be used to screen the driveway and garage doors. Garage doors should have detail that breaks up their large scale and relates to the style house.

SHUTTERS

Shutters on a facade must be in keeping with the particular architectural style of a dwelling. Operable shutters are encouraged. Size of shutters must be given attention so that if operational, the shutters are sized to cover the entire window. While use of synthetic materials for shutters such as high density polymer is discouraged, it is not prohibited. However, when these materials are used, additional scrutiny will be applied by the ARC to verify that the materials used are historically accurate in regards to the design of the shutter. It should be remembered that a well proportioned window in a properly balanced facade does not need to have shutters to be complete.

CHIMNEYS

Chimneys, especially in placement and size should be designed appropriately to the dwelling style. Excessive height of unsupported chimney is discouraged.

EXTERIOR COLORS

In general, each dwelling should be painted historically correct and in accordance with its style. Walls should be colors of subdued hues to medium value intensity. Foundations and trim may be subtle variation or in contrast with the house color. (An excellent reference for historical colors is Benjamin Moore's Historical Color Collection.)

In styles which are referential or more contemporary in nature, use of natural wood and earthtone colors is recommended. Complete exterior color schemes must be presented to the ARC for approval.

A Villa (duplex) is considered a single structure in terms of painting. Villa owners who want to change the color of their exteriors must agree on a single color and have it reviewed.

EXTERIOR WALLS

All houses should be clad with natural and small scale textured materials such as wood shingles with 5" exposure, wood clapboard with 3½" to 5½" exposure, common brick, or quarry stone. Stucco may be used when properly detailed for the setting. Aluminum and vinyl siding are prohibited. Brick fronts with wood or aluminum sides are prohibited. Clad material change may occur only on the inside corner of a substantial appendage.

PORCHES

The use of porches are encouraged if designed appropriately as part of the total design scheme. Generally, porches should be used as a transitional space from the house interior to the outside; a transition in scale of massing from the building mass to the ground; an opportunity to introduce detail and interest as part of a dwelling's facade; and a reduction of visibility or prominence of large glass areas facing a view.

SKYLIGHTS

Skylights are allowed when specifically designed and carefully integrated into the design. In general, the skylight should be flat and parallel with the roof. The skylight frame and flashing should be finished to match the roof. Bubble and protruding skylights are prohibited.

SUMMARY

As expressed earlier, the intent of these standards is to provide a basis for harmonious treatment of visible development within this unique environment, so that all who live here can expect to continue enjoying their surroundings.

At the same time, the desire of individuals to develop a living space that contains some personal expression must be considered.

Accordingly, these Design Guidelines have been developed with a great deal of attention paid to goals and concepts and less attention to detail, except where such detail is considered essential. It will be the difficult duty of the ARC to interpret these goals and concepts in a consistent manner, always attempting to keep the best interests of the Subdivisions at Cress Creek community in mind.

The Architectural Review Committee Meetings are generally open, but the ARC reserves the right to discuss and vote on the merits of issues deemed to be of special concern in closed session. Votes will not be recorded by individual board members.

CONCEPT REVIEW APPLICATION

Lot# _____ Date _____

MAXIMUM LOT COVERAGE

Total Useable Square Footage _____

Building Footprint (Under Eaves) _____

Other Site Improvements _____

BUILDING HEIGHT _____

SUBMITTED BY UNIT OWNER:

Name _____

Address _____

Telephone _____

ARCHITECT:

Name _____

Address _____

Telephone _____

BUILDER:

WV Contractor Lie #: _____

GENERAL DESCRIPTION OF RESIDENCE:

Style _____

Square Footage: Living, _____ ; Garage _____ ; Unfinished _____ ; Covered Porch _____

Exterior Materials _____

Roof Materials _____

Type of Basement _____

Other _____

ADDITIONAL INFORMATION

FOR ARC USE

RECEIVED BY _____

DATE RECEIVED: _____

PRE DESIGN REVIEW DATE: _____

PRELIMINARY DESIGN REVIEW DATE: _____

FINAL DESIGN REVIEW DATE: _____

FINAL APPROVAL DATE: _____

Appendix I
Submittal Packet

DESIGN REVIEW PROCESS CHECKLIST & APPLICATION FORM

I. CONCEPT REVIEW

A. Requirements

- Review Design Guidelines
- Review Covenants, Conditions, and Restrictions
- Site Visit (w/Architect)
- Site Visit (w/ARC Rep.)
- Conceptual Design and Site Plan
- Artistic Sketch
- Notification Sign Posted (Appendix IV)

B. Procedures

- Pre-design meeting with Architect

Comments: _____

- Approval Date: _____

I understand the application requirements and hereby submit the attached application for review.

Unit Owner Signature _____ Date: _____

II. PRELIMINARY PLAN REVIEW

A. Requirements

- Detailed Site Analysis
- Survey and legal description
- Existing topography
- Tree, shrub, rock locations
- Utility locations
- Adjacent roads location
- Adjacent buildings location
- Indicate north arrow and scale
- Name, address phone of legal owner(s), surveyor, architect
- Preliminary Construction Program
- Precise building locations
- Precise driveway and parking locations
- Location of outbuildings, decks, etc.
- Proposed grading and drainage
- Proposed planting
- Utilities routing
- Exterior enclosures locations

Preliminary Building Plans

- Floor plans
- Roof plans
- Elevations
- Pertinent sections
- Preliminaries for any other significant structures

111. FINAL PLAN & CONSTRUCTION DOCUMENT REVIEW

A. Requirements

- Resubmit Detailed Site Analysis (if changed)
- Resubmit Detailed Construction program (if changed)
- Resubmit refined floor plans
- Resubmit plans for any other structures
- Planting plan detail
- Property boundaries/setbacks/centerlines stakeout
- Tree Tags
- Color board
- Specifications set
- Construction schedule

B. Procedures

- Notify ARC prior to stakeout field inspection
- Final Plan and Construction Documents approval
- Building permit issued / Forward copy to ARC

Comments: _____

Approval Date _____

C. Comprehensive Construction Deposit

The construction deposit is designed to insure the following:

1. No road damage.
2. The site is clean and lots surrounding are not damaged.
3. Property stabilization between adjoining lots is maintained and all debris, trash and equipment is removed.
4. Drainage swales are constructed and stabilized with no ponding and the positive flow of water through the drainage easement occurs.

The applicant for Architectural Review (home/unit owner) will be responsible for this fee, which is \$1000.00. This fee is fully recoverable within 30 days following occupancy assuming the policy conditions are met. It is the responsibility of the homeowner to make arrangements with the Architectural Review Committee for final inspection.

I have read, reviewed, and will comply with the construction regulations (Appendix 2) and the construction damage deposit policy.

Homeowner Signature _____

Builder Signature -----

WV General Contractor's License # _____

Architectural Review Signature _____

Date _____

LEGAL BASIS

Authority for design review is grounded in the governing document for the Subdivisions at Cress Creek community, the "Master Declaration of Covenants, Conditions, and Restrictions of Cress Creek."

Under the terms of this document, the ARC, as defined in Article XXIV of the Declaration, hereby adopts these Design Guidelines as the basis for all design review. Should these Guidelines be revised, such revisions shall then take precedence over previous Guidelines.

The Declaration shall govern should any discrepancies occur between these Guidelines and the Declaration.

CONSTRUCTION PERIOD REGULATIONS

In the interest of all owners and contractors, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction contract document specifications for each residence, and all contractors and owners shall abide by these regulations. It is also required that the contractor be familiar with and abide by the applicable sections of the Declaration and the Guidelines.

Blasting

Any plans to blast shall be brought to the attention of the ARC before commencement and shall be approved by the ARC. The ARC shall generally permit blasting only on weekdays. Proper safety and protective actions shall be used.

State and County regulations for licensing requirements for blasting shall hold including proper notification and seismicographic procedures that are required.

Burn & Bury

Open burning is permitted on the site only in accordance with County/State regulations. No stumps or trash may be buried on the site.

Chemical Toilets

Chemical toilets shall be provided by the contractor and placed in an approved location. All chemical toilets shall be confined to the street side of the Lots.

Construction Entrance

A 12' wide entrance shall be designated on the site plan and completed before commencement of house plan excavation. It shall be of 4 inches of ballast stone for a minimum of 25 feet from edge of asphalt roadway. Drainage swale flows may not be blocked during construction. All deliveries and ingress/egress to the lot shall take place on the construction entrance. Mud from the site tracked onto the roadway shall be removed by contractor within 24 hours.

Construction Limits

The contractor shall provide a detailed plan of construction limits prior to construction. The plan shall be implemented with snowfencing, rope barricades, or like material prior to construction. The plan shall include size and location for construction material storage areas, limits of excavation, access areas, parking, chemical toilet location, temporary structures, dumpster, fire extinguisher, utility trenching and a construction sign.

Construction Trailers, Sheds, or Temporary Structures

These construction shelters shall be approved by the ARC as to their size, configuration, and location. All temporary structures shall be removed after the occupancy permit issuance.

Daily Operation

Daily working operations hours for each construction site shall be 7:00 a.m. to 7:00 p.m. ***Blasting and earth moving equipment is prohibited from use on Sundays.***

Dust, Noise and Odor

Every effort shall be made to control dust, noise and odor emitted from a construction area. The contractors will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the Lot.

Enforcement Policy

The Unit Owner is the sole party accountable for activity by builders and contractors on the lot during construction. The Unit Owners Association encourages unit owners to take into consideration the reputation of their builder's and their employees, subcontractors, and suppliers, in the building process in an established neighborhood. It is essential for them to respect the rights of existing homeowners defined in the covenants and the common property of the Association during the period of construction.

The Executive Board of the Unit Owner's Association will enforce the covenants (the Design Guidelines are a part thereof) in accordance with Article V, Section 5.2 of the Bylaws in regard to violations due to a) any damage to the Common areas (Exhibit I), or b) disturbance of the rights to quiet enjoyment of the other Unit Owners.

Violations will be enforced through the levy of a \$25.00 per day fine for each day that the violation persists, or in the case of an economic loss, the actual costs to correct the problem.

Excavation

Excess excavation material shall be removed from the Subdivisions at Cress Creek property. It shall not be placed in common areas, roads, or other Lots. Excavation, except for utility trenching, shall be on the Owner's site only. Contractors are expressly prohibited, during backfill and final grading operations, to spread excess debris or material over the remainder of the Lot.

Fire Extinguishers

The minimum number and type of fire extinguisher(s) shall be located on each Lot in a conspicuous location.

Housekeeping and Debris and Trash Removal

Daily clean up of the construction site is mandatory. All trash and debris shall be stored in a dumpster or enclosed trash disposal container. Debris and trash shall be removed from the trash disposal area on a weekly basis and be hauled to a designated dump (landfill) area outside the Subdivisions at Cress Creek.

Pets

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

Restoration and Repair

Damage to any property other than the Owner's shall be promptly repaired at the expense of the person or entity causing the damage. A **\$1000 security deposit** shall be made by the **Owner** to assure the restoration and stabilization of the swales in the adjacent roadway. The deposit shall be held in escrow by Unit Owners and returned to Owner upon completion less any amounts expended by Unit Owners to restore unrepaired swales or other damage to right of way, culverts, and pavements and shoulder gravel. In addition, the deposit covers the restoration or repair of damage to street signs and to stabilize storm water easement areas.

Signage

Construction signs shall meet all current requirements, codes, ordinances, and Design Guideline criteria. At no time will signs be placed on or nailed to trees.

Vehicles and Parking

All vehicles will be parked so as not to inhibit traffic or damage street shoulders or surrounding natural landscape. Vehicles shall not be left on the Subdivisions at Cress Creek roads overnight.

The following items are prohibited on the Subdivisions at Cress Creek property:

- a. Oil changing of vehicles and equipment without proper receptacles and removal procedures.
- b. Concrete equipment cleaning or concrete dumping without proper clean up and restoration.
- c. Removing any rocks, trees, plants, or topsoil from any portion of the Subdivisions at Cress Creek property other than the Owners Lot.
- d. Careless treatment of trees on open space areas.
- e. Use of spring, surface, or irrigation water for any purpose.
- f. Signs other than approved construction or real estate signs.
- g. Careless use of cigarettes or flammable items.
- h. Firearms.

RECOMMENDED PLANT LIST

Shade/Canopy Trees

- Norway Maple
- Red Maple
- Sugar Maple
- American Beech
- Green Ash, White Ash
- Honey Locust
- Planetree (Sycamore)
- Pin Oak
- Red Oak
- White Oak
- Linden

Evergreen Trees

- Norway Spruce*
- Austrian Pine
- White Pine
- Blue Spruce*

Ornamental/Flowering Trees

- Japanese Maple
- Serviceberry*
- Redbud*
- Dogwood
- Hawthorn*
- Magnolias

Shrubs/Groundcovers

- Azalea
- Barberry*
- Boxwood
- Cotoneaster
- Coreopsis*
- Dogwood
- Euonymus
- Forsythia*
- Holly
- Juniper
- Mock Orange
- Handina
- Potentilla*
- Pyracantha
- Rhododendron
- Rose
- Spirea
- Lilac*
- Yew
- Viburnum*

**Deer Resistant Varieties*

Appendix3 Recommended Plant List

Notice of Hearing

THE CRESS CREEK
ARCHITECTURAL REVIEW COMMITTEE
WILL MEET ON THE FOLLOWING DATE:

To review a Submittal for Lot #



