

PRESERVATION RESTRICTION AGREEMENT  
BETWEEN  
THE TOWN OF WESTON  
AND  
COLDSTREAM LIMITED PARTNERSHIP

177 Church St. Weston

Coldstream Limited Partnership having a mailing address of 88 Waverly Street, Framingham, Massachusetts 01702 ("Grantor") hereby grants to the Town of Weston having a mailing address of P.O. Box 378, Town House Road, Weston, Massachusetts 02193 (the "Grantee") the following preservation and conservation restrictions on the premises at 171 Church Street, Weston, Middlesex County, Massachusetts and all more particularly described below.

WHEREAS, the Grantor is the owner in fee simple of certain real property with improvements thereon situated at 171 Church Street, as described in deed from Edward W. Coburn to RAD Algonquin Realty Trust dated January 31, 1994 and recorded with Middlesex South District Registry of Deeds in Book 24226, Page 318 (the "Premises").

WHEREAS, the Grantor has agreed to accept certain restrictions, obligations and duties upon itself as owner of the Premises and on the successors to its rights, title and interest therein in order to protect the rural appearance of both the house and the landscape of the Premises by preserving, maintaining and promoting the relation of the building to the surrounding landscape; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage as a rare surviving remnant of the original farming community and will serve the public interest in a manner consistent with the purposes of M.G.L. Chapter 184, Section 32, (the "Act");

WHEREAS, the Premises is eligible to be listed in the State Register of Historic Places as a contributing property to the potential Coburn-Church Street District;

WHEREAS, the Grantor has agreed to forego development permitted under the Zoning By-Laws of the Town of Weston on the Premises; and

WHEREAS, the Town is authorized to accept these preservation restrictions pursuant to M.G.L. Chapter 40, Section 8C

NOW, THEREFORE, for good and valuable consideration, the Grantor for itself, its heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee as follows:

1. The conservation and preservation restrictions hereby granted shall be perpetual, and the right to enforce them shall be vested in and managed and controlled by the Grantee or its successor.
- 2 (a) The land with the buildings and improvements thereon situated and affected by this Agreement is shown as Lot 8 on a plan entitled "Property Rights Plan of Land Located in Weston, Massachusetts (Middlesex County) Prepared for Coldstream Limited Partnership prepared by Meridian Engineers, Scale: 1" = 50' dated September 10, 1997, and revised December 16, 1997 more or less, according to said plan, (the "Subdivision Plan");

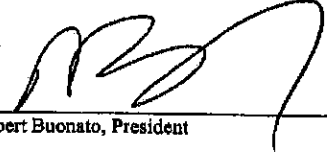
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- (b) The Premises are also shown on a plan entitled "Permissible Modification Locations: Preservation Restriction Agreement" dated September 1, 1998 (the "Modifications Plan") and attached hereto as Exhibit A and made a part hereof.
  - (c) Activities on the Premises shall be regulated by the Agreement and the Preservation Guidelines (the "Guidelines") attached hereto as Exhibit B and made a part hereof, as the same may be amended from time to time by amendments filed with the Town of Weston Historical Commission.
3. The Grantor covenants for itself, its executors, administrators, successors and assigns, to forbear from performing or willfully permitting others to perform, except as specifically provided for in Paragraph 4 hereof, the following activities:
- (a) Construction or placing of any buildings, improved roads, mobile homes, signs, billboards or other advertising, or other structures on or above ground on the Premises with the exception of the structures, roadways and improvements specifically referenced herein; other than temporary for sale sign and subdivision sign to be approved by the Planning Board prior to its installation.
  - (b) Dumping or placing of soil or other substances or material as land fill, or dumping or placing of trash, waste, or unsightly or offensive materials on the Premises;
  - (c) Removal or destruction of trees, shrubs, or other vegetation shown on the Modifications Plan on or from the Premises and alteration of the existing landscaping not in accordance with the Guidelines;
  - (d) Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other mineral substances or natural deposit in such manner as to permanently alter the topography of the Premises except in connection with the permissible expansions;
  - (e) Alterations in the exterior features of the buildings on the Premises, except those expressly permitted under the Guidelines;
  - (e) Changes in appearance of the buildings on the Premises;
  - (g) Other acts or uses detrimental to the retention of the Premises predominately in its natural, scenic or open condition or appropriate to its preservation; or
  - (h) Other acts or uses detrimental to possible archaeological remains which may be on or under the Premises as a result of its continuous use for farming purposes.
4. The Grantor, for itself and its executors, administrators, heirs, successors and assigns shall have and hereby is permitted to undertake the following activities on the Premises;
- (a) Subject to the approval of the Grantee, not to be unreasonably withheld, to install and maintain a driveway for the passage and re-passage by foot or vehicle at the location designated on the above referenced Modification Plan;
  - (b) To plant, trim, cut and remove selectively bushes, shrubs, trees and other vegetation (i) for the purpose of maintaining existing paths (ii) for purposes of proper horticultural, forestry or landscape practices, (iii) to maintain and improve the scenic view, and (iv) to implement disease prevention measures (v) or if it interferes with approved construction plans;
  - (c) To use the Premises for residential purposes;
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- (d) To cultivate and harvest crops and flowers, to plant and maintain trees, shrubs and the mowing of grass;
  - (e) To install, maintain, repair, replace and use such underground utilities as may be reasonably necessary or appropriate to serve buildings owned by the Grantor, and any excavation or construction necessary to undertake the same, provided that the surface of the land on the Premises is reasonably restored to its prior condition following such activity;
  - (f) To install, maintain, repair, replace and use such facilities and equipment as are necessary for an approved septic system to serve the buildings on the Premises, and any excavation or construction necessary to undertake the same, provided that the surface of the land at the Premises is reasonably restored to its prior condition following such activity;
  - (g) To construct, maintain, repair and use an addition to the dwelling on the Premises and rehabilitate the existing dwelling as per the approved plans, said addition to be built in the "Permissible Building Expansion Footprint" designated on the above referenced Modification Plan and said addition shall be constructed in accordance with the *Modification Plan and the Guidelines*;
  - (h) To affect such changes and alterations to the landscaping and site features on the Premises as may be permitted in accordance with the Modification Plan and the Guidelines; and
  - (i) To consider the archaeological impacts of site excavations.
5. It is hereby recognized and agreed by both parties hereto that there shall be no public right of access to the Premises without the express permission of the Grantor which may be withheld at reasonable discretion.
6. The Town may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties if the Town deems such transfer to be in the best interests of the goals of this Agreement.
7. The preservation restrictions herein described are created pursuant to M.G.L. Chapter 184 Sections 31 through 33 and shall be construed so as to comply with said provisions of law. The invalidity of M.G.L. chapter 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.
8. The preservation restrictions hereby imposed are in gross and are not for the benefit of or appurtenant to a particular estate. The burden of the restrictions hereby imposed shall run with the Premises and shall be binding all future owners of any interest therein.
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In Witness hereof, Coldstream Limited Partnership, by Coldstream Corporation, its General Partner by Robert Buonato its President aforesaid have hereunto set their hands and seals this 8<sup>th</sup> day of April, 1999

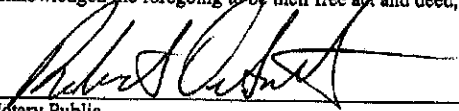
Coldstream Limited Partnership  
By Coldstream Corporation, its General Partner

  
Robert Buonato, President

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss 4/8 1999

Then personally appeared the above named Robert Buonato, President of Coldstream Corporation and acknowledged the foregoing to be their free act and deed, before me,

  
Notary Public  
My Commission expires: \_\_\_\_\_

ROBERT DESANTIS  
Notary Public  
My Commission Expires Sept. 24, 2004

ACCEPTANCE OF GIFT

The gift of the foregoing Preservation Restriction Agreement is hereby found to be in public interest and is hereby accepted this SIXTH day of APRIL 1999.

TOWN OF WESTON  
HISTORICAL COMMISSION

By: Alfred L. Audelott  
Chairman

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss April 6, 1999

Then personally appeared the above named Alfred L. Audelott and acknowledged the foregoing to be the free act and deed of the Town of Weston Historical Commission, before me,

Diana S. Vandecloer  
Notary Public  
My Commission expires: August 19, 2005

APPROVAL

TOWN OF WESTON  
BOARD OF SELECTMEN

The undersigned Clerk of the Board of Selectmen of the Town of Weston, hereby certifies that the foregoing Preservation Restriction Agreement was duly approved as being in the public interest, pursuant to Massachusetts General Laws Chapter 184, Section 32, by the Selectman at a meeting held on April 6, 1999.

[Signature]  
Clerk, Board of Selectmen, Town of Weston

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss

April 6, 1999

Then personally appeared the above named Douglas Gillespie and acknowledged the foregoing to be the free act and deed of the Board of Selectman, Town of Weston, before me,

Anna S. VanderClare  
Notary Public  
My Commission expires: August 19, 2005

MASSACHUSETTS HISTORICAL COMMISSION

The undersigned Executive Director of the Massachusetts Historical Commission, hereby certifies that the foregoing Preservation Restriction Agreement has been approved as being in the public interest, pursuant to Massachusetts General Laws Chapter 184, Section 32.

Dated: April 22, 1999

Judith B. McDonough  
Executive Director  
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss

April 22, 1999

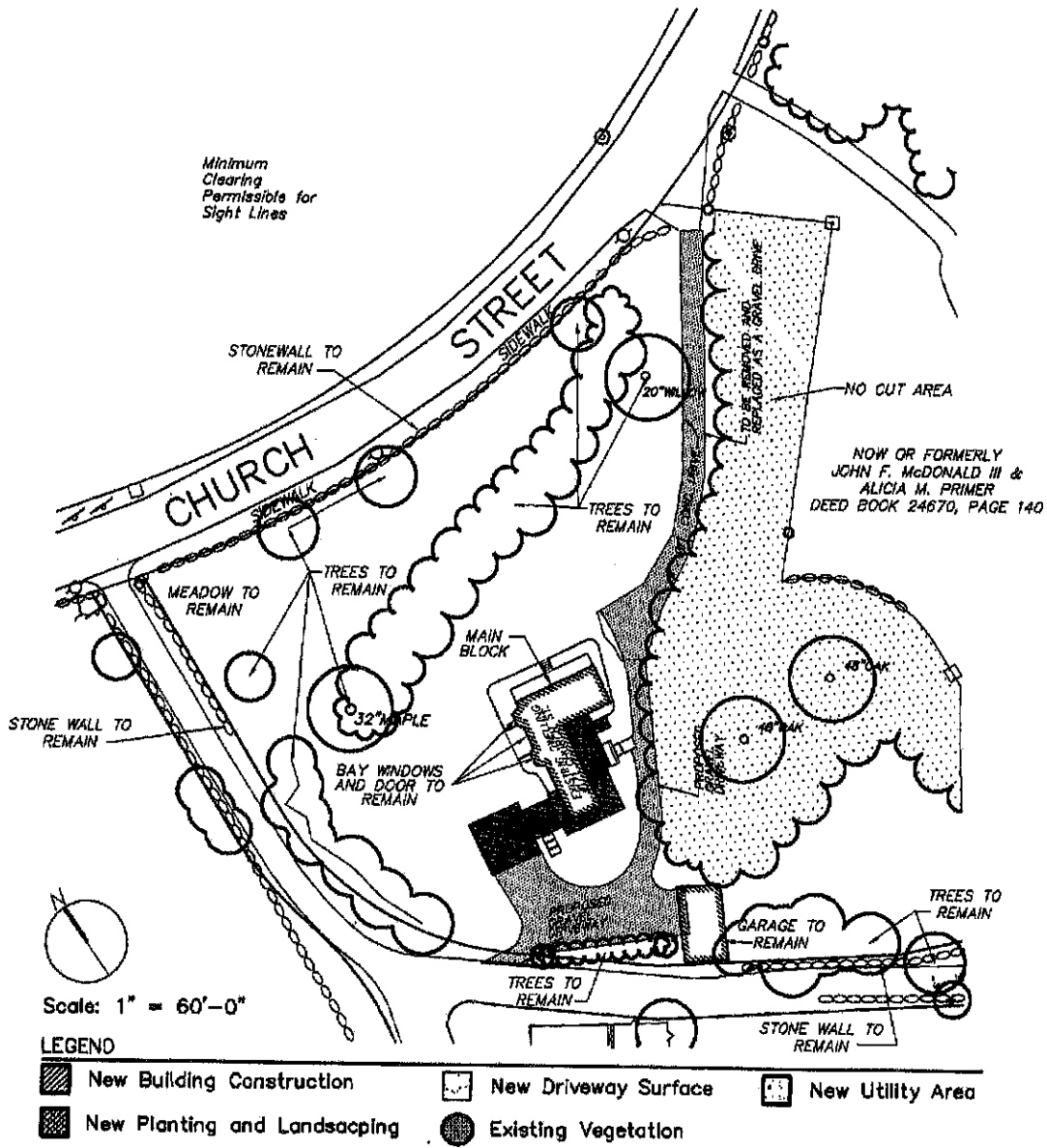
Then personally appeared the above named Judith B. McDonough Executive Secretary and acknowledged the foregoing to be the free act and deed of the Massachusetts Historical Commission, before me,

Elean N. Fitzgerald  
Notary Public  
My Commission expires: 10/9/2003

**EXHIBIT A**

**PERMISSIBLE MODIFICATION LOCATIONS  
PRESERVATION RESTRICTION AGREEMENT  
171 CHURCH STREET  
WESTON, MASSACHUSETTS 02493**

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Permissible Modification Locations : Preservation Restriction Agreement  
 171 Church Street, Weston, Massachusetts 02493 September 1, 1998  
 Town of Weston : Planning Board / Historical Commission.



**EXHIBIT B**

**PRESERVATION GUIDELINES**

**PRESERVATION RESTRICTION AGREEMENT  
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WESTON, MASSACHUSETTS 02493**

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PRESERVATION GUIDELINES  
171 CHURCH STREET  
WESTON, MASSACHUSETTS 02483

**1. PREAMBLE**

- 1.1 The purpose of these guidelines is to assist the Property Owner (the Owner) and the Town of Weston, or its designated agents, (the Town), in retaining the substance and character of the historic dwelling and land (the property) located at 171 Church Street, Middlesex County, Massachusetts, by establishing standards and procedures for maintenance and improvements in accordance with the principles established in the Preservation Restriction Agreement.

**2. GENERAL PROVISIONS**

**2.1 Architectural and Cultural Importance of the Property:**

- 2.1.1 **Building:** The original 19th century Coburn house and its subsequent additions have been determined to represent an architectural resource of considerable importance to the Town. The building is an excellent example of a vernacular Greek Revival farmhouse and exemplifies the style of residential construction most commonly identified with the town's architectural heritage. In addition to its architectural significance, the house also is important to the Town as the residence, for over a century, of the Coburns, one of its oldest and most influential families.
- 2.1.2 **Landscaping and Surrounding Context:** The building forms an integral part of an ensemble of structures picturesquely placed in an open setting of fields and woodlands. The composition constitutes one of the last, and most significant, extant examples of the Town's rural heritage.
- 2.1.3 **Primary Objective:** Taken together, the building and its context constitute a unique and irreplaceable historical landmark, the essential substance and character of which the Town has mandated be preserved as a resource for the future.

**2.2 Intent and Application of the Guidelines:**

- 2.2.1 In view of the importance to the Town of preserving the property's character and integrity, both with respect to the building itself and in context with its surroundings, it is the intent of these guidelines that:
- 2.2.1.1 The appearance of the north, east and west elevations of the original structure, designated in Exhibit B as the Main Block, shall be maintained intact.
- 2.2.1.2 Necessary reconstruction or replacement of any portion of the original structure shall reproduce the existing exterior features and components exactly, except as specifically indicated in these guidelines.
- 2.2.1.3 Alterations of, and additions to, the original structure shall maintain the character of the existing.
- 2.2.1.4 Modifications of existing landscaping and site features visible from any portion of Church Street shall be minimized.
- 2.2.1.5 Modifications of landscaping and site features shall retain the character of the existing and be harmonious with the character of the surrounding context.
- 2.2.2 Accordingly, these guidelines generally apply to all exterior features of the property visible from any portion of Church Street, including, but not limited to, the location, character, configuration, proportions, size, materials, color, finish, type and style of the following, whether existing or new, as applicable:
- 2.2.2.1 Porches, garages, ells, wings, outbuildings and other major building elements;
- 2.2.2.2 Roofing, siding, masonry and other building materials exposed to view from the exterior;
- 2.2.2.3 Windows, doors, trim, decoration, building-attached exterior lighting fixtures and other building components, except storm windows and window air conditioners;
- 2.2.2.6 Free-standing lighting fixtures, walls and other secondary site features or structures.
- 2.2.3 These guidelines do not apply to the interior portions of the building.

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**2.3 Reference Documents:**

- 2.3.1 Documents referenced in Paragraph 2 of the Preservation Restriction Agreement and in particular, the plan entitled "Permissible Modification Locations: Preservation Restriction Agreement" dated September 1, 1998 ("Modifications Plan") and designated Exhibit B.
- 2.3.2 Documents on file with the Weston Historical Commission, including:
- a. Photographs of the existing construction and landscaping as of June 1, 1998.
  - b. A sheet of measured drawings at the scale of 1/4" = 1'-0" entitled "Historic House at 171 Church Street, Weston, MA 02193: Existing Elevations" and dated 11 May 1998, showing the exterior appearance of the original structure as of that date.
  - c. A sheet of measured drawings at the scale of 1/4" = 1'-0" entitled "Historic House at 171 Church Street, Weston, MA 02193: Original Front Porch" and dated 29 May 1998, showing the appearance of the former north porch.
  - d. Massachusetts Historical Inventory Forms A and B.

**3. GENERAL REQUIREMENTS AND PROCEDURES****3.1 Work Subject to Review:**

- 3.1.1 Any repair, maintenance, replacement, modifications of, or additions to, the existing exterior fabric of the property visible from any portion of Church Street shall be subject to review by the Town, such review to be performed within a reasonable period of time. In cases where a portion of a structure, element, or component is visible from Church Street, review by the Town shall extend to the entirety of the affected feature.
- 3.1.2 Approval of any proposed work subject to review must be granted in writing by the Town within a reasonable period of time, but in any case in advance of commencement of construction.
- 3.1.3 Approval may be waived by the Town for ordinary maintenance, replacement of existing fabric, and those items specifically excluded in Paragraph 2 of these Guidelines, provided that no modifications to the existing fabric are proposed.

**3.2 Review Standards and Procedures:**

- 3.2.1 Review procedures, including those conducted for emergency repair and replacement, shall generally be conducted in accordance with applicable provisions of the following:
- 3.2.1.1 The Secretary of the Interior Standards for the Treatment of Historic Properties;
  - 3.2.1.2 Article XXVIII of the Bylaws of the Town of Weston in effect as of the date of the agreement, except as modified by the provisions of the Preservation Restriction Agreement and these Guidelines.
- 3.2.2 Determinations by the Town relating to work subject to review shall be based on the primary objective of retaining the substance and character of the property, in accordance with the general provisions of Paragraph 2.2 of these Guidelines.

**3.3 Submittal and Documentation Requirements:**

- 3.3.1 Material required for review may include scale drawings, renderings, models, specifications, product descriptions, planting plans, plant lists, and any other design documentation which the Town may require to adequately review the substance and character of proposed modifications. At a minimum, such documentation shall include elevations, drawn at the scale of 1/4" = 1'-0".
- 3.3.2 In addition, the Town at its reasonable discretion may require submittal of:
- 3.3.2.1 Qualifications of the proposed architect and contractors.
  - 3.3.2.2 Construction documents, product and materials literature, shop drawings, samples, and other construction-related material to assure compliance with the design.
- 3.3.3 Construction documents for exterior work requiring a Building Permit shall possess the stamp of a registered professional architect currently licensed in Massachusetts.

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**3.4 Qualifications of Consultants and Contractors:**

- 3.4.1 All design work affecting the building exterior shall be performed by an architect currently licensed in Massachusetts, with proven specialty in historical renovation and reconstruction.
- 3.4.2 All construction affecting the building exterior except simple maintenance projects, shall be performed by contractors currently licensed in Massachusetts, and the general or lead contractor shall have a minimum of 5 years proven experience in historical renovation and reconstruction.

**4. CONSTRUCTION STANDARDS**

**4.1 General Standards:**

- 4.1.1 All products, components and materials shall be of the best quality available for the intended use, free from defects or imperfections of any kind. All plant materials shall consist of healthy, mature specimens, free from disease and/or infestation.
  - 4.1.2 Construction quality, including installation and maintenance of plant materials, shall conform to the highest standards of the industry.
  - 4.1.3 All components, materials, colors, finishes and configurations incorporated into new construction shall match respective corresponding items in the existing construction exactly wherever possible, or as may be noted in these Guidelines.
  - 4.1.4 New construction shall maintain the scale, proportions, detailing and general character of the existing structure.
  - 4.1.5 Exterior reconstruction and replacement of any portion of the Main Block shall reproduce the existing Greek Revival construction in every particular, or in accordance with approved drawings, and replacement plantings shall reproduce the size, type and number of existing plant materials, except as specifically noted in this paragraph. Proposals for substitutions and alternates will be considered in accordance with the process described in Paragraph 4.2.2 for new construction
    - 4.1.5.1 Roofs: Cedar shingles, clear select, natural finish, straight course, are an acceptable alternative to the existing roof shingles.
    - 4.1.5.2 Colors: Maintenance of the existing color scheme is strongly preferred by the Town; however, alternative schemes will be given consideration.
    - 4.1.5.3 Plantings: Existing trees, foundation plantings, understory plant materials and other landscaping elements outside of designated "no cut areas" shall be preserved in locations indicated in Exhibit B. Replacement shall be limited to dead and diseased materials, or in accordance with an approved landscaping plan. Substitutions from among those suggested in Paragraph 4.2.2.2 will be given consideration by the Town.
  - 4.1.6 Existing site features and components to be preserved are noted in Exhibit B and include the following elements:
    - 4.1.6.1 Field Stone Walls: All walls shall be maintained in their existing condition, except as specifically indicated in Exhibit B.
    - 4.1.6.2 Landscape Areas: "No cut areas" designated in Exhibit B shall be preserved in their current state, except for pruning and removal of dead or diseased material.
  - 4.1.7 New construction, including installation of landscaping and site features such as drives, walks and the like, shall be limited to the areas designated in Exhibit B, or in accordance with approved site and landscaping plans. In no case shall new construction extend beyond the maximum limit designated in Exhibit B.
- 4.2 Specific Standards for New Exterior Construction:** The following descriptions are included to establish a general level of quality for proposed new construction, landscaping and sitework, and are not intended as a comprehensive specification. Any proposed landscaping and sitework shall

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be subject to site plan review by the Weston Planning Board and shall conform to the Conditions of Approval issuing therefrom.

4.2.1 Requirements: Maintenance of the following standards is considered essential to achieving the Town's primary objective for the property. Compliance is therefore required and deviations will not be considered by the Town.

4.2.1.1 Building Elements:

- a. Height: With the exception of chimneys, the height of new construction shall in no case exceed the ridge height of the Main Block.
- b. Massing: Building additions which are discontinuous from the planes of the original construction are preferred, and are subject to the standards stipulated in the Guidelines. Additions which continue in the same planes as the Main Block shall reproduce in every particular similar elements of the existing Greek Revival construction, including, but not limited to corner, eave, rake and other trim; window sash and trim; door detailing, hardware and trim; shutters and hardware; and siding.
- c. Siding: Clear select beveled cedar clapboards, smooth side out, painted, with weather exposure matching existing construction.
- d. Pitched Roofs: Fiberglass or asphalt composition shingles, heavy weight, straight course, matching the existing; or alternatively, clear select cedar shingles, natural finish, straight course. Eave drips to be shingle type; no rake drips. Gable-ended roof forms, broken or full pediment type, with eave returns.
- e. Chimneys and Other Masonry: Brick, red in color, medium range, traditional size, natural finish (unpainted), preferably water struck, with mortar color matching lime mortar.
- f. Exposed Foundations: Granite field stone; or alternatively, cut granite blocks.
- g. Trim and Decoration: Painted clear select wood in configurations and profiles matching existing similar elements. Gable ends to be broken or full pediment type with eave returns to the rake frieze boards. Gutters, if installed, to be painted cedar.
- h. Shutters: Wood louver type, painted, on blind hinges with concealed keepers.
- i. Windows, Sidelights and Transoms: Single glazed painted wood with integral storm panels and true divided light sash. Reproduce horns, casings and other existing features.
- j. Doors, Storm Doors and Sidelights: Painted wood reproducing the style, color and finish of existing examples. Sidelights and transoms to be rectilinear, single glazed with true divided light sash.
- k. Garage Doors: Painted wood, with elliptical heads.
- l. Building-Attached Lighting Fixtures: Small wall-attached painted lanterns at doors and ceiling mounted recessed type at porches.
- m. Equipment: Above-ground components associated with heating, air conditioning, electrical, or plumbing systems, such as pad mounted compressors, condensers, pumps, or transformers, shall be placed in locations not visible from Church Street.

4.2.1.2 Landscaping and Site Features:

- a. Lawns and Plantings: Maintenance of the informal, rural quality of the existing site is of the essence, and a maintenance program which does not conform to this standard will not be acceptable.
- b. Drives: Crushed stone in earth tones, not gray.
- c. Walks: Crushed stone material used on the drives, or alternatively, flagstones, bluestone, or red brick pavers set in sand or stone dust.

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- d. **Site Stairs:** If and where indicated in Exhibit B, material shall be cut granite, bluestone, or red brick with simple wrought iron railing, if required, painted black or dark green. Rails with elaborate decorative balusters, newels, finials or other accessory features will not be acceptable. Existing concrete stairs may be capped with flagstones or bluestone in a gray color range.
  - e. **Free-Standing Lighting Fixtures:** Single, post-mounted black lantern type placed either at the end of the front walk, or at the end of the driveway on Church Street.
  - f. **Mailboxes:** Single painted post-mounted metal box.
- 4.2.2 **Recommendations:** Maintenance of the following standards is considered important, but not necessarily essential, to achieving the Town's primary objective for the property. Deviations from these standards will therefore be considered by the Town, provided that the Owner demonstrates to the Town's satisfaction that the proposed deviations contribute at least as effectively as the recommended standards toward achieving the Town's primary objective for the property. No deviations will be approved which the Town, at its sole discretion, deems to be reasonably unsatisfactory.
- 4.2.2.1 **Building Elements:**
- a. **Windows:** 6/6, 8/8 and 8/8 double hung.
  - b. **Dormers and Porches:** Dormers shall be gable-ended roof form, broken or full pediment type with eave returns, framing a maximum of two 30" wide windows. Porches shall be shed or gable-ended roof type, with trim detailing matching the remainder of the house. Reconstruction of the historic north porch facing Church Street is encouraged, provided that the original construction be reproduced as closely as possible to the Town's satisfaction from documents on file with the Weston Historical Commission.
  - c. **Garage Doors:** Flat or raised panel type.
  - d. **Skylights and Roof Lights:** Maximum 30" wide x 48" long, with frames matching the roofing color, in gangs of no more than two.
  - e. **Columns:** Classically detailed painted wood with true entasis. Acceptable alternatives include painted wood turned spindle posts, or square posts with caps, bases and other classical trim.
  - f. **Downspouts:** Circular section painted metal.
  - g. **Colors:**
    - i. **House Body and Trim:** White.
    - ii. **Roof:** Black or natural cedar.
    - iii. **Shutters:** Black or dark green.
    - iv. **Doors:** Black or dark green.
- 4.2.2.2 **Landscaping and Site Features:**
- a. **All features shall be installed in accordance with approved site and landscaping plans.**
  - b. **Plant Species:** Suggested examples of acceptable plant species include
    - i. **Trees:**
      - Sugar Maple (*Acer Saccarinum*)
      - White Pine (*Quercus Alba*)
      - Black Cherry (*Prunus Serotina*)
      - Beech (*Fagus Grandiflora*)
    - ii. **Foundation Plantings:**
      - Common Juniper (*Juniperus Communis*)
      - Mountain Laurel (*Kalmia Latifolia*)
      - Oregon Grape (*Mahonia Aquifolium*)
      - Catawba Rhododendron (*Rhododendron Catawblense*)
      - Spreading Yew (*Taxus Cuspidata*)

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- Highbush Blueberry (*Vaccinium Corymbosum*)
  - Hobblebush (*Viburnum Alnifolium*)
  - Inkberry (*Ilex Glabra*)
  - American Holly (*Ilex Opaca*)
  - Common Lilac (*Syringa Vulgaris*)
- c. **Site Furniture:** Moveable benches, swing sets, play structures, umbrellas, and other similar elements which are not anchored to the ground with embedded posts, footings, or foundations, are acceptable, subject to review by the Town as to size, placement, configuration and material if visible from Church Street. Preferred material is wood.
- 4.2.3 **Prohibitions:** In addition to specific exclusions mentioned in the standards above, the following new features are considered to be non-contributory to achieving the Town's primary objective for the property shall not be permitted:
- 4.2.3.1 **Building Elements:**
- a. Circular, elliptical or arched windows.
  - b. Flush style or metal doors.
  - c. Building-attached or free-standing satellite dishes or antennas.
  - d. In-ground pools, gazebos, garden sheds, decks, and/or tennis courts.
  - e. Building-attached or free-standing greenhouses.
  - f. Building-attached floodlights or spotlights.
- 4.2.3.2 **Landscaping and Site Features:**
- a. Wood chip covered planting beds.
  - b. Permanently installed fountains, barbecue pits, benches, swing sets, play structures, or other similar site features.
  - c. Walls, fences, gates, site stairs and rails, or similar structures, other than those explicitly described in these standards.
  - d. Free-standing stone piers, or lighting fixtures, mailboxes or other elements mounted on piers, unless such features already exist as of the date of this agreement. Modifications of existing features are not permitted.
  - e. Accent lighting of the building, trees, walks, driveways, site features or any other exterior element.
  - f. Concrete or asphalt walks, drives or site stairs.
  - g. Drive and walkway curbing.