

# RULES and POLICIES

## The Villages at Three Ponds Condominium Unit Owners Association

13 Three Ponds Drive Brentwood, NH 03833

### **Vision Statement for The Villages at Three Ponds**

The Villages at Three Ponds (VTP) is an “over 55” homeowners’ association that seeks to cultivate a true sense of community, active homeowner involvement and a culture of building consensus. VTP strives to provide services and amenities to meet the reasonable expectations of homeowners. The VTP governing board elected by the homeowners seeks to maintain the financial health and property values through established management practices and sound business principles coupled with striking an effective balance between the preferences of individual residents and collective rights of homeowners.

Adopted by the Board of Directors, December 2021

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## GENERAL RULES

The following rules are made by the Board of Directors under its authority in the Bylaws for “making and amending Rules respecting the use of the Condominium and enforcing by legal means the provisions of the Declaration, these Bylaws, and such Rules, and bringing any proceeding which may be instituted on behalf of the Owners. (VTP Bylaws, Art. III, Sec. 1 (e)).

### I. Conduct

1. Owners and Residents, along with their guests and representatives, shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other residents, guests, occupants, invitees, or directed at management, its agents, its employees, or vendors.
2. Such behavior will constitute grounds for a violation to be issued to the violator(s) by management on behalf of the VTP Board of Directors. Warnings and any fines issued to the violator(s) involved for any offensive behavior outlined here will be cumulative and will remain active for the duration of the individual owner(s) tenure at the Villages at Three Ponds.

### II. Drones

1. Use of drones at The Villages at Three Ponds may be approved upon request made to the Board of Directors.
2. Each drone use may be approved for specific dates, and time periods will be limited to daylight hours only. Once approved, there will be a VTP community notification posted on the Association website.
3. Drones may be used only over the ponds and adjacent paths or over and around a specific unit to take photos for real estate purposes.
4. The drone operator must comply with all NH and federal laws and regulations and fulfill all educational and safety requirements relating to drone use.
5. The Unit Owner that owns or will use a drone must provide evidence of liability insurance at a limit of not less than \$1 million per occurrence or accident. A certificate of such insurance must be attached to the unit owner’s personal liability insurance certificate.
6. If the Unit Owner will engage contractors or other service providers for work on the Unit (for example, a real estate agent marketing the unit) and these organizations will use drones in their work, the contractor/service provider must provide evidence of liability insurance at a limit of not less than \$1 million per occurrence or accident.

### III. Fireworks

1. Fireworks of any kind are prohibited within the Villages at Three Ponds.

#### **IV. Littering**

1. Littering of any kind is prohibited. Cigarette butts, paper, cans, bottles, food, pet waste, and other trash is to be deposited in appropriate trash containers, and under no circumstances are such items to be dropped or left on the grounds or the streets.

#### **V. Noise**

1. At no time shall noise levels be excessive so as to disturb neighbors. Residents and guests are expected to be respectfully quiet between the hours of 11:00 P.M. and 7:00 A.M.

#### **VI. Emergency Generator Testing**

1. Generator testing is allowed between 10 a.m. and 4 p.m., on Monday through Friday.

#### **VII. Weapons**

1. Use of firearms, air guns, bows, crossbows, slingshots, or other things as weapons is prohibited within The Villages at Three Ponds.

#### **VIII. Yard Sales**

1. Yard sales, tag sales, flea markets, or similar activities are not allowed without prior Board approval.

#### **IX. Flags, Banners, Signs, and Posters**

1. A standard United States Flag\* may be displayed on a unit as authorized by the Freedom to Display the American Flag Act of 2005, Public Law 109-243, and the State of New Hampshire Condominium Act, RSA 356-B.
  - a. Such a Flag no larger than 3 feet by 5 feet may be displayed.
  - b. Flag must be mounted on a standard accompanying pole, using a standard accompanying pole bracket, and affixed to the front facade of a Unit Owner's home. [For these purposes, the front facade of the home indicates a secure location of the Owner's choice from the left to the right of the home facing the street or common driveway.]
  - c. The US Flag may not be mounted to the exterior of any other part of the home or displayed on a separate flag pole installed in the ground adjacent to a Unit Owner's home.

- d. No other flag, banner, sign, or poster will be allowed to be displayed on or around a Unit, with the following exceptions:
  - i. One small or medium sized welcome sign may be placed on the Unit's front steps or front porch
  - ii. One real estate sign may be displayed on the front lawn of a Unit when it has been listed for sale.
- e. If there is any confusion to how this rule may apply, the Owner is encouraged to reach out to the Board for assistance.
- f. \*For additional information concerning the US flag, see: [uscode.house.gov](https://www.uscode.house.gov). In Title 4, the standard US Flag is described as having "thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue."

## **X. Trash and Recycling**

1. Trash and recycling must be placed at or near the end of the driveway on the day of collection, or the evening prior to collection, without blocking the sidewalks.
2. Containers must meet the Town of Brentwood's requirements. Trash and recycling containers must be returned to the unit's garage on the day of collection.
3. Any debris that may fall out of the trash receptacles due to animals, wind, snow, or the collection process is the responsibility of the Unit Owner to remove.

## **XI. Outdoor Furniture, Grills, and Fire Pits**

1. Commercially available patio furniture, grills, and fire pits can be used, at the Owner's risk, and kept in the unit's Yard or on a deck.
2. Covered deck boxes / cushion containers (no larger than approximately 230 gallons capacity and measuring no more than 3 feet in height and less than 5 feet in length and 3 feet in width) for outdoor furniture cushions and other patio related uses are allowed in the Yard.

## **XII. Boats, Canoes and Kayaks**

1. Owners who use their personal boats, canoes, or kayaks, or who allow their guests to use these craft, assume all responsibility and liability related to their use.
2. Children under the age of 12 must be accompanied by an adult.
3. Life vests must always be worn by all parties.
4. Personal boats, canoes, kayaks, and other similar vessels are not allowed to be stored in the ponds or on the shore of a pond when not in use.

### **XIII. Pond Use in Winter**

1. No use of the ponds is allowed during the winter season.

### **XIV. Swimming in the Ponds**

1. Swimming is prohibited in the ponds.

### **XV. Smoking**

1. Smoking and the use of electronic cigarettes, vaping devices, and similar items are not allowed in the clubhouse, patio, pool area, pickleball courts, or the clubhouse grounds.
2. Residents who choose to smoke should ensure their smoking materials are not discarded on Association property and are responsible for the conduct of their guests regarding smoking.

### **XVI. Rodent Trapping**

1. Any rodent trapping in The Villages at Three Ponds will follow all New Hampshire regulations and statutes.
  - a. In the Limited Common Area, a Unit Owner will have the responsibility for this trapping.
  - b. In the Common Area, the Association will have responsibility.

### **XVII. Hanging Items and Clotheslines**

1. No clothing, laundry, rugs or other objects shall be hung from any window, railing or exterior portion of a Unit or otherwise left or placed in such a way as to be exposed to public view.
2. Outdoor temporary or permanent clotheslines are not permitted.

### **XVIII. ATVs and Golf Carts**

1. ATV's, golf carts, and similar vehicles owned or operated by Owners/Residents:
  - a. Are not to be used on the VTP walking trails
  - b. Must be insured for liability by the Owner
  - c. Must have a current Certificate of Insurance on file with the VTP Managing Agent
  - d. The Board will address usage on public roads when our roads become public.

Grandfathered: Golf Cart parking spot installed by the Developer at 7 Sunset Lane was approved by the Developer.<sup>1</sup>

### **XIX. Clubhouse And Amenities**

These will be added as soon as they are available.

### **XX. Winter Holiday Season Decorations**

1. During the winter holiday season, Owners and Residents may place holiday decorations and lights on their porches and in their windows.
  - a. Non-blinking lights only
  - b. The fascia board (below the roofing shingles) may be decorated
  - c. One tree in front of a Unit may be decorated
  - d. The Association may decorate the gazebo
  - e. Not permitted:
    - i. Blinking lights
    - ii. Decorations that emit music or other sounds
    - iii. Decorations on Unit roofs
    - iv. Inflatable decorations
    - v. Projection systems
  - f. Decorations may be installed four weeks prior to your holiday and must be removed two weeks after the holiday.

### **XXI. Outside Storage**

1. There will be no outside storage by Unit Owners of any kind in the Common or Limited Common areas (with the exception of a unit's appurtenant Yard).

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<sup>1</sup> In some instances, permission may have been granted to Unit Owners either by the Board of Directors or the Developer for modifications to a Unit or use of the Limited Common Area or Yard appurtenant the Unit that currently conflict or are inconsistent with a particular rule(s). The rule(s) shall not apply to such Unit Owner or "grandfathered" if the permission was granted prior to promulgation of the rule(s) and is supported by written documentation (e.g., letter or email from Board or Managing Agent, Board minutes or correspondence with the Developer) provided that if the modification or use is other than permanent the rule(s) will apply to the Unit upon transfer of ownership. Plantings in the front mulched area, along the side of a Unit or in the Yard are considered permanent modifications or use.

2. Outside storage by the Association is allowed in Common Areas as necessary for the operation and maintenance of the Association. This may include, but is not limited to, a storage shed for pool supplies.
3. Storage sheds are not allowed in the Limited Common Area.
4. Grills, lawn furniture, benches, chairs, tables, and other similar items shall not be left outside in the Limited Common Area, except for the Yard, when not in use.
5. No unregistered vehicles shall be parked in the driveways.
6. Motorcycles, minibikes, bicycles, sporting goods, commercial trucks, motor homes, RV campers, boats, snowmobiles, golf carts, or ATVs, shall not be parked outside overnight without prior permission of the Board.
  - a. Exception: Motor homes or RV campers may be stored overnight when the Owner is preparing to depart or upon return from a trip.
7. Overnight vehicle parking is not allowed on the roadways.
  - a. Owners may temporarily park their vehicles in front of the clubhouse should their driveway and garage not be available.
    - i. The make, model and license plate number shall be provided to the Managing Agent in the event the temporary parking at the clubhouse is necessary.

## **XXII. Pets**

1. No animal, other than common household pets with the consent of the Board, shall be kept or maintained on the Property, nor shall common household pets be kept, bred or maintained for commercial purposes on the Property.
2. Pets shall not be permitted outside of the Units unless they are accompanied by an adult person and carried or leashed.
3. The Owner of a Unit where a pet is kept or maintained shall be responsible and may be assessed by the Board of Directors for all damages to the Property resulting from maintenance of said pet and any costs incurred by the Association in enforcing the Rules.
4. Pets are not allowed inside the Clubhouse, patio, the pool area, horseshoe pits, or pickleball courts except for qualified Service Animals.
5. Owners must immediately clean up all Common Land and Limited Common Areas after their pets.

## **XXIII. Landscaping, Plantings, And Decorations**

The Association landscaping, including the design and selection of plantings in the Front Planting Bed of each Unit, and trees between Units and in front of Units, is intended to provide



uniformity in the overall appearance of the Association that is complementary with the design and layout of individual Units, and Association facilities and amenities. This is consistent with the vision of the Association, as stated on the cover of this document, that it “seeks to cultivate a true sense of community.” However, that vision also incorporates the principle of “striking an effective balance between the preferences of individual residents and collective rights of homeowners.”

The Association landscaping maintenance is limited to lawns, the original plantings in the Front Planting Bed of the Units, the trees between the Units, and the trees planted in front of the Units. However, Unit Owners may at their own expense, including cost of future maintenance, make landscaping changes as set forth and described in Section 1 below.

Unit Owners who make landscaping changes to the original plantings and decorative landscaping in the Front Planting Bed will, as a condition of resale of the unit, require that the buyer assume the cost of the maintenance of such area unless it is restored by the seller to the original plantings and condition to the satisfaction of the Board.

For purposes of these Rules:

**“Plantings”** are live trees, shrubs, perennials and annual flowers that are planted in the ground in planting beds. Artificial plants of any kind are not permitted in planting beds.

**“Limited Common Area”** means a portion of the Common Area owned by the entire Association but reserved for the exclusive use of the Unit Owner. The Front Planting Bed is a part of the Limited Common Area.

**“Front Planting Bed”** – The mulched area in front of the Unit that was installed by the developer.

The **“Yard”** is the area at the rear of the Unit in which the Owner has limited options for adding flowers and other plantings. The width of any given Unit’s concrete foundation at its widest point (excluding any bulkhead, deck, or uncovered porch on the side of a unit) will determine the width of the Yard that may be utilized by the Unit Owner. The land at the rear of the concrete foundation under a Unit’s roof line is considered part of the Unit while the land under any elevated deck is considered part of the Yard. The depth of the Yard usually is measured by extending rearward from the concrete foundation to the common land boundary line, or a no-cut line, or a septic setback or wetland setback or open space line of such similar boundary, whether prescribed on a plan, by state or town regulation or by deed restriction or by rule promulgated by the Association, beyond which no improvement or household activity may take place thereon. In the case where Units back up to each other (e.g., James Circle) a half-way measured mark will be the line of demarcation. Yard dimensions may vary based upon a Unit’s lot and placement of the Unit on the lot. Where there are questions a Unit Owner should contact the Association’s managing agent to arrange for the Board to verify the depth of the Yard to be determined for their lot if decks, patios, or rear shrubs are planned.

The Unit's front steps and front porch are not subject to this rule except as otherwise specifically noted.

Fabric/protectant coverings for plants are not permitted. Anti-desiccants may be used instead. [One example: Wilt Pruf <https://wiltpruf.com>]

A Unit Owner will notify the Board before making changes in the Front Planting Bed (in accordance with Section 1.a below). The Board or its Agent will be tracking these changes throughout the Association in order to monitor compliance.

All Unit Owners will make use of Dig Safe when digging and planting anywhere around their units. <http://www.digsafe.com>

Changes beyond the scope of those allowed by these Rules will be considered by the Board of Directors only under extenuating circumstances.

1. Plantings and Decorative Landscaping in the Front Planting Bed (which is a Limited Common Area)

Unit Owners have two choices based on criteria from the Board of Directors:

- a. The points in this subsection are for the Unit Owner who replaces the developer's planting(s) either **partially** (one or more shrubs) **or in full**:
  - i. Plantings in the Front Planting Bed are to remain a "shrub" planting bed by original design.
  - ii. Unit Owners may plant, at their own expense, low growing shrubs, mainly dwarf varieties.
  - iii. One topiary style dwarf ornamental tree (e.g., Tardiva Hydrangea) may be planted in this area provided that it is pruned back dramatically at the end of the fall season. It may not exceed 7 feet in height at any time.
  - iv. All other plantings must be maintained and trimmed annually by the Unit Owner to stay below 3 feet in height.
  - v. The Association's landscape contractor of choice will have no responsibility to maintain the Front Planting Bed once it has been replanted by the homeowner except that weeding and mulching will still be done by the Association landscaper if requested by the Owner.
  - vi. Any shrubs planted by the Unit Owner that die must be replaced by the Unit Owner at their own expense and in a timely manner.
  - vii. The criteria in this subsection will transfer to subsequent Owners upon transfer of the deed. It is the responsibility of the seller to notify prospective buyers of these criteria and must include them in the Seller's Sales Disclosure.

- viii. The seller has the option to restore the landscape to its original plantings and condition before transfer of title to the new Owner in order to allow the buyer access to full landscape services provided by the Association landscaper.
  - ix. If the Unit Owner hires their own contractor to perform trimming or other landscape related tasks within the Limited Common Area, the Unit Owner must submit to the Board of Directors or managing agent an insurance certificate showing liability and Workers Compensation insurance before beginning any work.
  - x. No activity by a Unit Owner's own contractor may alter, damage, threaten, modify, or restrict any area outside of the original Front Planting Bed, including driveways, lawns, or sprinkler systems. Any such alteration must be restored at the owner's expense.
  - xi. Plantings other than shrubs in the Front Planting Bed may include no more than 12 nursery-grown perennials, whether existing or new. Plants which multiply over time must be thinned annually to comply with this limit. Perennial selections should be made to contrast and complement its surroundings. The Front Planting Bed is to remain a "shrub" planting bed and not become a complete perennial bed.
  - xii. Annual flowers or spring bulbs, such as daffodil, hyacinth, tulip, etc. (up to 3 feet in height at maturity) are allowed in the Front Planting Bed.
  - xiii. The surface mulch to be used must be what the Association landscaper installs in the spring of that given year. If a Unit Owner does their own replanting after the mulch has already been spread the Unit Owner must contact the Association landscaper to apply new mulch to match what was spread in the spring. Any additional mulch needed would be at the unit owner's expense. All Units must use the same mulch for uniformity.
  - xiv. Any plantings or trees that die must be replaced by the Unit Owners in a timely manner.
  - xv. There will be no reduction in HOA fees for Owners who follow the above section.
- b. The points in this subsection are for the Unit Owner who does NOT replace any of the developers' plantings whatsoever:
- i. Plantings in the Front Planting Bed may include no more than 12 nursery- grown perennials, whether existing or new. Plants which multiply over time must be thinned annually to comply with this limit. Perennial selections should be made to contrast and complement their surroundings.
  - ii. The Front Planting Bed is to remain a "shrub" planting bed and not become a complete perennial bed.

- iii. Annual flowers or spring bulbs, such as daffodil, hyacinth, tulip, etc. (up to 3 feet in height at maturity) are allowed in the Front Planting Bed and must be maintained, and annuals removed by the Unit Owner as the season dictates. The Association landscape contractor will weed and maintain the area as well as trim the original developer's plantings within the Front Planting Bed.
- iv. After the expiration of the developer's warranty, the Association will be responsible for timely replacement of shrub plantings within the Front Planting Bed and trees within the Limited Common Area at the Board's direction. Unit Owners utilizing subsection b are not allowed to replace bushes and trees within the Front Planting Bed.
- v. The surface mulch to be used must be what the Association landscaper installs in the spring of that given year. If a Unit Owner does their own planting of perennials, annuals and/or bulbs after the mulch has already been spread then the Unit Owner must contact the Association landscaper to apply new mulch to match what was spread in the spring. Any additional mulch needed would be at the Unit Owner's expense. All Units must use the same mulch for uniformity.

Grandfathered: the Front Bed Plantings done at #15, #17, and #19 Three Ponds Drive were approved and completed in accordance with the Rules set forth by the Declarant appointed Board of Directors.<sup>2</sup>

## 2. Plantings in the Limited Common Area Next to The Unit

Low-level shrubs, bushes, vegetables, herbs, and annual or perennial flowers (up to 3 feet in height at maturity) are allowed along the sides of a Unit in an area extending no more than 36 inches from the foundation. The ball of the planting must be within the 36-inch space, and the planting shall not extend beyond 36 inches and shall not impede the landscape contractor from easily completing mowing, fertilizing, sprinkler maintenance, and related activities.

The Unit Owner shall be responsible for mulching, weeding, and trimming of the plantings. Plantings that impede the landscape contractor, or that are not mulched, or otherwise maintained to stay within the height limitations, may be removed at the Board's direction and at the Unit Owner's expense.

Irrigation lines are installed along the sides of the Units, typically 6 to 12 inches from the foundation. Repair of damage to the irrigation system as the result of Unit Owner's planting activity will be the responsibility of the Unit Owner. Irrigation lines must be repaired or relocated by the Association irrigation contractor at the Unit Owner's expense.

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<sup>2</sup> See previous footnote.

For Units that have boulders or retaining walls on the side of their Units, plantings are permitted by the retaining walls beyond the 36-inch foundation perimeter according to the above criteria.

Unit Owners may install stone or mulch landscaping, with a controlling border, extending up to the foundation, around the generator and or air conditioning condenser.

3. Plantings in the Limited Common Area Next to the Yard and in the Yard

Shrubs, bushes, vegetables, herbs, and annual or perennial flowers (up to 8 feet in height maturity) are allowed in the Yard and in an area extending no more than 36 inches from the side of the Yard. The ball of the planting must be in the 36-inch space and the planting shall not extend beyond 36 inches and shall not impede the landscape contractor from easily completing mowing (with a mower up to 60 inches wide), fertilizing, and related activities. A typical use of such plantings is to provide a privacy barrier.

In the event that the irrigation lines require relocation this must be done by the Association irrigation contractor at the Unit Owner's expense.

4. Trees

Unit Owners may not plant trees in the Limited Common Area or in the Yard, except within the Front Planting Bed as defined in Part 1.a of this Rule.

Grandfathered: The small, ornamental trees planted in the Yard at 8 Sunset Lane and the side Yard at 26 Three Ponds Drive were approved by the Developer.<sup>3</sup>

5. Bird Baths in the Front Planting Bed

Unit Owners may place a single bird bath in the Front Planting Bed with Board approval. The request shall include a picture, or sketch/description, with the bird bath's dimensions. The Unit Owner must maintain/clean the bird bath to minimize the potential of insects breeding. A water circulator or "bubbler" is permissible. A Bird Bath must not be used as a pedestal for any other item.

6. Planters/Pots and Similar Decorative Items

No more than a total of two small decorative items are permitted in the Front Planting Bed or hanging from the tree in the Front Planting Bed. One small bird house, hummingbird feeder, or decoration, hanging from the tree planted in the Front Planting Bed is permissible.

No more than two planters and/or pots are permitted adjacent to the garage entrance.

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<sup>3</sup> See previous footnote.

## 7. Projection Lighting of Landscape Trees

Projection lights are allowed when used to highlight landscape trees in front of a Unit. Projection lights are not allowed on the trees between Units. The lighting must be positioned up from the tree base and placed so as to not be seen by passing vehicles, nor be intrusive to a neighbor's home. This is achieved with a "collar" around the light source so it can be focused up to the tree trunk and foliage.

The lighting should not interfere with any on-going maintenance tasks by the landscape contractors and should be buried in accordance with the Town of Brentwood requirements. Unit Owners should review New Hampshire RSA 374:48, "Underground Facility Damage Prevention System," prior to beginning any excavation activity. Unit Owners are responsible for any damage to the irrigation system caused by the installation of the lighting. Repairs will be made by the Association irrigation contractor at the Owner's expense. The VTP Homeowners Association and the landscaping contractor are not responsible for any damage to a Unit Owner's lighting installation that occurs during normal landscaping activities.

The allowed lighting is LOW VOLTAGE (12v) LED with 3000k "Warm White" color temperature. Specifications & equivalents are listed below. This application allows for low voltage systems only, and the installation does not require a licensed electrician to install a plug-in device, or to lay wiring which is typically 6" in depth. If the solar power option is preferred, the same 3000k color temperature and intensity (lumens) lights and collar are required to maintain uniformity in the community.

Specifications: The following specifications are intended to achieve the desired uniform lighting effect. Equivalent lighting fixtures and systems may be used. Unit owners may choose to hire a professional landscape company to install their own commercial systems.

LED Bulbs:

3000k - 410 Lumens

40-Degree Beam Angle

Transformer: Compatible with fixture and LED bulb quantity

Wiring: (depending on length & wattage) 14/2 or 16/2 stranded, landscape low-voltage underground cable.

## 8. Solar Lights

Solar lights are allowed along the sides of the Unit, when required for safety reasons, to support transit to the rear of the Unit.

## 9. Hose Reels

Hose reels may be placed beneath, or mounted on a Unit at, an exterior faucet. Hose reel storage is not allowed in the driveway or the Limited Common Area in front of a Unit.

## 10. Fences, Arbors, Canopies, Trellises, and Pergolas

Unless approved by the Board of Directors or previously installed by the Developer, fences, arbors, canopies, trellises, pergolas and similar structures are not allowed in a Unit's Limited Common Area, in the Yard, or in the Common Area.

The pergola/canopy at 21 Three Ponds Drive was approved by the Declarant appointed Board. Per the Association Attorney: it may be constructed annually, no earlier than April 1, and it must be removed in its entirety no later than November 1; it must not be electrified at any time; it must not be permanently attached to the ground at any time; and the pergola/canopy approval is not transferable to any subsequent owner.<sup>4</sup>

#### **XXIV. Architectural Conformity and Modifications to a Unit**

The Board has the responsibility to ensure that architectural conformity is maintained throughout the Association.

1. Unit Owners who desire to make modifications to the exterior of their unit shall obtain prior review and approval from the Board for architectural conformity.
  - a. Any requests should include a description with pictures, drawings, sketches, plans, or references that would support understanding of the modification, and include the Building Permit number issued by the Town of Brentwood. Refer to the Town website: <https://www.brentwoodnh.gov/entity/building-inspector-3>.
2. Unit Owners must submit to the Board of Directors or Managing Agent an insurance certificate showing Liability and Workers Compensation coverage before beginning any work.
3. Patio and Deck Addition or Modifications
  - a. Patio and deck additions or modifications require Board review and approval to verify that the modifications will not extend beyond the unit's Yard.
  - b. The design of the patio or deck does not require Board review and approval if it is similar in design and composition as those installed by the Developer.
    - i. Exception: Cable systems may be used lieu of balusters on decks.
    - ii. Note: Redwood, or other non-vinyl decks and stairs are not allowed.
4. Sun Shade Fabric Roll-Down Screens
  - a. Sun shade fabric roll-down screens on the front porch require Board review and approval using the following criteria for Architectural Conformity:
  - b. Screens should be from post to post; either one full screen or multiple screens that are attached from one post to another.

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<sup>4</sup> See previous footnote.

- c. Screens should be the same color as the house screens (Charcoal) or the house trim (White).
- d. Screens should be mounted from the inside of the frieze beam and should reach the porch deck or railing.
- e. Screens should be attached to the porch railing, post or decking when deployed.
- f. Screens should remain in the “up” position and hidden from sight when not in use
- g. No Screens may be placed at the front steps.
- h. Screens must be removed or secured during serious storms such as Nor’easters, Hurricanes, Tornados or other severe weather.

5. Modifications that do not Require Board Review and Approval:

The Unit Owner may make the following modifications, similar to those that were offered or made by the Developer, 3 Ponds, LLC, without requesting approval by the Board.

- a. Front Storm Doors:
  - i. Installation of a white, full-view storm door. The door may have an internal screen, such as the Larson models installed by the Developer, or a full glass model as made by Larson or Anderson.
  - ii. Doors with half metal facings are not allowed.
- b. Front and Rear Steps, Posts and Beams:
  - i. The side boards of the front and rear steps, and the exposed posts and beams may be painted white (acceptable color is Sherwin Williams Ultra White) or covered with white AZEK of the same color the builder used on the steps and porches.
- c. Front Porches and Front Steps:
  - i. In the area under front porches and steps, no more than 24” of lattice combined with trim boards is allowed
    - 1. Measurement is from the dirt/aggregate to the bottom of the porch deck.
    - 2. AZEK or similar materials must be used.
- d. Rear Porches/Decks and Rear Steps:
  - i. In the area under rear porches/decks and steps, no more than 48” of lattice combined with trim boards is allowed.
    - 3. Measurement is from the dirt/aggregate to the bottom of the porch deck.
    - 4. AZEK or similar materials must be used.



5. Deck posts may be painted white to match the trim of the units.
  6. Decks higher than 48" from the dirt/aggregate to the deck board are not allowed to have lattice or additional trim boards installed.
  7. NOTE: After 12/14/2022, the installation of any lattice or trim that is larger than the above limits will need to be removed at the owner's expense.
- e. Gutters and Downspouts
    - i. Gutters and downspouts, which are white and similar in design to those installed by the Developer on the front of the units.
  - f. Porch and Stair Railings
    - i. Porch and stair railings that are white and similar in design to those that were installed by the Developer.
  - g. Whole House Generators
    - i. Whole house generators that are similar to those installed by the Developer.
    - ii. The generator must be installed on a pad as recommended by the manufacturer and in a containment similar to that installed by the Developer.
    - iii. The generator must be located five feet from any opening in the wall of the Unit, or 18 inches from the Unit, and ten feet from the propane tank.
    - iv. The propane supply line from the propane tank to the generator must be routed two feet underground with the top 6 inches around the gas pipe being sand.
    - v. The electrical installation shall be in accordance with NEC 2017.
    - vi. The Unit Owner shall obtain the required permits from the Town of Brentwood, and have the installation performed by a licensed contractor in accordance with Brentwood codes.
  - h. Hot Tubs
    - i. Hot tubs may be installed on patios in the unit's Yard.
    - ii. The electrical installation shall be in accordance with NEC 2017.
    - iii. The Unit Owner shall obtain the required permits from the Town of Brentwood, and have the installation performed by a licensed contractor in accordance with Brentwood codes.
  - i. Exterior Bulkheads
    - i. Exterior bulkheads may be painted to match the color of the unit siding.
6. Units with walkout basements or access to a patio on the side: Some units were constructed with walkout basements, or access to a patio, on the side of the unit due to the topography of the lot.

- a. Unit Owners who have a side walkout and desire to install a patio must present their plans to the Board for review and approval.
7. Grandfathered: In several cases, an existing patio or walkway was approved and constructed by the Developer in areas other than the Yard. The side patios and walkways at the following units are accepted by the Board (grandfathered), and no action is required by the owners, except for any extension of an existing patio.
- a. 3 Sunset Lane – side patio
  - b. 1 Three Ponds Drive – front and side walkway and side patio
  - c. 26 Three Ponds Drive – side walkways and side patio<sup>5</sup>

## **XXV. Driveway Maintenance and Repair**

1. The Association is responsible for the maintenance and replacement of the Units' driveways.
  - a. The replacement will utilize the recommendations from the Reserve study and will be standard for all Units in the Association based upon age and standards for wear or deterioration.
2. Sealcoating will be performed by the Association at a standard frequency.
  - a. To maintain a standard appearance throughout the community, Owners are not allowed to apply sealcoating to their driveways.
3. Units that have additional parking spaces, or that park vehicles outside their garage may experience accelerated deterioration due to fluid leaks.
  - a. Should such degradation be identified, the driveway, parking area or turn around pad will be repaired or replaced by the Association at the owner's expense.
  - b. Owners are not allowed to complete repairs or replacement of the unit's driveway.

## **XXVI. Damage To Common or Limited Common Areas**

1. It is the responsibility of the Unit Owner to repair, or have repaired, any damage that they, or their contractor, agent, family member, or guest causes to the Common or Limited Common Areas.
2. All repairs, and replacements shall be substantially similar to the original construction and installation, be of first-class quality, and be completed within a reasonable time of damage occurring.

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<sup>5</sup> See previous footnote.

## Policies

### **I. Public Emergency Policy**

1. In the event of a declared Public Emergency in our region (i.e., pandemic, natural disaster, or other public emergency), the Policy of The Villages at Three Ponds (VTP) will be to adhere to guidelines and advisories issued by the legally prevailing authority.
2. Such emergency guidelines and advisories will supersede any rule(s) published in the Rules and Policies or Handbook documents of The Villages at Three Ponds.
3. The Board of Directors will communicate with VTP Owners and Residents as to the impact and effect of such emergency guidelines and advisories.
4. It is not the intent of the BOD to create guidelines that are outside its expertise and scope, and will defer to the State level experts on such matters.