

Revisions to deed restrictions...Proposed by ARC 9/28/10

Put in order of Priority:

1. Number of residents requesting
2. What will not have a negative impact on our property values.
3. reducing the number of changes as per the Board. **Proposed changes in Yellow.**

ARTICLE VI GENERAL USE RESTRICTIONS

- 1) Section 4. Vegetable Gardens. **Vegetable gardens are allowed such that they do not exceed 10 feet by 12 feet in size or a combined total of 120 square feet if divided into multiple vegetable gardens. Vegetable gardens must not be visible from the front of the property or interfere with the general appearance of the neighborhood. They must be kept neat and groomed and must be cleaned-up by October 1st of any year.**
- 2) Section 8. Signs. No signs of any nature whatsoever shall be erected, placed or maintained on any lot within the property, described, except that a single real estate "For Sale" sign may be so placed and maintained, but removed within five (5) days after a non-contingency contract for sale and purchase for such lot has been signed by all parties thereto. **Political signs may be placed on the property during the election period recognized by the town, such that they are official election signs distributed by the political party/person it represents. Political signs may not exceed a dimension of two (2) feet by three (3) feet. Signs must be removed within 7 days after the election.**
- 3) Section 5. Television and Radio Antennas and Exterior Mechanical Devices, **Solar Panels,** Etc. No television antennas, radio antennas, television or radio receiving or transmitting devices, satellite antennas, "dish" or other device used to receive direct broadcast satellite ("DBS") services to be greater than one meter in diameter shall be erected or placed on any Lot or be attached to the exterior of any structure. Satellite antennae, "dishes" or other devices used to receive DBS services which are smaller than one meter in diameter, and antenna or other devices used to receive television broadcast services ("TBS") and multipoint distribution services ("MMDS") are specifically permitted, but, must be erected, placed or attached so that the satellite antenna, "dish" or device is not visible from the front of the Lot; however, if such placement impairs clear reception, Owner may be granted an exception upon submitting a statement of such impairment and a plan for placement of the device. No other device, apparatus or decoration shall be permanently or temporarily attached to the exterior of the structure without prior written approval of the Declarants. Exterior holiday lights and/or ornaments shall be permitted, provided that such lights are removed no later than January 15th of any year. **Solar panels shall be permitted such that they are affixed to the rear roof and are not a free standing structure. They must be flush rear roof mounted and not placed on an elevated roof top structure.**
1. Section 18. Basketball Goals. **A maximum of one basketball goal may be maintained on any lot at any time. Basketball goals must abide by the Town of Middletown ordinance, stating that no basketball nets may be left on the street or impeding right of ways unattended. No permanent poles may be installed on the property between the sidewalk and the street at any time. Any and all basketball playing shall be permitted from 9:00 am to sundown.**

The following originally proposed changes did not get enough votes on the final discussions to make the top 4 changes requested by the Board as well as votes by the ARC members representing the neighborhood residents requests.

~~Section 10. Swimming Pools. No above-ground swimming pools shall be constructed or maintained on any lot, except that children's inflatable pools not exceeding four (4) feet in height and Eighteen (18) feet in diameter shall be permitted such that they are removed no later than October 1st of any year. All pools must be fenced in at all times. See Section 9 for fence restrictions. _~~

REASONS: After research on this on the internet it was found that over time, it would have a negative effect on the property values of the neighborhood. Also, after consulting a real estate agent, we were advised that above-ground pools were found to have a negative effect on property values. After discussions with the neighborhood, residents we spoke to were against it for the same reasons stating that is why they moved into a deed restricted community that did not allow them. After researching the surrounding deed restricted communities in Middletown, we found that none of them allowed above-ground pools. Why should we not be in line with the rest of them?

~~Section 14. Trampolines. Trampolines are allowed such that they are fenced in and maintained in proper working condition at all times. The trampoline must have safety netting. Owner must provide proof of homeowners insurance with specific coverage for trampolines on a yearly basis.~~

REASONS: After researching this issue from a legal perspective, we found that additional homeowners insurance was required for this, and that most would not allow it. There would be no way to enforce/ensure the proper insurance would be maintained over time for trampolines. It was found that after an accident, the injured party could/did go after HOA for **specifically allowing** trampolines leaving the HOA open for a law suit. We didn't want to expose ourselves. Over time trampolines wear and rust, which then in turn has a negative effect on property values.