



**ARCHITECTURAL and LANDSCAPING**  
**STANDARDS**

*Revision 2.0*  
*February 2021*

# Somerset Estates HOA Architectural & Landscaping Standards

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## **SECTION I - Purpose**

The mission statement of the Somerset Estates Homeowners Association (SEHOA) Executive Board is “to seek to manage the Community in a manner that maximizes the market value of our homes, enhances our quality of life, and positions Somerset Estates (SE) as a premier Front Range residential subdivision.” The Architectural Control Committee (ACC) believes that its role in supporting this mission is to enhance the unique aspects of Somerset Estates that add to all three components, namely the stunning views of the Continental Divide, the high quality of home and landscaping designs, and the consistent maintenance of properties. In fulfilling its purpose, the ACC shall be timely and consistent in the implementation of these Standards and will respond to reasonable sustainable natural resource preservation practices.

These Standards establish a clarifying pattern to the whole process of building, modifying and maintaining properties so that development, construction and maturation of the properties merge and complement the natural beauty of the land and quality of the Community.

Somerset Estates is a community where different architectural designs and styles come together, and where the efforts of one designer, Owner or builder are not damaged or devalued by the incompatible design of a neighbor. Because there are different designers, builders and Owners involved, standards are necessary and useful in attaining the desired level of consistency and quality in Community appearance.

The intent of the ACC and the Executive Board is to achieve harmony among Dwellings and between each Dwelling and its surrounding landscape. The exteriors of buildings are to be subdued and non-attention catching. Somerset Estates is a place where structures complement and harmonize with the buildings adjacent to each other.

These Standards are established to:

- Carry out the general purposes expressed in the Declaration.
- Prevent violation of any specific provision of the Declaration, including any amendments.
- Prevent any change in the existing state of property which would be unsafe or hazardous to any persons or properties.
- Optimize mountain views from all home sites.
- Preserve visual continuity between Improvements and prevent any marked or unnecessary transition between improved and unimproved areas.
- Assure that any change in the existing state of the property will be of good attractive design and in harmony with development on other Lots.
- Assure that materials and workmanship for all Improvements are of high quality and durability comparable to other Improvements in Somerset Estates.

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Compliance with these Standards and/or approval by the ACC does not constitute compliance with any applicable building codes or regulations. Owners or their representatives must consult Boulder County with reference to regulatory compliance.

These Standards are in addition to and augment the Declaration. They are not intended to narrowly restrict choices, but to allow variation within a framework of compatibility and harmony with the surroundings.

## **SECTION II – General Information and Procedures**

### **Definitions**

Primary definitions for terms used in this document are found in the SEHOA Consolidated, Amended and Restated Declaration for Somerset Estates. To avoid duplicate specifications, most definitions are not repeated in these Standards. Generally, unless the context otherwise specifies them, the following words or phrases used in this document have the following specific meanings:

**ACC:** Architectural Control Committee

**Affected Owner:** A Somerset Estates Owner is considered to be “affected” by an ACC decision relative to another Owner’s lot if the Affected Owner is a near neighbor; generally considered to be the immediate neighbor on either side, across the street from, or behind the subject property.

**Architectural and Landscaping Standards (“Standards”):** These architectural and design guidelines and standards adopted by the ACC and approved by the Executive Board, as they may be amended from time to time. The current version of the Standards is posted on the Association website.

**Association:** The Somerset Estates Homeowners Association, Inc. (SEHOA)

**Construction Site:** Refers to a portion of Somerset Estates (including but not limited to a Lot) on which authority is given by the ACC to construct Improvements or store materials or equipment.

**Declaration:** SEHOA Consolidated, Amended and Restated Declaration for Somerset Estates, as it may be amended from time to time. The Declaration is posted on the Association website. NOTE: For the most recent and governing language, consult the Declaration. For convenience, Appendix E contains relevant sections of the 2018 Declaration.

**Executive Board:** The Executive Board of the Somerset Estates Homeowners Association.

**Improvements:** Any exterior construction, structure, fixture, landscaping or facilities existing or to be placed on a Lot in Somerset Estates, including but not limited to: buildings, outbuildings, swimming pools and their supporting mechanical equipment, tennis and sports courts, play sets, patios, patio covers, awnings, painting or other finish materials on any visible structure, additions, walkways, garages, carports, driveways, fences, screening walls, retaining walls, stairs, decks, streets, drainage facilities, landscaping (including any material change in

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slope, pitch or drainage pattern), hedges, windbreaks, plantings, trees, shrubs, sod, ground cover, exterior light fixtures, poles, permanently installed basketball stands, trampolines, or other recreational or sporting equipment, signs, antennas, exterior tanks, and exterior air conditioning, cooling, heating, standby generators, and water softening equipment. Improvement shall also mean and include, without limitation: (a) the destruction by voluntary action or the abandonment of any building, structure or other Improvement; (b) the excavation, filling, or similar disturbance to the surface of the land; (c) the clearing, marring, defacing or damage of trees, shrubs, or other growing things; and (d) any change or alteration to any of the above described Improvements, including without limitation any change of color, texture or exterior appearance, of any previously approved Improvement.

**Protected View Corridor:** While all mountain views are valuable in Somerset Estates, specific views are deemed protected from encroachment by landscaping. For details see the description in Section VI – Landscaping Standards.

## **Written Approval of Plans Required**

As specified in Article 7.1 of the Declaration, all Improvements require the Owner to first submit plans and specifications to the ACC, and approval must be received in writing before work begins. The Association has the right and authority to record a notice against title to a Lot to indicate that any particular Improvement has not been approved or that any approval given has been revoked.

Removal of dead, dying and diseased trees, shrubs, and other growing plants is considered to be routine maintenance and does not require ACC approval.

## **Fees for ACC Reviews**

In its review of plans, specifications and other materials and information, the ACC may require that the applicant(s) pay for extraordinary expenses such as the use of outside experts to evaluate extensive or complex projects that are beyond the scope of the committee members' expertise in the review and approval process. Such amounts, if any, shall be levied as a Specific Assessment against the Lot for which the request for ACC approval was made.

## **Variances, Waivers, and Review**

As specified in Article 7.9 of the Declaration, the ACC may grant reasonable variances or adjustments from any conditions and restrictions imposed by Article 7, in order to overcome practical difficulties or prevent unnecessary hardships arising due to the application of any such conditions and restrictions. Such variances or adjustments: (1) shall be granted only in case their granting shall not be materially detrimental or injurious to the other property or Improvements in the Community; (2) shall not have the effect of modifying the general intent and purpose of the Standards; (3) shall not set a precedent for any other applicant; and (4) shall be approved by the Executive Board. (For the most recent and governing language, consult the Declaration or Appendix E.) As specified in Article 7.10 of the Declaration, the approval or consent by the ACC, its representatives,

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or the Executive Board of any application for architectural or landscaping approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the ACC, its representatives, or the Executive Board of any application or other matters whatsoever which may subsequently or additionally require approval or consent. (For the most recent and governing language, consult the Declaration or Appendix E.) As specified in Article 7.6 of the Declaration, a majority vote of the ACC may approve a request for approval pursuant to this Section. In the event any Owner is dissatisfied with any decision of the ACC with regard to such Owner's proposed Improvements, all members of the ACC are required to meet with and review the request with the Owner. Any further review will be according to the Rules and procedures outlined in Section III. In addition, any Owner affected by the decision of the ACC with respect to another Owner's Lot may request a review of such decision according to the Rules and procedures outlined in Section III. As such, the ACC may inform neighbors directly affected by an ACC decision (Affected Owners) of such pending application before approval is given. (For the most recent and governing language, consult the Declaration or Appendix E.)

## **Liability**

As specified in Article 7.8 of the Declaration, the ACC, the ACC members, as well as the Association, the Executive Board, or any representative appointed by the ACC to act on its behalf, shall not be liable for any loss, damage, or injury arising out of or in any way connected with the performance of the ACC for any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within its jurisdiction, if such action was in good faith and without malice. In reviewing any matter, the ACC shall not be responsible for approving the safety, structural or otherwise, or conformance to building codes or other governmental laws and/or regulations, nor shall its approval of an Improvement be deemed approval of such matters. Owners and their contractors are responsible for obtaining all required governmental permits and approvals. Even if the ACC approves an application, governmental permits and approvals are the final determination for a project to go forward. (For the most recent and governing language, consult the Declaration or Appendix E.)

## **Enforcement**

These Standards may be enforced by the Association as provided in the Declaration and Rules and procedures approved by the Executive Board.

## **Amendments to Standards**

As specified in Article 7.3 of the Declaration, the ACC may propose and the Executive Board may from time to time, adopt, amend or otherwise revise additional guidelines, standards, Architectural and Landscaping Standards, Rules and procedures governing architectural review for the purposes of further enhancing, defining, or interpreting what items are covered by Article 7 and providing for changes in technology, industry standards, style, materials, safety issues, consistency with updated building codes or other laws or ordinances, or for any other reason that the Executive Board deems proper, necessary, or in the best interests of the Community. Any guidelines, standards, Rules



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and procedures or amendment thereto, shall apply to construction, additions, modifications, installations or items placed on a Lot occurring after the date such guidelines, standards, Rules, and procedures or amendments are published or otherwise made available to all Owners.

## **Prior Approvals**

In general, the ACC does not revisit prior, documented approvals of hardscape and structural house design. However, if no documentation of prior approval exists (which is the case for some original landscaping plans), or if the prior approval conflicts with the current Declaration and these Standards, the ACC may require approval. Owners need to check with the ACC before proceeding. With repairs, replacement, or other maintenance items, the ACC may require that Owners bring their Lot into compliance with the Declaration, these Standards and prior approved improvement plans.

## **SECTION III – ACC Request Submittal Process**

The ACC is charged by the Executive Board to review all building and/or landscaping plans (Improvement plans) to determine compliance with the Declaration and these Standards governing the SEHOA. The ACC will issue a recommendation based on their review of the plans, a site visit if required, and a review of the Declaration and the Standards. If necessary, relevant experts may also be requested to review the proposed Improvement. Following is the detailed process for gaining approval of plans.

- The ACC will meet every month or as needed. At its discretion, it may meet more frequently or by appointment if meetings with Owners or their Architects and Landscapers are required.
- It is preferred that applications and plans be submitted electronically. For all physical submissions, two copies of plans and/or specifications are required. The level of detail required to support a requested change will depend upon the scope of work. As a general rule, changes that involve structural alterations or new construction will need to be supported by copies of the architectural plans and specifications prepared for the Boulder County building permit process. For non-permit changes, sketches, samples of colors or materials to be used and a written explanation of the scope of work are sufficient. Physical submission of color samples should be at least 8”X10”. Large landscape projects will require Landscape Architect plans detailing locations of structures and features, drainage patterns, plant and tree types and placements. Sketches of proposed changes together with a written explanation may support small landscape jobs. While there are no fees associated with normal review by the ACC, Owners will be required to pay charges incurred in cases where it is necessary to solicit expert opinion. They will also be billed for any out of pocket costs.
- Owners are strongly encouraged to review the most recent version of the Standards on the SEHOA website prior to planning and submitting any

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application for review.

- The ACC submittal form is found under the ACC tab on the Association website [www.somersetestates-hoa.com](http://www.somersetestates-hoa.com). Submissions should be sent electronically to the chairman of the ACC, as indicated on the SEHOA website under the tab “ACC”.
- Depending upon the scope of the change, the ACC may visit the property to gain a full understanding of the change requested.
- The ACC may conclude that the proposed change(s) will affect other neighbors and, at its discretion, contact Affected Owners for their input relative to the proposed change(s). Such responses will be considered by the ACC as they make their decision.
- The ACC will not consider requests from Owners with current, outstanding compliance violations.
- Owners should submit plans assuming a 30-day approval cycle. The ACC will do everything possible to accelerate the process with proper notification.
- ACC decisions require a majority vote of the committee (and a minimum of two members). Decisions will be based on the impact on the neighborhood and compliance with these Somerset Estates Architectural and Landscaping Standards and the Declaration.. In the event that a member is recused, the decision requires a majority of the remaining committee.
- The ACC will submit their approval or disapproval to the Owner in writing; generally, electronically via email.
- Reviews and Appeals
  - Owners or Affected Owners who disagree with an ACC decision may appeal (as provided in Article 7.6 of the Declaration) by using the following process:
    1. Request a meeting with all members of the ACC to review the decision. Following the review meeting the ACC has the options to vacate, modify, or reconfirm the original decision.
    2. Subsequent to the outcome of the review meeting, if the Owner or Affected Owner is still not satisfied with the decision and believes it to be inconsistent with the Architectural and Landscaping Standards or that the application decision process was not followed, an appeal to the Executive Board may be requested.
      - NOTE that this Executive Board review shall not be conducted for matters of opinion on colors, materials or design, which are solely between the Owner and the ACC. These decision review processes are not intended to establish the Executive Board as a “second ACC.”

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3. The Owner or Affected Owner appeal request may be submitted by email, US mail or in person, to the President of the Executive Board.
  - The request must contain a copy of the initial submission to the ACC, the ACC final decision, and a brief explanation of why the Owner or Affected Owner is submitting the appeal.
4. The President of the Executive Board will schedule a time for the Executive Board to meet with the Owner, Affected Owner(s), and one or more ACC members within thirty (30) days.
- The Executive Board shall use the following process to review ACC decisions regardless of whether the request for review was submitted by the Owner or an Affected Owner:
  1. Review documentation relative to the application in question.
  2. Allow each party (Owner, Affected Owner, ACC members) to speak to the situation.
  3. Consider the following questions:
    - Was the process and decision consistent with similar ACC decisions?
    - Do the current Standards adequately address the Improvement requested in the application?
    - Are there other concerns about the ACC process that were not disclosed, such as whether any member had cause for recusal or abstention?
  4. After the review the options to the Executive Board are to:
    - Affirm the ACC decision.
    - In the event the Executive Board considers that an incorrect process was used in the ACC decision-making, the Executive Board will explain to the ACC the concerning process issue. At the same time the Executive Board will request the ACC to reconsider their approach and determine whether a more appropriate process would have an effect on their ultimate decision or Standards interpretation.
    - Request the ACC to consider proposing a revision to the Standards for Board approval, followed by a reconsideration of the application based on the revised Standards, or alternatively, to consider a variance according to Article 7.9.

## **SECTION IV – Architectural Standards**

Whether new construction or Improvements to an existing home, this section focuses on basic requirements for buildings in Somerset Estates. Some discussion topics are more appropriate for new construction and others are more general.

### **Color**

The color of the external materials shall generally be subdued to blend with the colors of the natural landscape. Earth tones, generally muted, are recommended, although occasionally accent colors used judiciously and with restraint may be permitted. Colors shall be harmonious and compatible with colors of other residences in the vicinity and nearby surroundings. As noted in the submission process section above, physical color samples should be 8"X10" in size. Any major painting or repainting of homes requires ACC approval. Touch-up painting with current approved colors does not require ACC approval.

### **Materials-Exterior Surfaces**

Exterior surfaces shall generally be of natural materials that are compatible and blend with the natural landscape. The use of each material shall be a truthful and appropriate expression of the characteristics of that particular material. Textures shall be harmonious and compatible with textures of other residences in the vicinity and the nearby surroundings. The use of brick, wood and stone is preferred. Where brick is selected as the predominant material for the exterior wall covering, each wall shall be clad with brick, on the order of 25% of its square foot area, such that there will be a complete brick wrap on the structure.

Stucco or synthetic stucco (e.g. Dryvit) is permitted as an exterior wall covering material, preferably with natural stone or brick accents, or with significant stucco sculpture or relief to eliminate flat looking walls.

Exposed standard concrete; concrete blocks; prefabricated metal buildings; simulated brick, synthetic stone or wood; unnatural brick tones; and mill finish anodized aluminum (silver) doors and windows shall not be permitted unless approved by the ACC.

Untreated or raw wood surfaces, whether in the form of exterior siding or exterior decks and railings, will not be accepted.

\* "Natural" and "Unnatural" materials and tones shall be defined by the ACC at the time of submittal and be item specific as determined by the ACC. Foundation walls shall not be exposed unless approved by the ACC, and then shall be finished to blend with the upper walls of the Dwelling.

### **Roofs**

All roofs shall be of a material, color and texture approved by the ACC. A roof pitch of less than a 6 foot rise with a 12 foot run (6/12) will be discouraged, except as deemed necessary for design purposes. No maximum pitch is specified, but approval by the ACC will be based on the visual impact of the roof on the Lot and/or neighboring Lots, Dwellings and roads. The overall appearance of the Dwelling will be an important

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consideration. Variety in color and appearance among adjacent residences is encouraged. Concrete tile and Slate tile are preferred materials. If Cedar Shakes are used they should be stained medium to dark brown to simulate aged shakes.

<b>Material</b>	
Treated Cedar Shakes	Yes*
Concrete tile	Yes
Slate tile	Yes
Stone Coated Steel	No
Steel	No
Polyurethane Shakes	No
Architectural Asphalt	No
Clay tile	Yes
Solar tiles	Yes
Synthetic Composite tiles	Per evaluation

\*only allowed as replacement for previously approved cedar shake roofs, not allowed in new construction or replacement of other roof materials.

## **Building Projections**

All projections including, but not limited to, chimney flues, vents, gutters, down spouts, porches, railing, and exterior stairways, shall match the color of the surface from which they project or shall be of an ACC approved color. Like other exterior color treatments, replacement of gutters with different colors or raw materials than originally approved requires ACC approval.

## **Garages**

The residential structure or complex on a Lot shall include a garage. Its size is defined in Article 6.3.1 of the Declaration (transcribed in Appendix E), namely that the cumulative size of the garage(s) must be “of sufficient size to house not less than three cars.” Garages must be part of the principal structure or attached to the principal structure by arbor or breezeway and must conform to the architecture of the principal structure.

## **Garage Doors**

Visual impact of garage doors shall be minimized by such measures as, but not limited to, siting of the Dwelling, protective overhangs or projections, special door facing materials or design, and/or landscaping. Garage doors which do not face street side are preferred. If doors must face the street, landscaping shall screen the view of the doors. The doors shall be maintained over time to assure a near-new appearance. Repainting or replacement of garage doors requires ACC approval.

## **Fencing**

All fences installed within Somerset Estates shall be approved by the ACC and shall be in design and materials consistent with the fence standards. Approved material for the

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containment of any pets permitted by these Standards may be added to the interior surface of perimeter fencing subject to prior approval by the ACC. One of the ACC's goals is to preserve the openness in the subdivision and minimize the visual impact of fencing between sites. New wooden fencing should be stained to match existing HOA common fencing. In 2020 the stain applied to the existing fencing was Superdeck semi-transparent Charwood, by Sherwin Williams. Since paint and stain will change with government regulations and the stain color will also vary depending upon the age of the wood, inquiries should be made for current available stain and color. Samples should be tested to show a good match before submitting an application for ACC approval.

See Appendix A: Fencing and Other Structure Standards for more details

## **Drainage and Grading**

All structures and landscape elements shall be placed on the Lot so that the existing topography will be disturbed as little as possible. Finish grade shall prevent ponding or sheeting of water on the site and onto adjacent property. Drainage shall be away from structures at a minimum slope of one (1) foot in ten (10) feet. Newly graded areas shall be protected against erosion. Location of topsoil stockpiles, borrow pits on site, and material disposal areas is subject to ACC approval.

Each site is responsible for accepting all drainage from uphill Lots and diverting it away from critical areas on site (away from house foundations, driveways and garden or walk out level features). Each Lot is also responsible for diverting runoff water to the front street borrow ditches or to the rear area of the Lot.

The final site plan and grading plan shall be prepared by an architect, engineer or landscape architect, and it shall include both existing contours and proposed contours. Finish grades shall include four (4) inch minimum topsoil on all planted areas. Finished elevations with seed and sod in place shall be submitted for ACC approval. A topographic grading plan shall be submitted with the house plans.

## **Paved Areas**

Hard-surfaced private driveways and parking area are required. It is recommended that driveway grades be kept under eight percent (8%) for satisfactory year-round use. Materials used to create special paving patterns are subject to ACC approval.

## **House Numbers and Mailboxes**

Each Lot has an assigned street number, approved by the appropriate governing authorities. At the time of construction of a residential structure on a Lot, mailboxes were constructed or installed and the assigned street number was displayed on the mailbox. Any change to the mailbox needs to be approved by the ACC. It shall conform to the style of and be compatible with mailboxes installed in Somerset Estates and meet any requirements of the United States Postal Service. It is also the responsibility for Owners to maintain their mailbox in a way that it continues to conform to the style and quality of mailboxes in the neighborhood, including immediate replacement if damaged by accident or vandalism.

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House numbers installed anywhere else on the Lot other than the mailbox must be approved by the ACC.

## **Exterior Lighting**

No exterior lighting, other than approved post lights, shall be permitted on any Lot except with the written approval of the ACC. Exterior lighting that is subdued and whose light source is not visible from surrounding Dwellings may be permitted by the ACC for such purposes as illuminating entrances, decks, driveways and parking areas, and other approved purposes. Driveway lighting is permissible in the form of electric or solar lights installed along the driveway with ACC approval.

Exterior light bulbs shall be warm white (2500-3000 degree Kelvin temperature) as opposed to daylight (3000-4000 Kelvin temperature). All new exterior lighting must conform to Boulder County dark sky requirements.

## **Exterior Mechanical Equipment**

Exposed exterior mechanical equipment shall be screened from the view of other Dwellings, streets or yards by ACC approved screen fencing or by a Dwelling matching structure. No mechanical equipment shall be roof top-mounted.

## **Swimming Pools**

Swimming pools shall be designed to integrate with the existing site and architectural form. Adequate screening, security and maintenance shall be provided. Swimming pool construction shall meet Colorado State Board of Health standards. Pool related pumps, filters, heaters and other equipment shall be screened from view. Noise producing equipment shall be sound buffered from other Dwellings and yards. These requirements apply regardless of any prior approved landscape plan when the pool was installed.

## **Tennis and Sports Courts, Play Sets**

Tennis and other sports (e.g. basketball, volleyball, or skateboard) courts and play sets or trampolines will be discouraged unless the ACC can be shown that the court will not aesthetically detract from the area visibly adjacent thereto. The impact of the court on surrounding Lots and a determination whether the court will force the abandonment of needed landscaping will be determining factors considered by the ACC in the application review.

Tennis and sports courts shall not be lighted and appropriate screening installed or planted if visible from the street. These courts may be fenced with black or green vinyl clad wire mesh. Galvanized fence material is not acceptable. For tennis courts, the height of fence shall be reduced at sides and minimized at ends of courts. For other courts, fence heights shall be of minimal height. Sports courts and play sets that are in a deteriorated state shall be removed.

## **Solar panel installation**

Solar panels installations are permitted as ground free-standing structures or upon roofs. Ground based structures should be hidden from view through landscaping or a blended



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building structure. Roof based installations, like all roofing materials, must be reviewed for the design and visual aesthetics. Either approach must be approved by the ACC to ensure harmony with Somerset Estates houses and landscapes.

## **Garden sheds, accessory structures, and other out buildings**

As noted in Article 6.2.9 of the Declaration, non-permanent structures (such as garden sheds or other storage units) are not allowed in Somerset Estates. Non-permanent structures are defined as those without foundations. Permanent structures require ACC approval and generally need to be compatible with the dwelling both architecturally and in material finishes. As with garages, these structures need to be connected to the dwelling and appear integral to it.

Dog runs or enclosures for other pets shall also be architecturally compatible with the Dwelling and subject to approval by the ACC.

## **Signs**

As stated in Article 6.2.10 of the Declaration, signs are not permitted in the yards or on the dwellings of Somerset Estates. There are three exceptions to this rule: 1) political signs are included in the CCIOA state law governing HOAs, 2) one real estate sign advertising the sale of the property (not larger than 2'X3'), and 3) alarm company signs. The latter may only be placed on a gated entry to the yard or near the dwelling unit.

## **Style and Quality**

There is no mandatory "style" of architecture in Somerset Estates. The only constant is high quality and harmony with the particular Lot, general landscape, and surrounding Dwellings.

Dwellings with an unfinished appearance or rugged cabin finish or design shall not be permitted. "A"- frame type structures, Dwellings on stilts and structures of a circular design will not be permitted. Mansard, shed, flat, geodesic or gambrel roofs are not permitted.

Because of the natural characteristics, setting and uniqueness of Somerset Estates, the ACC wishes to encourage and promote a harmonious building theme. Therefore, traditional Dwellings similar to those already built within Somerset Estates are preferred.

## **Garbage Receptacles**

No garbage, trash or recycling receptacles shall be maintained in such a manner so that they are exposed to the view on any street, community pathways or adjacent Lots in Somerset Estates. Compostable containers (for pickup) should be, at a minimum, screened with ACC approved landscaping and/or fencing so that it is not noticed by a passerby on any street or adjacent Lot.



# Somerset Estates HOA Architectural & Landscaping Standards

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## **Sewer Manholes**

Wherever sewer manholes are located within the Owner's property line, the Owner shall provide a 10-foot wide gate or easily removable fence rails. This gate is for Niwot Sanitation District access to the sanitary sewer approximately every three years for general sewer clean out.

## **Flagpoles**

Flagpoles displaying the American flag are allowed, subject to ACC approval for placement and size, as well as flag size.

## **Satellite Dishes**

As stated in Declaration Article 6.2.11 (transcribed in Appendix E), satellite dishes and any other installations for the transmission or reception of electronic signals, radio or television waves are subject to these standards and therefore must meet the general requirements for visual aesthetics for the house structure or landscaping. Whenever possible, satellite dishes should be screened from neighbors, streets and public walkways. Their installation location requires ACC approval. Dishes that become deteriorated or unsightly should be repaired or removed.

## **Additional Construction or Exterior Changes**

Any changes to the approved plans before, during or after construction or installation must first be submitted to and approved by the ACC. Any changes to the Dwelling exterior and landscaping must first be submitted to and approved by the ACC.

## **Location of Dwellings and Setbacks**

Location of buildings will be in accordance with the recorded plat and the Declaration. Specifically, unless a variance is granted according to Article 7.9 of the Declaration (transcribed in Appendix E), all Dwellings will have a minimum setback of 35 feet from the front property boundary and any lot line that borders an additional street. Also, the required setback from any other Lot boundary is 15 feet as described in Article 6.3.3 of the Declaration. Roofs may overhang the setback by no more than two (2) feet.

Because there are no two Lots exactly alike in Somerset Estates, the ACC will review each plan for a Dwelling in relation to the specific characteristics of the particular Lot and its surroundings. What might be considered appropriate for one Lot might be inappropriate for another. For this reason, the Declaration, which applies to all Lots, permits the flexibility that is essential to the appropriate use of widely varying Lot conditions and topography. The basic objective is that the Dwelling and other structures be compatible with the particular Lot and to minimize obstruction or diminish the view of others.

## **Height of Structures**

The ACC intends to discourage, and has the wish to prohibit, the construction of any Dwelling or other structure which would appear excessive in height when viewed from the roads, drives or other Lots. In all cases, the appearance of Dwellings from other Lots

# Somerset Estates HOA Architectural & Landscaping Standards

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and roads is an important factor. Specifically, Dwellings and other structures on Lots 5-11, Block 5 and Lot 15 Block 5 are restricted to a height of no more than thirty (30) feet from the grade existing prior to any construction or other Improvements. All other areas are limited to thirty-five (35) feet from the grade existing prior to any construction or Improvements. The Owner/builder shall provide whatever Boulder County required calculations, illustrations, or documents are necessary to prove compliance with the then current height restriction limitations established by the county.

## **Permitted Uses and Floor Spaces**

Each Lot shall be used exclusively for residential living purposes and such purposes as are customarily incident thereto. As defined in Article 6.3.1 of the Declaration (transcribed in Appendix E), every newly constructed residential structure shall have a minimum improved living floor area exclusive of unfinished lower level walkouts, basements, garages, porches, patios and accessory structures. No maximum floor area is specified; however, the ACC will be concerned that the total size of all structures on the Lot does not create a negative visual impact.

## **Building Code**

All structures shall conform to all applicable building codes and ordinances. Approval by the ACC does not constitute or imply compliance with such codes and ordinances.

## **SECTION V – Maintenance and Upkeep**

According to Article 4.3 of the Declaration, each Owner shall maintain, repair, and replace, at their own expense, all portions of their Lot including the Dwelling and all other Improvements located thereon, and including any easements located thereon, as depicted on the Plats. In addition, Article 6.3.6 requires that the Owner shall landscape and maintain the area of public street right-of-way from the lot line(s) to the edge of the asphalt paving of the public streets, with the exception of the easements and right of way on either side of Somerset Drive and Longview Drive that have historically been maintained by the Association. Any Owner that is unsure of the boundaries of his or her responsibility may contact the ACC for clarification.

Dwellings shall be maintained consistent with the original house/landscaping plans and any subsequent approved Improvements.

### **V.1 Exterior Finishes**

With this in mind, no Improvement upon any Lot shall be permitted to fall into disrepair, and shall at all times be kept in good condition, repair, and adequately painted and/ or otherwise finished by the Owner before the surfacing becomes weather beaten or worn off. This includes exterior lighting, mailboxes, and other hardscape.

### **V.2 Roofs**

Weather can particularly affect roofs. If individual tiles or shingles are replaced they need to match the color of the existing roof.

# Somerset Estates HOA Architectural & Landscaping Standards

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## **V.3 Lawns**

Each Lot shall be well maintained, that is: regular lawn mowing, fertilization, irrigation, and weed control.

## **V.4 Vegetation**

Trees and bushes shall be properly trimmed and dead foliage and weeds consistently removed. Climbing vegetation on houses and garages needs to be trimmed away from window frames and below roofing.

## **V.5 Composting**

Care should be given to screen ground level composting piles visible from streets and common areas, as these can easily become unsightly and malodorous.

## **V.6 Fences**

The wood perimeter fencing on the border of Owner property and public areas such as pathways, open space and common properties and the fencing along Somerset Drive and Longview Drive was originally installed by the developer and is maintained by the Association. However, Owners are responsible for fixing such fences that are damaged by landscaping (vegetation, rocks, etc.), pets, children, guests or other agents under the Owner's control.

Fences located between neighboring Owner properties or on a single Lot (e.g. side fences between Lots, fences from the side border to the house, etc.) are the responsibility of the Owner(s).

All such fences visible from a public right-of-way or common area shall also be kept in good repair with no missing and/or fallen rails and no fallen posts. Materials that are customarily left unfinished are permitted so long as in the opinion of the ACC they have not become "unsightly." To match existing boards, staining replacement boards may be required.

## **V.7 Street Monuments**

For the individual street monuments and their surrounding landscaping there is a split responsibility for maintenance. These monuments sit on easements located on Owner property (see Appendix F for the complete description of the Lots with monument easements). The Association maintains the monuments and reserves the right to modify and/or replace the monuments and the landscaping in the easement around the monuments to protect the monuments and nearby sidewalks and pathways from damage and to create a uniform, harmonious look to the neighborhood. With the exceptions noted in Appendix F, the Association will maintain and irrigate the grass and unplanted rock beds in front of the monuments and the spruce trees on either side of the monuments that were installed by the developer.

Additional landscape elements in any part of the easements require approval by the ACC (as specified in Section VI of these Standards) and must be maintained and irrigated by the Owner in a neat and harmonious manner that provides full access to and visibility of the monument. Failure to keep vegetation around the monument

# Somerset Estates HOA Architectural & Landscaping Standards

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(other than the spruce trees maintained by the Association) from covering the sign lettering or hanging over the top of the monument may result in removal by the Association, which may be billed to the Owner as a Specific Assessment. Should the Association choose to modify the monuments or landscaping, the Owner(s) of the respective properties will be informed prior to major work being done within the easement on such Owner's Lot(s). However, the decision to modify the monument and/or its landscaping is the purview of the Association.

## **V.8 Open space pathways and fences**

The Association will maintain the easements for open space access paths or walkways. However, Owners of Lots adjacent to such paths or walkways are required to trim trees and vegetation so as to not impede walkway usage. Vegetation overlap above the paths and walkways is also not allowed and must be trimmed as well. Vegetation should be trimmed back away from fences so as to not add forces to the fences or overhang them. When planting near the open space fences, consideration should be given to the mature width of the tree. It is highly recommended that trees be located a minimum distance of ten (10) feet away to reduce the likelihood that the tree will place undue force on the fence and cause damage. Additionally, the mature height of trees should not block the Protected View Corridors of neighbors, even if originally approved by the ACC.

## **V.9 Trees and Protected View Corridors**

As noted elsewhere in these standards, maturing trees or screening hedges may not impede upon the Protected View Corridors of other Lots in Somerset Estates. Vegetation in each Lot must be trimmed, pruned, or removed by the Owner to prevent blocking views.

According to tree arborists, the height of native trees can be controlled by irrigation without affecting life. Once the root system is well established (several seasons), normal precipitation is sufficient for the tree to thrive, unless extreme drought conditions exist. Irrigation is not necessary. An Owner can choose to continue irrigation until the tree approaches the desired mature height and then stop regular irrigation (as opposed to winter or drought maintenance). If a tree continues to be regularly watered it will grow to exceed the expected mature height.

## **V.10 Pest Trees**

Cottonwood and Russian Olive trees are considered pest trees and are required to be removed at the Owner's expense. Some ash trees are considered disease threatened by Boulder County and require annual pesticide treatments or should be removed at the Owner's expense.

## **V.11 Dead vegetation**

For safety and aesthetic reasons, dead and dying trees should be removed as within six months or as quickly as possible after de-vegetation, at the Owner's expense. As noted earlier, their removal does not require ACC approval. Removal of healthy trees also does

# Somerset Estates HOA Architectural & Landscaping Standards

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not require ACC approval. Stump heights must be less than six (6) inches, preferably ground level or below.

## **V.12 Edging**

Plastic and metal ground cover edging or separators need to be maintained. They should be near-flush to the ground and when they pop out, need to be reinstalled or replaced. At times, use of these edging materials as mini-retaining walls along walkways has become a pedestrian hazard when they fail or pop out.

## **V.13 Garbage and Debris**

No unsightly articles such as building materials (after construction), rubbish or debris is allowed to accumulate on Lots. This includes materials that produce unpleasant odors. Garbage, recycling and composting bins supplied by the local collection company are also not allowed to be kept in locations visible from any street, community pathway, or adjacent Lots.

Waste management companies require street side placement of trash, recycling, and compost bins for pickup on a preset schedule. These bins should not be placed alongside the road more than 24 hours before the scheduled pickup and they should be returned back to the house within 12 hours on the same day after pickup.

## **V.14 Drystack Stone Walls**

As stated in the SEHOA Lot Easement Policy, the Association shall maintain the drystack rock wall on the southwest border of Block 5, Lot 4 and Block 4, Lot 8 and a path maintained by Boulder County. The Association shall maintain the stone walls on the border of Block 5, Lots 1, 8, 9, 13, 14, and 15 and Somerset Drive. For all of these walls, the Owners are responsible for keeping the walls clear of vegetation and repairing walls that are damaged by landscaping, pets, children, guests or other agents under the Owner's control. Any repair done by an Owner must meet the same standards as repairs by the Association; as an alternative, the Association has the right, but not the obligation, to clear vegetation and repair walls that have been damaged by Owners and charge the associated expenses to the Owner as a Specific Assessment. The Association has the right, in its sole discretion, to repair and/or replace rock and stone walls. See Appendix G for street addresses corresponding to Block/Lot designations.

## **V.15 Ponds**

The Association has sole authority to maintain the ponds located on the Common Areas. Specifically these are Outlot C (ponds 8, 9, 10, and 11) and Outlot D (ponds 2 and 3). Additionally, the Association will repair and maintain ponds 4, 5, 6, and 7 (located within the Drainage, Utility, and Landscape Easements located on Block 4, Lots 8, 9, 10, and 11, and Block 5, Lots 1, 2, 3, and 4), including keeping the water free of weeds and other vegetation that might inhibit water movement. Owners whose Lots are adjacent to the ponds have no special rights with regard to these ponds. Owners of the Lots adjacent to ponds 4, 5, 6, and 7 are responsible for the landscaping and irrigation adjacent to the boundary of the ponds. The Owners must control all vegetation adjacent to ponds 4, 5,

## Somerset Estates HOA Architectural & Landscaping Standards

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6, and 7 such that no vegetation grows into the pond from the boundary or under the pond liner.

### **V.16 Inspection and Enforcement**

The ACC or Property Manager will periodically inspect the Community to confirm compliance with these minimum maintenance and other Architecture and Landscaping Standards, as viewed from the street, pathways, common areas, and/or open space. Any Affected Owner that observes maintenance issues in another Lot from his/her property may request that the ACC or Property Manager inspect that Lot from the Affected Owner's property. The ACC or Property Manager will notify each Owner of disrepair and maintenance problems observed during these inspections (including from an Affected Owner's property) and require timely remedy. The timeline for remedy will be included in the notification.

Should the required maintenance not be performed in a reasonable period of time, the lack of compliance will be reported to the Executive Board as a complaint. The Executive Board will implement the SEHOA Enforcement and Fines Policy as adopted by the Executive Board. Note that the Enforcement and Fines Policy may be applied separately to non-compliance in each of the specific maintenance and Architecture and Landscaping Standards categories identified above. In addition, any Owner may submit a complaint about a property to the Executive Board. Note that in extreme circumstances Article 3.4.4 of the Declaration (transcribed in Appendix E) allows the Association to exercise self-help to abate a violation of these Standards, levying a Specific Assessment to cover costs incurred by the Association to bring a Lot into compliance. As such after Notice and Hearing and failure to comply, the Association can elect to contract the work to be done and assess the Owner for the work as a Specific Assessment.

# Somerset Estates HOA Architectural & Landscaping Standards

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## **SECTION VI – Landscaping Standards**

In keeping with the ACC role in supporting the Executive Board’s mission to maximize our homes’ market value, enhance the quality of life in Somerset Estates and position us as a premier subdivision along the Front Range, this section of the Architectural and Landscaping Standards focuses on the outside aesthetics of each of our properties. Broadly, there are two aspects to cover: 1) how the homes and yards are viewed from the outside, on the street, and 2) what can be seen from inside the houses.

### **Landscaping**

Somerset Estates is an exclusive residential community dedicated to creating and preserving a setting for luxurious and gracious living. To achieve this goal for the benefit of all the residents of Somerset Estates, it is necessary to attain the highest quality of landscape development and provide for compatibility and harmony of the landscape throughout the Community. To this end, these Landscape Standards have been established to clarify and simplify the process of landscape planning and construction. Differing landscape architectural design and style is permitted and encouraged. It is not the intent of these Standards to narrowly restrict design choices, but to allow variation within the framework of compatibility and harmony with the surroundings.

For new construction and significant changes to an existing landscape, the ACC requires complete landscaping plans and specifications, as set forth in these Standards.

Plant materials native to this climate are encouraged. An automatic underground sprinkler system is required for all grassed and planted areas of the Lot.

Lot Owners and their representatives or builders are required to minimize disruption from grading; when possible use existing or natural drainage paths; and to consider and provide for snow storage and runoff.

All landscaping installed within Somerset Estates shall be approved by the ACC. Landscaping includes hardscape, such as patios, walkways, concrete driveways, exposed barbeques, pools, decks, fencing, decorative walls and structures as well as large scale plantings. To avoid undue burden on yard maintenance, approval is not generally required for the addition or replacement of plants and shrubs whose mature height is under six (6) feet tall as part of yard maintenance. Nor is approval required for the removal of dead and dying vegetation and any pest trees. To avoid future mountain view blockage, no trees over a fifteen (15) foot mature height will be allowed without being adjacent to the house or clearly out of any view path as determined by the ACC.

While these Standards provide a framework for the landscape planning and construction process, it is highly recommended for the Owner to obtain the assistance of a Landscape Architect to design the landscape. This architect should be thoroughly familiar with all elements of landscape design and construction as well as the proper selection and placement of plant materials. In particular, the landscape design must address both the existing grades and proposed final grades for a given site and how they are to be integrated with the adjacent properties; particularly in terms of drainage.

Compliance with these Standards and approval by the ACC does not constitute compliance with any building code or regulation, nor proper landscaping or engineering



# Somerset Estates HOA Architectural & Landscaping Standards

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practices. The Owner or his representative must consult with the Boulder County building department and his architect or engineer with reference to compliance with applicable codes or regulations and proper landscaping or engineering practices.

Installation of landscape materials within the definition of an Improvement as found in Section II, constitutes a change in the existing state of property. Any such change requires written approval of the ACC unless specifically noted within these Standards. Such approval requirement also applies to any subsequent material changes in such landscaping or plantings as a result of growth or otherwise. Without limiting the generality of the foregoing, the ACC may condition any approval of landscaping and plantings upon the limitation of future growth thereof in order that they not impinge upon the Protected View Corridors of any other Owner. The ACC may also subsequently require landscaping or plantings to be reduced in size or height in order to avoid impinging upon the Protected View Corridors of any other Owner.

## **Design Recommendations**

The design and planning of the landscape will include a variety of different areas such as street frontages, Dwelling entries, house perimeter plantings, and yard plantings. General design recommendations for these areas are listed below (and in Appendix B) and are not intended to restrict but to allow variation within the framework of compatibility with the Dwelling and the surrounding Community.

## **Site Grading**

Landscaping grading shall not use soil mounding above natural grade to raise vegetation bases. Terracing with hardscape can be utilized if approved by the ACC and does not create future view corridor blockage with planted vegetation.

As noted in Article 9.5 of the Declaration, all Lots contain easements for the installation and maintenance of utilities, drainage facilities, public or private improvements. Access to them are reserved. Refer to Plats for details.

Specifically, a Drainage and Utility Easement of at least 10 feet wide, and in some cases more than 10 feet, exists around the entire perimeter of each Lot. No Improvements on these easements are allowed and no change in grading is permitted that may alter the direction, obstruct, or retard the flow of water through channels or swales within any such drainage. The Association has the authority to require the removal of any Improvements, including vegetation, that could change or impede the flow of water in these easements regardless of whether they are intentional or naturally occurring. Proof of such impediment is not required for the Association to require removal.

## **Street Frontages**

The space between your property line and the edge of pavement, front and/or side yards belongs to Boulder County (right of way). However, as the Lot Owner you are required to sod or seed, irrigate, and maintain that area in a healthy, well-trimmed grassed state. This space is approximately fourteen (14) feet from lot line to the edge of pavement, by the width or depth of your Lot.

The position of trees in the front yard is dictated by the desire to achieve a well-balanced combination of shade and evergreen trees within each Lot and between Lots. Associated



# Somerset Estates HOA Architectural & Landscaping Standards

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with the need for balance is the requirement that landscapes not be detrimental to your adjoining, nearby neighbors' mountain views.

The precise number of front yard trees will be determined by appropriate grouping of trees and other vegetation, creating a pleasing setting for the home and transitioning smoothly to landscaping of adjacent neighbors.

## **Site Entry**

The front site entrance defines the approach to the residence and presents a strong statement to the Community. Many Owners have elected to construct a pair of piers or short walls, one either side of the entry drive, to accentuate their driveway. Such piers or entry walls must be constructed of masonry or stucco with masonry accents to match the architectural character of the residence. They must be capped with Lyons Sandstone or masonry to match the house. For new designs, lighting must provide indirect non-glaring light source and conform to Boulder County dark sky requirements. All architectural elements, piers, walls, etc., must be constructed within the property line, not on County right-of-way.

## **Street Monuments**

For Lots that include a street monument, any landscaping around the monument must be approved by the ACC. In general, monuments that have only grass or unplanted rock beds in front should remain that way. No plantings will be allowed in front or beside the monument sign. Vegetation behind a monument, within the Signage and Landscaping Easement, must not grow over the top of the monument.

## **Dwelling Entry**

The entrance of the Dwelling should be well-defined and inviting and should include detail plantings and lighting. The entrance plantings should be carefully selected for comfortable scale to people and the residence entry; detail in color, form and texture; provide year-round attractiveness and appeal. The use of enhanced paving (textured or colored concrete, such as cast cobbles, or brick pavers, edging pattern, etc.) and planting of annuals, perennials, ground covers and broadleaf evergreens is recommended for the entry area.

## **House Perimeter Plantings**

The house perimeter plantings play an important role in providing a setting for the Dwelling. Utilizing 50-60% evergreen trees and shrubs in the house perimeter plantings ensures year-round attractiveness which is complimented by the seasonal color of ornamental trees and shrubs. Evergreen trees should be in scale with the Dwelling, such as 15 foot evergreen trees for a one to two-story Dwelling, and preferably native to the region. Massed plantings of trees and shrubs in odd number groupings provide a simple and elegant setting for the quality Dwellings in Somerset Estates.

## **Yard Plantings**

The private or rear yard of the Lot responds closely to the particular needs and desires of the Owner as well as the Community. All utilities, service yards, and recreational facilities require screening from neighborhood properties, both public and private.

# Somerset Estates HOA Architectural & Landscaping Standards

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Screening for privacy will also undoubtedly be considered for the areas around the decks or patios as well as sections of the Lot perimeter. Groves of evergreen and shade trees and masses of shrub plantings simplify the landscape and can provide effective year-round privacy. The interplay of mass plantings and open spaces also provides an attractive and interesting sequence of views and open spaces. All landscape plantings should be in keeping with the character of Somerset Estates and consider design constraints such as storm water drainage, utilities, all types of easements that may be present on the site, setbacks, view corridors, etc. Climbing vegetation and vines on houses need to be maintained below roofing and not cross window frames. The selection and placement of all site features and plant materials is subject to the approval of the ACC.

## **Landscape Plant Materials**

The selection and placement of plant materials carries a special importance in landscape planning, as they form the framework of the landscape for the Dwelling and Community. Plant materials serve a variety of purposes in the landscape, such as screening objectionable views, framing desirable views, creating privacy, defining spaces, providing shade, wind control, etc. In addition to the function the plant is intended to serve, its horticultural needs must be considered during the planning process. The plant material locations should be analyzed for soil type, fertility and degree of exposure or protection. All plant materials should be indigenous or highly adaptive to our semi-arid climate unless special protective micro-climates are utilized or created to ensure a healthy and attractive landscape.

The See Appendix B: Landscaping Suggestions and Details for more information.
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## **Views and View Corridors**

### **Somerset Estates Design – Mountain Views**

Some of the best and most unique features of Somerset Estates are the views of the mountains and the Continental Divide afforded to each and every Lot. The subdivision was laid out with the intention that all properties should benefit from access to these views so that we may pause to notice and be inspired by them, as well as the significant market value enhancement these views provide.

The ACC believes in the importance of mountain views and our philosophy in protecting them is guided by the original intentions of the role of views by the Somerset Estates developer. During the development of Somerset Estates, when laying out the Lots and home sites, the developer recognized that although it was impossible to prevent some blockage due to Dwelling placement, the view impacts due to each house were carefully considered during the design phase. Building envelopes were originally established and new houses were placed as best as possible so as to not interrupt the views of the three Protected View Corridors (see below) from other houses. If the Protected View Corridors still existed after placing the buildings, the historical Architectural and Landscaping Standards specified that they should not be interrupted or blocked by subsequent additions/remodeling or by landscaping.

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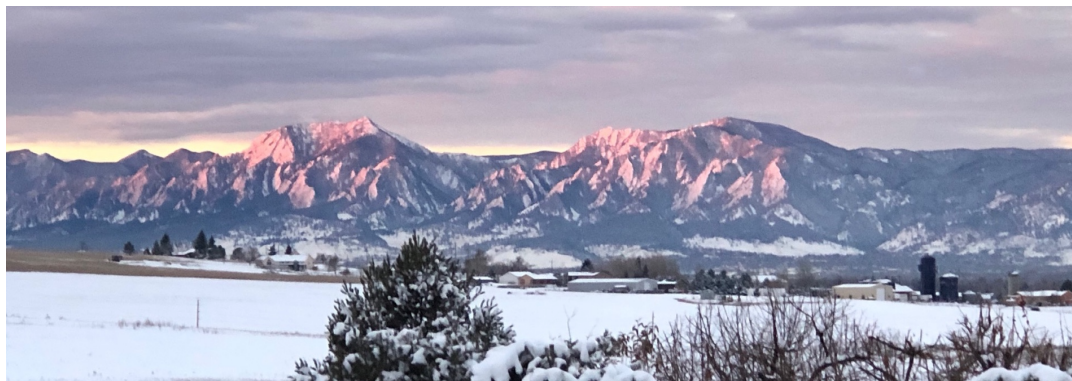
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In developing these Standards, the ACC and the Executive Board considered the welfare of the Community, from the perspective of harmony and the culture of sharing this beautiful setting, as well as the economic benefit derived from our magnificent Front Range views. As the landscaping in Somerset Estates matures, neighbors' mountain views are occasionally blocked by Owners' vegetation. It is preferred to resolve these view blockage issues amicably and promote harmony and good will within the entire Community.

## **Protected View Corridors**

Below are photos of the three Protected View Corridors in Somerset Estates: Flatirons, Indian Peaks, and Longs Peak. If possible and practical, all three corridors, viewed from Owners' Lots, are protected from being blocked or infringed upon by new housing, housing additions and landscaping. As a result of both the slope terrain and the panoramic views available, all views from each site are considered an extremely important element when considering the placement of landscape materials as well as maintenance of maturing vegetation.

### (1) Flatirons



### (2) Indian Peaks from South Arapahoe Peak to Pawnee Peak



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## (3) Longs/Meeker Peak



### **Protected View Corridors – Reference Points**

A Protected View Corridor has both a destination and a reference point. When evaluating the impacts of Landscaping or Improvements to the Principal View Corridors on the homes of Affected Owners, the reference point(s) should be from any mountain facing main Family Gathering Area on the main floor of the Dwelling. These Family Gathering Areas include family rooms, living rooms, dining rooms, kitchens and their associated eating areas, and home offices intended to take advantage of the view. Non-gathering areas such as bedrooms and bathrooms are not considered Family Gathering Areas from the perspective of Protected View Corridors. The evaluations will be made by physically sitting in each view location of the house and looking at the corridor and its defined boundaries. The sitting locations should match reasonable usage of the room and not its physical walls.

### **Protected View Corridors – ACC Process**

There are three aspects to protecting views in Somerset Estates: 1) new applications, 2) maintenance of existing landscaping, and 3) restoration of lost views.

#### **I. New applications for Landscaping, Dwelling additions, or other structures**

In considering applications for proposed Improvements, the ACC will use the definitions of Protected View Corridors and the reference points described above to determine if the Improvements are consistent with protecting the views of Affected Neighbors.

Approvals will be contingent upon an agreement by the applicant to maintain the vegetation such that it does not grow to impinge upon the Protected View Corridors of neighbors.

If placement of a house on one Lot results in blocking the Protected View Corridors of another Lot, landscape material cannot extend beyond the house to further block the Protected View Corridors of the second Lot.

If an Owner chooses to block one of his own corridors, this does not give an adjacent Lot Owner the right to also infringe upon such view corridor.

#### **II. Maintenance of Existing Landscaping**

Owners must maintain their landscaping as described in Section V. Maintenance includes trimming of vegetation that has become overgrown. With regard to views, this includes vegetation that is impinging on the Protected View Corridors of near neighbors.



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We recognize that over time, and as houses are bought and sold, the original landscaping approval documentation may be lost, and/or new Owners might not be aware of its existence. To the extent possible, the ACC will work with Owners and help them understand the typical guidelines used in Somerset Estates since the inception of the development, and the implications those guidelines have with respect to regular trimming of vegetation.

Regardless of landscaping plans, all vegetation must be kept neat and at an appropriate height given the plant type and location. Furthermore, over time certain vegetation has become part of the landscaping that was not part of the plan (“weed” trees, shoots around established trees, plantings immediately adjacent to fence lines, etc.). Their removal is part of good maintenance practices and may be identified for remedy by the ACC during neighborhood compliance reviews.

Plantings are permitted to screen non-Western adjacent Lots (e.g. block views of one house from another) unless they also impinge on Protected View Corridors. Owners do not have rights (such as for privacy) to the vegetation of another house or property. Owners can plant to block their own views and remediate them at any time even if the blockage was created by a previous Owner.

### III. Recovery of lost views

Even though protecting the three Protected View Corridors has been part of ACC practice since the inception of Somerset Estates, over the past 25+ years some views that were intended to be protected have become fully or partially blocked. A variety of factors contribute to this problem: trees grew taller than expected when they were approved; trees were planted in incorrect locations; trees were planted without approval; volunteer trees grew from wild seeds, shoots, etc. Without a process to address these trees, their future growth will assure continued encroachment upon the Protected View Corridors of neighbors. **As views are a direct contributor to home valuation, a loss of value to one home adversely affects that of neighboring homes, including the home with vegetation causing the blockage.** In the spirit of fostering an accommodating culture within Somerset Estates and to reduce the collective loss to the Community, the ACC developed a reasonable, non-contentious process by which neighbors can cooperate with each other for the mutual benefit of everyone in the Community. Using this process, neighbors are encouraged to work together towards creating positive solutions for all parties.

- The neighboring Owner whose view is fully or partially blocked may contact the ACC and ask it to inspect the properties, review the landscaping in light of these Standards and any available approved landscape plans. Using the results of these reviews, the ACC will help the parties come to an agreement regarding actions to improve the affected view.
- The ACC will encourage the neighbors to negotiate a reasonable solution for view restoration, mutually agreeable to all parties.
- All agreements will be documented for future reference.

## **APPENDIX: A – Fencing and other structure Standards**

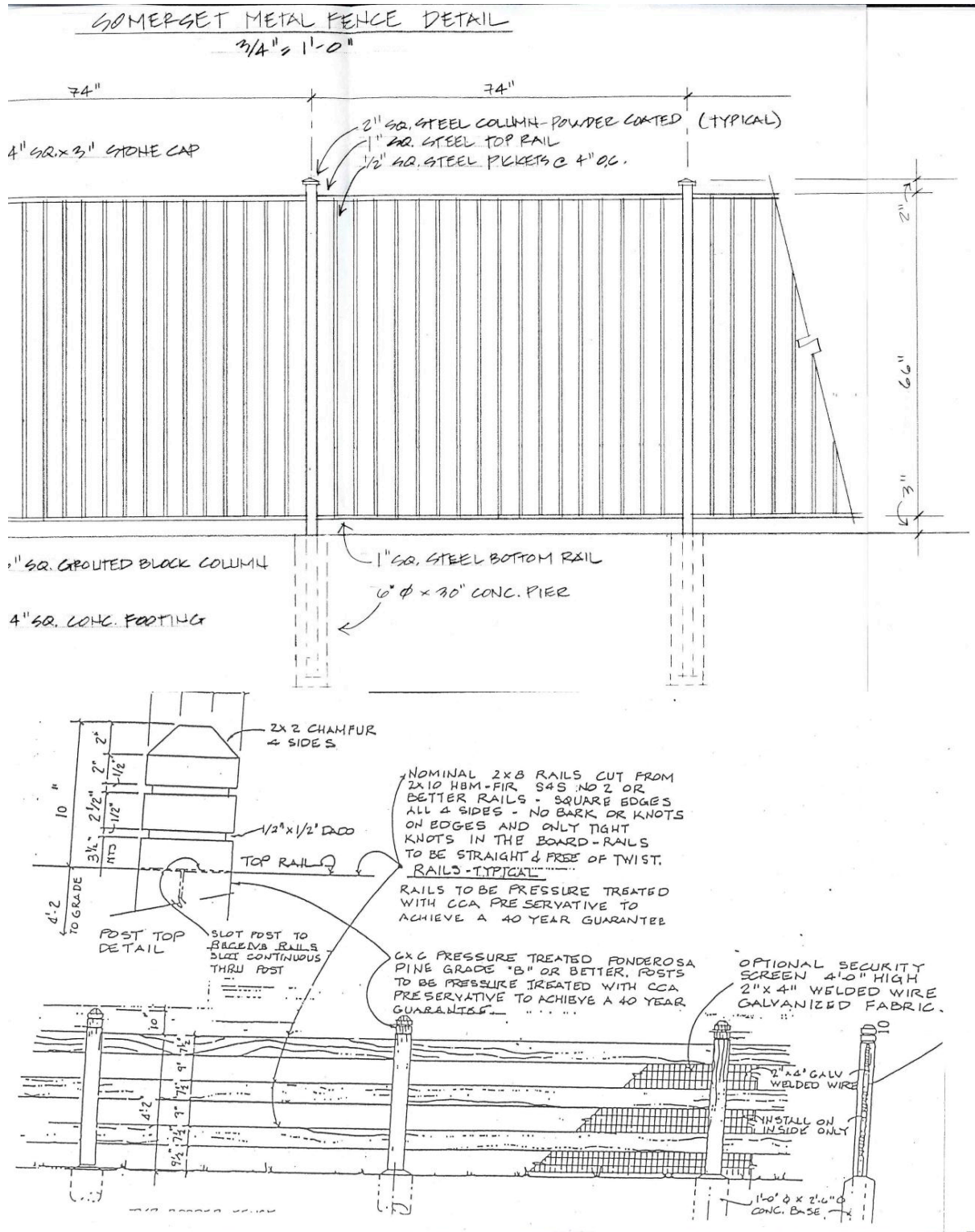
Consistent with Article 6.3.4 of the Declaration, one of the ACC's goals is to preserve the openness in the subdivision and minimize the visual impact of fencing between sites.

Minimal fencing is preferred. However, we recognize that some parents want to contain children and some Owners their pets within their yard. Therefore, perimeter fencing that encloses the rear and side yards (up to the front plane of the residence), are generally accepted. Fences interior to the yard, for example to contain dogs, exclude rabbits, and keep pests out of gardens, are also generally accepted but require ACC approval.

1. Only one fence between adjoining properties is preferred and residents are encouraged to share a common fence. However, when that is not possible, the second fence of different design is to be spaced a minimum of 5ft. from the first and landscaping materials planted between the fences to screen the dissimilarities.
2. The fence location and type is to be described by the Owner on a drawing submitted to and approved by the ACC before fencing starts.
3. All new fencing shall be constructed per the approved design drawing. Furthermore, long stretches shall be installed at the same time to avoid a patchwork appearance.
4. No metal fencing can be substituted for road perimeter and subdivision perimeter fencing.
5. The color of metal fencing should be a dark gray or black; light colors are not permitted. Either coated aluminum or iron material is acceptable. Like exterior finishes on other Improvements, metal fences need to be consistently maintained and not allowed to rust or corrode.
6. When adding perimeter wood fencing that connects with neighboring fences, adding interior fencing, or repairing existing fences, the new fencing shall match the texture and color of the fencing to which it attaches. Staining new boards is desirable to match the color of aged boards.
7. If the Owner wishes to include masonry piers in the fence design for the property, the piers must be installed in accordance with the site-specific soils engineering recommendation. In most instances, the recommendation will be for a concrete pad, spread footing or caisson. The purpose of the engineered foundation is to avoid having the masonry pier tip or tilt as the result of utilizing a foundation, which does not properly recognize the soil specification and condition.
8. Stone caps are required for the masonry posts as they represent a unifying element between fence posts of different brick colors. Adjacent Owners are encouraged to work out any difference they have with respect to brick selection.

# Somerset Estates HOA Architectural & Landscaping Standards

9. As noted in the illustration, mesh for the purposes of containing pets, may be added to the **inside** of fencing.



# Somerset Estates HOA Architectural & Landscaping Standards

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Large structures such as skateboard ramps and play sets require ACC approval. The visual impact from the streets, walkways and common areas will be considered in the approval process.

## **APPENDIX: B – Landscaping Suggestions and Details**

Landscaping on any Lot shall be completed as soon as reasonably possible after occupancy in accordance with an approved landscaping plan but in no event later than seven months after obtaining a certificate of occupancy for the residence. It is the intent that each Lot shall be fully landscaped and Lot Owners are encouraged to make adequate provisions for landscaping costs in their overall construction budget.

Major landscaping change applications will be reviewed using these guidelines in this Appendix, with the exception of the plant quantities. As noted below, in a fully mature yard the total numbers may have been altered by time and circumstance.

### **Planting Requirements**

The landscape development of each Lot in Somerset Estates shall include the following minimum plant quantities and sizes based on Lot size. As yards mature, shrubs and trees can be removed as needed and the minimum counts may no longer be applicable. A mixture of one-third to two-thirds evergreen plant materials give year- round visual impact, with seasonal change and interest supplied by deciduous plantings. Massed shrub plantings and accents of ground covers, perennials, annuals and flowering bulbs are expected to be included in the landscapes of Somerset Estates.

Due to the maturity of landscaping in Somerset Estates, the quantities below may be modified on a Lot by Lot basis during ACC reviews of future Landscaping requests.

### **Tree Quantities**

One to four trees shall be planted for each 3,630 sq.ft. of gross Lot area (1 acre/(12 to 48) trees). Less or more than this range requires ACC approval.

### **Shrub Quantities**

Six shrubs shall be planted for each 4,360 sq.ft. of gross Lot area (1 acre/72 shrubs)

### **Ground Covers**

Ground cover may consist of either living materials or a combination of living and nonliving materials. The color selection, size, location and placement of ground cover areas are matters which require careful consideration in completing the landscape plan for the site.

### **Grasses (Turf , Native & Ornamental)**

Turf Grass is a sod-forming grass, resistant to wear from foot and other traffic. It should be watered, fertilized and mowed to less than 4 inches for a healthy appearance and green color. While there are many blends of Turf Grass, the Somerset Estates Architectural and Landscaping Standards refers to them all as Bluegrass and Turf Grass is generally required for Lawns in Somerset Estates.



## Somerset Estates HOA Architectural & Landscaping Standards

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Native/Clump Grass, such as Buffalo Grass and Blue Grama, can be hybrids of native and foreign grasses that grow taller than 6 inches. They are not resistant to foot traffic and if cut shorter than 6 inches can become unsightly in appearance, so they are not recommended for lawn use.

Ornamental grasses that are grouped in decorative planting beds may grow taller than 6 inches. Similar to shrubs, the height and quantity of the ornamental grasses will be subject to ACC approval (more detail in the shrub bed section).

Grassed lawn areas may be sodded with Bluegrass. As noted above, the use of native grasses may be appropriate as well; however, the ACC will be concerned with the maintenance and the aesthetic impact of the use of native grasses surrounding Lots, and near roads and public areas. Lawns need to be adequately watered to assure good color and appearance. Lawn areas that have been historically mowed and watered must continue to be mowed, unless they are removed and converted into approved decorative planting beds.

Buffalo Grass and Blue Grama are considered native, drought resistant grasses that are allowed by the guidelines. Blue Grama or a mixture of Blue Grama and Buffalo Grass, can be allowed in the Lawn area if they are mowed to less than 6 inches, but doing so might create an unsightly appearance. It is suggested that the Owner consult a landscape specialist to understand the trade-offs before planting these grasses as a lawn. Watering to attain a green color is generally expected, but drought conditions, with associated watering restrictions, may limit the Owners' ability to maintain that color.

Native grasses can be a nice element in decorative planting beds if they are grouped and watered like shrubs and bordered suitable edging such as pavers. To prevent ornamental grass plantings from looking like overgrown lawn areas, these plantings should be separated from watered Lawn areas by rock, mulch or ground cover.

Similar to shrubs, the height and quantity of the ornamental grasses will be subject to ACC approval. Dormant or "unsightly" tall grasses should be cut back to less than 6 inches high to maintain a good appearance. Dormant tall grasses that maintain their attractive shape throughout the winter and early spring will be allowed.

Buffalo Grass and Blue Grama lawn shall not be allowed closer than 15 feet to the street or pedestrian paths because they do not stay as green as watered Bluegrass.

Buffalo Grass and Blue Grama that is not visible from the street, Community paths or neighbor's yard and is mowed and serves as a Lawn area between planting beds may be watered less to conserve water. However, these types of lawns are not allowed to die or be brown during the growing season.

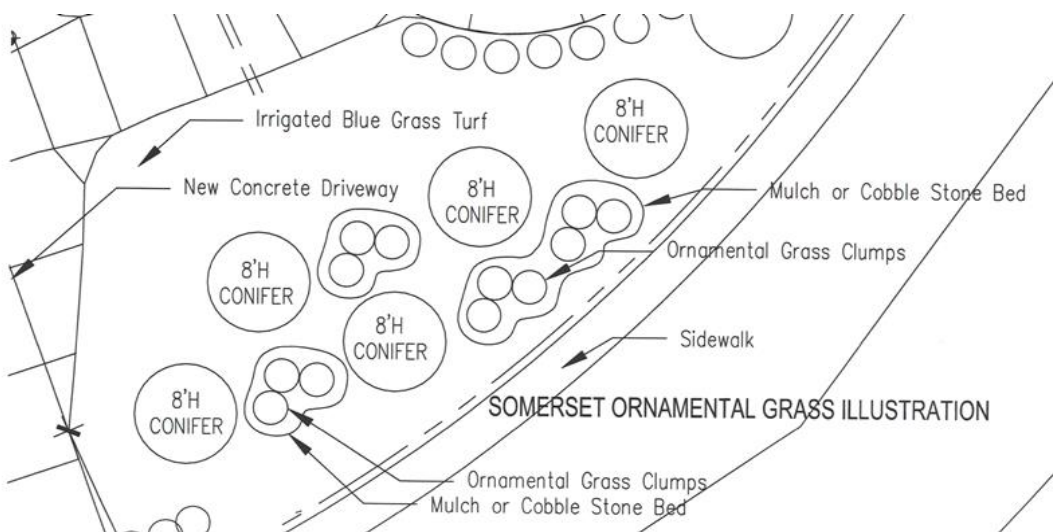
### **Planting Beds**

Decorative planting beds of shrubs, perennials or ornamental grasses provide visual appeal to the Owner and public. Plants should be grouped and arranged to provide height variation and seasonal color. It is suggested that evergreen plants be incorporated to provide interest during the dormant season for perennials.

# Somerset Estates HOA Architectural & Landscaping Standards

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These beds should be surrounded by a Lawn area or ground cover to provide visual contrast and appeal. Similar to lawns, ground covers must be adequately watered to assure good color and appearance.



## Tree Species

Use high quality, long-lived plant materials as the dominant species to ensure long term attractiveness of the landscape throughout Somerset Estates. A variety of plant materials is highly encouraged. Due to concerns about preserving mountain views, shorter evergreens and deciduous (less than 15 feet tall relative to the original grade) are required. Larger trees adjacent to the house will be permitted if, at maximum height at maturity, the tree will not exceed the roofline height or block view corridors, either vertically or laterally, for uphill Lots. All trees with mature heights in excess of 6 feet must be approved by the ACC. Note that with irrigation, many trees will exceed their projected mature heights. A guide for tree selection suitable for Colorado's climate can be referenced at [www.thetreefarm.com](http://www.thetreefarm.com).

Due to infestation susceptibility from the Emerald Ash Borer, ash trees of the genus *Fraxinus* are not permitted. Note also that Cottonwood and Russian Olive trees are considered pest trees and are not permitted. Furthermore, to contain their spread these pest trees should be removed promptly before they become established.

## Irrigation System Design

All landscape areas shall be irrigated by an automatic underground sprinkler system in order to ensure the continued health and beauty of the landscapes in Somerset Estates. The following design criteria will provide the proper techniques to irrigate the landscape.

# Somerset Estates HOA Architectural & Landscaping Standards

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## **Lawn Area Irrigation**

Grassed areas should be zoned separately from planting beds and irrigated with pop-up spray heads or gear-driven rotary heads. All grassed areas, whether Bluegrass or drought resistant grasses must be kept watered and mowed on a regular basis. The height of any grassed areas is not to exceed 6 inches at any time.

## **Ground Cover Irrigation – Annual and Perennial Beds**

These beds should be watered with low-volume sprays (such as maxi jet) or standard sprays. Standard spray heads should be on pop-up risers in the front beds, fixed risers are acceptable in the back beds.

## **Shrub Bed Irrigation**

Shrub beds may be irrigated by drip irrigation or by the spray techniques used in ground cover, annual, or perennial beds.

## **Tree Irrigation**

Certain varieties of trees thrive on more or less water than the adjacent landscaped areas receive. Drip systems size set to match these variances of needs are recommended. The height of native trees can be controlled by irrigation without affecting life. Once the root system is well established (several seasons), normal precipitation is sufficient for the tree to thrive, unless extreme drought conditions exist. Irrigation is not necessary. If a tree continues to be watered it will grow to exceed the expected mature height.

## **Appendix C: Architectural Review Procedures for New Construction, Major Remodels, or Major Landscaping Revisions**

### **Submission of New House or Exterior Renovation Plans**

Architect-prepared new house or exterior renovation plans and specifications shall be submitted to the ACC.

Two copies of plans and/or specifications are required for all submissions. The level of detail required to support a requested change will depend upon the scope of work. As a general rule changes that involve structural alterations or new construction will need to be supported by copies of the architectural plans and specifications prepared for the Boulder County building permit process. For non-permit changes, sketches, samples of colors or materials to be used and a written explanation of the scope of work is sufficient. Large landscape projects will require landscape architect's plans detailing locations of structures and features, drainage patterns, plant and tree types and placements. Sketches of proposed changes together with a written explanation may support small landscape jobs. While there are no fees associated with smaller reviews by the ACC, Owners will be required to pay charges incurred for larger projects including any out of pocket costs.

# Somerset Estates HOA Architectural & Landscaping Standards

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## **Pre-Design Meeting**

Prior to preparing preliminary plans for a proposed Dwelling, it is recommended that the Owners and/or their architect meet with an ACC member to discuss proposed plans and to explore and resolve any questions regarding building in Somerset Estates. This informal review is to offer guidance prior to initiating preliminary design.

In order to derive the maximum benefits from this meeting, the Owner should be prepared to discuss in as much detail as possible the type of Improvements to be built on the Lot. Photographs or magazine clippings of similar homes are encouraged for presentation. This meeting is intended to prevent the Owner from making excessive expenditures on concepts which will not be acceptable to the ACC.

A member of the ACC will be available as needed and an appointment should be made at least one week in advance by calling any one of the ACC members. The current contact information is listed on the Association website.

## **Preliminary Submittal and Review**

Preliminary plans, including all of the exhibits outlined below, shall be submitted to the ACC. The ACC shall conduct this preliminary review during its regular monthly meeting and will respond within 10 working days after the review (but no later than 30 days after submittal), provided that the preliminary plans are in accordance with the requirements outlined below. A minimum of two copies of the complete submittal shall be submitted to the ACC.

### **All preliminary plans shall include:**

- Site plan (at no smaller than 1" =20' indicating building location, driveway, parking and grading plan. Topography should be shown by contours at 2' intervals with a base datum of sea level over the total Lot and extended approximately 10' outside the Lot on all sides.
- Site specific subsurface soil investigation by a registered soils engineer which indicates soil structure and profile, bearing, water table, pH and foundation design recommendations.
- Roof plan and floor plans, including solar panels and metal trim/decorative elements and their finishes.
- Exterior elevations at a minimum of two representative locations with both existing and proposed grade lines, at same or larger scale than the floor plans. Indicate grade elevations of street, main floor other floors and top of highest roof. All grades shall be stated in sea level datum.
- Description of all exterior materials and colors, samples and location on the building. Provide samples of major items, for color and texture.
- A preliminary landscape plan indicating character, massing and ground covers proposed. (i.e. dog runs, pools, garden areas, location of playground equipment, etc.)

# Somerset Estates HOA Architectural & Landscaping Standards

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All accessory Improvements contemplated on the Lot must be shown on the preliminary submittal. After the preliminary submittal, the ACC may require a model and/or perspective be prepared to convey the complete concept.

## **Final Submittal and Review**

After preliminary approval is obtained from the ACC, the final documents are to be submitted for final approval, either electronically or two physical copies. The ACC shall conduct a review during its regular monthly meeting, and will respond within 10 working days after the review (but no later than 30 days after submittal), provided that the final plans are in accordance with the requirements outlined below. The ACC may hold more than the regularly scheduled monthly meeting, as needed.

### **Final plans shall include:**

- An approximate time schedule indicating starting and completion dates of the Dwelling, utilities hook-up and completion of landscaping work.
- Site plan (at no smaller than 1" = 20') showing building location, including accessory Improvements, exterior mechanical equipment (including gas and electric meters), driveway, parking, utility connections and grading plan.
- Grading Plan to include existing and proposed topography at contour intervals of 2' with a base datum of sea level over the total Lot and extended 100' outside the Lot on all sides.
- Roof plan and floor plans (at no smaller than 1/8" = 1'-0).
- Foundation Design, together with a Final Topographic Drainage Plan, and Soils Report, prepared and certified by appropriate licensed professionals.
- Samples of all exterior materials and colors, and manufacturer's cut sheets for windows and glass.
- Exterior elevations with both existing and proposed grades shown.
- Wall sections, and details of fireplace and interior and exterior stairs and decks.
- Cross section of structure indicating existing and proposed grade lines on the site. Show grade elevations of street, main floor and top of roof. All elevations shall be stated in sea level datum.
- Landscaping plan for entire site including county road right of way between lot line and edge of pavement, including areas to be irrigated. Full description of plant and landscaping materials. Indicate all areas and types of ground cover. Final landscaping plan may come separate from the Dwelling plan submission.
- A perspective (sketch) of the structure sufficient to illustrate design characteristics, as determined at preliminary plan submittal. In addition to the above, exterior building corners of the proposed structure shall be staked on the site for the ACC's inspection. However, at least five working days prior to commencement of construction, the Owner shall notify ACC so that it can schedule a visual inspection of the Lot to ensure that the final building layout and

# Somerset Estates HOA Architectural & Landscaping Standards

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staking is acceptable and complies with the final plan approved by the ACC. Any deviation from the final plan shall be submitted in writing and/or drawings for ACC approval and record. Final approval by the ACC shall be issued in writing. Engineering certification of foundation design and reinforcing and the securing of a building permit are the responsibility of the Owner and/or builder. Construction documents (working drawings and specifications) are to be in accordance with the design approved in the final submittal.

- Construction shall not commence until all of the above requirements are satisfied unless approved by the ACC.

## **Re-submittal of Plans**

In the event of any disapproval by the ACC of either a preliminary or a final submission, the resubmission of plans shall follow the same procedure as an original submittal. In the event a decision by the ACC is felt to be unjust, a request may be submitted in writing to the ACC within seven days of the date of notification of the decision for a special hearing. This request shall contain the reasons why the decision is felt to be unjust and any other explanatory material that would be helpful to the ACC in reviewing the situation. A meeting of all parties concerned will be arranged when warranted and the decision of the ACC at this meeting or subsequent to reviewing this material will be final, subject to the Reviews and Appeals process in Section III of these Standards.

## **Work in Progress**

All applicable Federal and State OSHA regulations and guidelines shall be strictly observed at all times.

The ACC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the ACC with work in progress or compliance with these Standards or the Declaration. If, during the course of construction, changes occur to an Improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the ACC electronically or physically in duplicate in the following manner:

- A written statement giving the reason such changes are desired.
- A complete description of the change, including drawings, specifications or any other descriptive material.
- Any adjustment in the position, orientation or finish floor elevations of the structure.
- Dwelling shall be submitted on drawings illustrating the changes.

## **Completed Work**

Upon completion of any Dwelling or other Improvement for which final approval was given by the ACC, the Owner shall give written notice of completion to the ACC.



# Somerset Estates HOA Architectural & Landscaping Standards

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Within such reasonable time as the ACC may determine, but in no case exceeding ten days from receipt of such written notice of completion from the Owner or its duly authorized representative, it may inspect the Improvements (Dwelling). If it is found that such work was not done in strict compliance with the final plan submitted or required to be submitted for its prior approval, it shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance within 15 days from receipt of such written notice of completion from the Owner or its duly authorized representative, and shall require the Owner to remedy the same.

If, upon the expiration of 30 days from the date of such notification of non-compliance by the ACC, the Owner shall have failed to remedy such non-compliance, the ACC shall notify the Owner and may take such action to remove the non-complying Improvements as is provided for in the Declaration. If after receipt of written notice of completion from the Owner, the ACC fails to notify the Owner of any failure to comply with its directives within the period provided above, the Improvements shall be deemed to be in accordance with the final plan.

## **APPENDIX D: Construction Regulations**

In order to insure a safe, neat and orderly construction site, the ACC has established certain construction and safety regulations for the benefit of all Somerset Estates Owners and residents. It is of the utmost importance that anyone conducting activities in Somerset Estates use extreme care in preventing conditions that are unsafe or that could constitute fire, wind or other safety hazards. The ACC or Executive Board will not tolerate any activity that, in their opinion, constitutes such hazards. The ACC or Executive Board retains the right to stop construction on any structure where hazardous conditions exist and continue to exist after notification is given to the prime contractor.

### **Working hours**

Working hours for companies making Improvements or performing maintenance on properties (including landscaping) are from 8:00am to 6:00pm, Monday through Friday and 9:00am to 6:00 pm on Saturday (not including holidays).

### **Occupational Safety and Health Act Compliance (OSHA)**

All applicable Federal and State OSHA regulations and guidelines shall be strictly observed at all times.

### **Construction Trailers, Portable Field Offices etc.**

Any Owner or Contractors are permitted to store construction materials and equipment on the approved Construction Site during the construction period. It shall be neatly stacked, properly covered and secured. Storage of material or construction equipment outside the approved Construction Site (Owner's or Builder's Lot) will be done only with the approval of the ACC. Materials or equipment stored on other sites without ACC approval may be confiscated without recourse.

# Somerset Estates HOA Architectural & Landscaping Standards

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Any storage or materials or equipment shall be the Owner's or Contractor's responsibility.

Owners and Contractors shall not disturb damage or trespass on other Lots or tracts. Should any such damage occur, it will be restored and repaired to original condition at the offender's expense.

## **Debris and Trash Removal**

Owners and Contractors shall clean up all trash and debris on the Construction Site at the end of each day. Trash and debris shall be removed from each Construction Site at least once a week by every Friday to a dumping site located off the project. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the Construction Site. Owners and contractors are prohibited from dumping, burying or burning trash anywhere in Somerset Estates. Disposal of materials shall comply with all local, state and federal ordinances.

During the construction period, each Construction Site shall be kept neat and materials shall be properly placed to prevent it from becoming a public eyesore, hazard, or affecting other Lots and tracts.

Dirt, mud, or debris resulting from activity on each Construction Site shall be promptly removed from public or private roads, open spaces and driveways or other portions of Somerset Estates. If necessary, the Association or ACC may do any necessary clean up and back charge the Owner, with right to lien the property, for payment.

## **Construction Drainage**

Each site Owner is responsible for controlling the silt in his Lot's runoff water. Prior to landscaping this may consist of hay bales creating silt settling/water detention ponds in drainage swales. In addition, at the installation of the permanent driveway culvert, the Owner/builder is required to install a hay bale dam on the uphill side of the culvert in the borrow ditch, to prevent silting of the culvert until the final landscape is in place.

Proper installation of the hay bales requires cutting a trench approximately four (4) inches deep, staking each bale with a minimum of two stakes, driven through the bale into the earth below at least one (1) foot and then placing approximately four (4) inches of earth against the uphill side of the bales.

## **Culverts**

Driveway culverts shall be a minimum of 18 inches diameter galvanized corrugated pipe or County approved elliptical equivalent with flared end sections. Culverts shall be set a minimum of 24 inches below grade of street asphalt. Culvert shall be back filled with road base aggregate. Driveway culverts shall be installed in the county right of way prior to the commencement of any soil testing or construction on a subject site in accordance with Boulder County requirements. Ditch flow lines must be maintained at a uniform 24 inches depth below level of edge of the adjacent asphalt. Landscapers must install sod or seed in the County right of way such that the top of the grass is 24 inches below the level of the adjacent asphalt i.e. allowing for eventual silt build up along the flow line.

Damaged or closed culverts require replacement or repair to assure the viability of their drainage function.



# Somerset Estates HOA Architectural & Landscaping Standards

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## **Sanitary Facilities**

Each Owner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities should not be on the road and shall be located only in areas approved by the ACC.

## **Parking Areas**

Construction crews shall not park on, or otherwise use, other Lots or tracts. Private and construction vehicles and machinery shall be parked in areas designated by the ACC. Contractors, subcontractors, and material suppliers shall not drive through ditches or onto adjacent sites as they may have been seeded or sodded.

## **Access to Somerset Estates**

All vehicles entering or leaving Somerset Estates shall do so solely by means of Somerset Drive or Longview Drive, and publicly dedicated streets unless otherwise indicated by the ACC.

## **Excavation Materials**

Excess excavation materials shall be hauled off the project or placed in areas designated by the ACC.

## **Blasting**

If any blasting is to occur, the ACC shall be informed far enough in advance to allow it to make such investigation as it deems appropriate to confirm that all appropriate measures, including protective actions, have been taken prior to the blasting.

## **Restoration or Repair of Other Damaged Property**

Damage and scarring to other property, including but not limited to, other Lots, tracts, roads, driveways and/or other Improvements, will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person or entity causing the same.

Upon completion of construction, each Owner and contractor shall clean his Construction Site and repair all property which was damaged, including, but not limited to, restoring grades, repair of streets, driveways, drains, culverts, signs, lighting and fencing.

## **Miscellaneous and General Practices**

The following practices are prohibited in Somerset Estates during construction:

- Contractor signage or displays. See Article 6.2.10 of the Declaration for reference.
- Changing oil on any vehicle or equipment other than at a location designated for that purpose by the ACC.
- Concrete trucks may only clean out on Lots they are delivering to.
- Builder shall remove hardened concrete with the other trash.

# Somerset Estates HOA Architectural & Landscaping Standards

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- Removing any plant material, topsoil or similar items from any property of others within Somerset Estates, including Construction Sites.
- Carrying any type of firearms on the property.
- Using disposal methods or units other than those approved by the ACC.
- Careless disposition of cigarettes and other flammable material.
- Bringing any animals or pets, particularly dogs, into Somerset Estates.
- Use of any sound system which is disturbing to any Somerset Estates residents.

In the event of any violation these practices, the Association shall have the right to contact the proper authorities to impound the pets, or to refuse to permit such contractor or subcontractor to continue work on the Somerset Estates property, or to take such other action permitted by law or the Declaration.

## **Responsibility of Lot Owner**

All Lot Owners in Somerset Estates shall be responsible for the conduct and behavior or their representatives, builders, contractors and subcontractors and employees.

## **Fire Extinguisher**

At least one (1) 10-LB., ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the Construction Site at all times.

## **APPENDIX E: Relevant citations from the SEHOA Declaration**

To facilitate location of relevant information, the citations below are from the SEHOA Declaration filed August 16, 2018 with Boulder County. These citations are for reference only. The latest Declaration on file with the county will supersede these reference citations.

4.3 Lots. Each Owner shall maintain, repair and replace, at their own expense, all portions of their Lot including the Dwelling Unit and all other Improvements located thereon, and including any easements located thereon, as depicted on the Plats. For the avoidance of doubt, each Lot, including the Dwelling Unit and all other Improvements located thereon, shall be kept in good condition and repair, and the Dwelling Unit and all other Improvements thereon shall be adequately painted or finished by the Owner before the surfacing becomes weather-beaten or worn off.

6.2.10 Except as approved by the ACC, no advertising or signs of any character shall be erected, placed, or permitted or maintained on any Lot other than political signs permitted by the Act, and a sign with the Lot's street number. One real estate sign advertising the sale of the property, but not larger than 2' X 3', shall be permitted.

## Somerset Estates HOA Architectural & Landscaping Standards

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6.2.11 All satellite dishes and devices or facilities to transmit or receive electronic signals, radio or television waves are subject to the Architectural and Landscaping Standards and the requirements of Rules and guidelines adopted by the Executive Board in conformance with applicable federal law. Unless expressly permitted by the Telecommunications Act of 1996, such satellite dishes, devices or facilities are prohibited without first obtaining ACC approval.

6.3.1 The ACC shall propose and the Executive Board shall approve and issue reasonable Architectural and Landscaping Standards that regulate the construction of Dwelling Units on a Lot. These Architectural and Landscaping Standards may include guidelines on exterior colors and finishes; and exterior parking areas. Notwithstanding the foregoing, every Dwelling Unit constructed on a Lot shall have not less than 3,000 square feet of floor area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, unfinished lower level walkouts, basements, or garages) and shall have a garage of sufficient size to house not less than three cars. If a residence of more than one story is constructed, then the main floor shall not have less than 1,800 square feet of floor area devoted to living space.

6.3.3 Each building, structure or other Improvement other than a wall, fence, uncovered terrace or steps, which is erected or placed upon any Lot shall be located in accordance with the following minimum prescribed distances from lot lines:

1. Front yard setbacks shall be not less than 35 feet from the front Lot line which faces the street. All Lots contiguous to two or more streets shall have a setback of not less than 35 feet from each Lot line which is contiguous to a street.
2. Rear yard setbacks shall be not less than 15 feet from any rear Lot line.
3. Side yard setbacks shall be not less than 15 feet from any side Lot line. Roofs may overhang the setback requirements by not more than two feet. The ACC, with approval of the Executive Board, may grant reasonable exceptions to the setback requirements hereinabove set forth where necessary to prevent an undue hardship on the owner of any Lot. Each Lot Owner, however, shall be encouraged to locate any structure on a Lot in such manner as to centrally locate the structure on the Lot.

6.3.4 The construction of fences or walls on any Lot may be regulated by reasonable Architectural and Landscaping Standards. No fence or wall shall be constructed or modified on any Lot without prior written consent of the ACC. The ACC, as a general rule, shall refuse permission for boundary fences and walls which would obstruct views, but shall, as a general rule, be receptive to granting permission for privacy fences or walls screening patios, outdoor eating areas and the like which encompass substantially less than all of a rear, side or front yard. For purposes of this section, hedges shall be considered to be the same as fences and subject to the same restrictions. The term "wall" as used in this section shall not include the walls of a Dwelling Unit or garage, but rather shall mean walls which are free-standing and intended to enclose or screen areas outside the Dwelling Unit or garage. As a general rule, all fences installed within the Community shall be of design and materials consistent with the existing fences originally installed around the perimeter of the community as determined by the ACC. Materials specified in the Architectural and Landscaping Standards

## Somerset Estates HOA Architectural & Landscaping Standards

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addressing fence standards for the containment of any pets may be added to the perimeter fencing, subject to prior approval by the ACC.

6.3.6 The Executive Board shall have the authority to issue reasonable Rules governing the care and maintenance of any unpaved portions of the Lot. Any easements or rights-of-way contiguous to any Lot which are not part of the Common Areas of the Community as show on the Plats shall be maintained by the Lot Owner whose Lot is encumbered by the easement or right-of-way. The Owner or each Lot shall landscape and maintain the area of public street right-of-way from the Lot line(s) to the edge of the asphalt paving of the public streets, with the exception of the easements and rights of way on either side of Somerset Drive and Longview Drive that have historically been maintained by the Association.

7.1 **Written Approval of Plans Required.** No Improvements shall be commenced or constructed, erected, placed, planted, applied, installed, removed, or modified (excluding routine maintenance) upon any Lot unless plans and specifications therefor shall have been first submitted to and approved in writing the Architectural Control Committee (ACC). Said plans and specifications shall show exterior design, height, materials, color, and locations of the Improvements, and type of landscaping, fencing, walls, windbreaks, and grading plan, as well as such other materials and information that may be required by the ACC. The ACC shall exercise its reasonable judgment to the end that all Improvements conform to the Architectural and Landscaping Standards and harmonize with the existing surroundings, residences, landscaping and structures. The ACC shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid in accordance with all of the provisions of this Declarations if: (i) the design or color scheme of the proposed Improvements is not in harmony with the general surroundings of such Lot or with the adjacent buildings or structures; (ii) the plans and specifications submitted are incomplete; (iii) in the event that the ACC deems the plans, specifications or details or any part thereof to be contrary to the spirit or intent of this Declaration, or the Architectural and Landscaping Standards; or (iv) if such plans, specifications and design are contrary to the interest, welfare or rights of all or any member of the Association, and in the reasonable discretion of the ACC. In its review of such plans, specifications and other materials and information, the ACC may require that the applicant(s) pay for extraordinary expenses such as the use of outside experts to evaluate extensive or complex project that are beyond the scope of the Committee members' expertise in the review and approval process. Such amounts, if any, shall be levied as a Specific Assessment against the Lot for which the request for ACC approval was made. After approval by the ACC of any Improvement, the Improvement shall be accomplished as promptly and diligently as possible and in complete conformity with the approval given the ACC. Failure to accomplish the completion of the approved Improvement within one year after the date of approval or strictly in accordance with the approved plans and specifications therefor, shall operate automatically to revoke the approval of the proposed Improvement and upon demand by the ACC, the Lot or Dwelling Unit shall be restored as nearly as possible to its state existing prior to any work in connection with the proposed Improvement. The Association shall have the right and authority to record a notice against title to a Lot to indicate that any particular Improvement has not been approved or that any approval given has been revoked.

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- 7.6 **Vote and Review.** A majority vote of the ACC may approve a request for approval pursuant to this Article. In the event any Owner is dissatisfied with any decision of the ACC with regard to such Owner's proposed Improvements, all members of the ACC are required to meet with and review the request with the Owner. Any further review will be according to the Rules and procedures approved by the Executive Board. In addition, any Owner affected by the decision of the ACC with respect to another Owner's Lot may request a review of such decision according to the Rules and procedures approved by the Executive Board.
- 7.8 **Liability.** The ACC and members thereof, as well as the Association, the Executive Board, or any representative of the ACC appointed to act on its behalf, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ACC for any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within its jurisdiction hereunder, if such action was in good faith or without malice. In reviewing any matter, the ACC shall not be responsible for approving the safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations, nor shall its approval of an Improvement be deemed approval of such matters.
- 7.9 **Variations.** The ACC may grant reasonable variances or adjustments from any conditions and restrictions imposed by this Article 7, in order to overcome practical difficulties or prevent unnecessary hardships arising by reason of the application of any such conditions and restrictions. Such variances or adjustments (1) shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the other property or Improvements in the community; (2) shall not militate against the general intent and purpose hereof; (3) shall not set a precedent for any other applicant; and (4) shall be approved by the Executive Board after opportunity is allowed for community input.
- 7.10 **Waivers.** The approval or consent of the ACC, any representative thereof, or the Executive Board, to any application for architectural approval shall not be deemed to constitute a waiver or any right to withhold or deny approval or consent by the ACC, any representative thereof, or the Executive Board, as to any application or other matters whatsoever as to which approval or consent may subsequently or additionally be required.
- 9.5 **Easements for Drainage and Utilities.** Easements for the installation and maintenance of utilities, drainage facilities, public or private improvements and access thereto are reserved as shown on the Plats and other documents affecting the Lots and any amendments to such Plats and documents or as established by any other instrument of record. No Improvements shall be placed or permitted to remain on any Lot nor shall any change in grading be permitted to exist which may change the direction of flow or obstruct or retard the flow of water through channels or swales within any such drainage easements.

## **APPENDIX F: Street Monument Definitions**

The street signage monuments for Somerset Estates are located in Signage and Landscaping Easements on these Lots: Block 1, Lots 1, 7, 8, 15, 16, 17, 18, and 23; Block 2, Lots 1, 3, 4, 8, 9, and 12; Block 3, Lots 1, 6, 7, and 12; Block 4, Lots 1, 11, 12, and 22; and Block 5, Lots 1, 8, 9, and 13.

The Association will maintain and irrigate the grass and unplanted rock beds in front of the monuments and the spruce trees on either side of the monuments that were installed by the developer, with the exception of these Lots: Block 4, Lots 11 and 12 and Block 5, Lots 1, 8, 9 and 13, where the Owners will maintain and irrigate the grass and other landscaping in front of the monuments.



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## **APPENDIX G: Street Addresses to Block/Lot**

The table below enables identification of Block/Lot designation from street addresses

Number	Street	Lot	Block	Number	Street	Lot	Block
8036	Bellflower Court	21	1	8467	Firethorn Court	1	1
8049	Bellflower Court	20	1	6511	Primrose Lane	12	3
8052	Bellflower Court	22	1	6519	Primrose Lane	13	3
8061	Bellflower Court	19	1	6532	Primrose Lane	17	3
8068	Bellflower Court	23	1	6533	Primrose Lane	14	3
8073	Bellflower Court	18	1	6540	Primrose Lane	16	3
8201	Cattail Drive	17	1	6545	Primrose Lane	15	3
8215	Cattail Drive	14	1	6303	Snowberry Lane	8	5
8227	Cattail Drive	13	1	6308	Snowberry Lane	9	5
8240	Cattail Drive	16	1	6317	Snowberry Lane	7	5
8243	Cattail Drive	12	1	6324	Snowberry Lane	10	5
8259	Cattail Drive	11	1	6331	Snowberry Lane	6	5
8261	Cattail Drive	10	1	6345	Snowberry Lane	5	5
8274	Cattail Drive	15	1	6346	Snowberry Lane	11	5
8277	Cattail Drive	9	1	6359	Snowberry Lane	4	5
8293	Cattail Drive	8	1	6373	Snowberry Lane	3	5
6470	Cherry Court	2	2	6378	Snowberry Lane	12	5
6482	Cherry Court	3	2	6385	Snowberry Lane	2	5
6487	Cherry Court	1	2	6392	Snowberry Lane	13	5
6509	Columbine Court	7	3	6397	Snowberry Lane	1	5
6516	Columbine Court	11	3	6339	Somerset Drive	15	5
6517	Columbine Court	8	3	6351	Somerset Drive	14	5
6528	Columbine Court	10	3	6477	Strawberry Court	20	4
6531	Columbine Court	9	3	6481	Strawberry Court	19	4
6460	Coralberry Court	6	2	6484	Strawberry Court	17	4
6471	Coralberry Court	5	2	6495	Strawberry Court	18	4
6476	Coralberry Court	7	2	8400	Strawberry Lane	1	4
6485	Coralberry Court	4	2	8414	Strawberry Lane	2	4
6488	Coralberry Court	8	2	8417	Strawberry Lane	22	4
6474	Cranberry Court	11	2	8428	Strawberry Lane	3	4
6475	Cranberry Court	10	2	8442	Strawberry Lane	4	4
6483	Cranberry Court	9	2	8445	Strawberry Lane	21	4
6486	Cranberry Court	12	2	8456	Strawberry Lane	5	4
6504	Daylilly Court	6	3	8470	Strawberry Lane	6	4
6507	Daylilly Court	1	3	8516	Strawberry Lane	7	4
6515	Daylilly Court	2	3	8519	Strawberry Lane	16	4
6518	Daylilly Court	5	3	8532	Strawberry Lane	8	4
6529	Daylilly Court	3	3	8535	Strawberry Lane	15	4
6530	Daylilly Court	4	3	8548	Strawberry Lane	9	4
8403	Firethorn Court	4	1	8551	Strawberry Lane	14	4
8414	Firethorn Court	5	1	8564	Strawberry Lane	10	4
8425	Firethorn Court	3	1	8567	Strawberry Lane	13	4
8428	Firethorn Court	6	1	8580	Strawberry Lane	11	4
8449	Firethorn Court	2	1	8583	Strawberry Lane	12	4
8452	Firethorn Court	7	1				

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## Revision History

Rev.	Description	Effective Date
1.0	New release for SEHOA	March 5, 2019
2.0	<ul style="list-style-type: none"> <li>• Section II - Addition of definitions of an "Affected Owner" (near neighbor), also referred to throughout as part of ACC decision process, "Construction Site", and "Protected View Corridor"; clarification about Owner responsibility to obtain governmental permits and approvals.</li> <li>• Section III - Addition of Reviews and Appeals process if and Owner or Affected Owner disagrees with an ACC decision.</li> <li>• Section IV - Additional information on colors, roofing materials, fence staining, play sets, signs, satellite dishes, and setbacks.</li> <li>• Section V - Divided into sub-sections for easier reference; need to remove dead and dying vegetation as soon as possible; allowance to remove healthy trees without ACC approval; clarification of split responsibility for fences between Owners and SEHOA; clarification on split responsibility for maintenance of landscaping around street monuments (see separate article); new sub-sections on maintenance of drystack stone walls and ponds.</li> <li>• Section VI - For new trees, maximum mature height of 15' unless adjacent to house or out of any view path; new paragraph on site grading; clarification on street monument landscaping; discouragement of climbing vegetation and vines on houses; addition of home offices as a reference point for view corridor consideration.</li> <li>• Appendix A - Approval needed for fences interior to the yard and for large structures such as skateboard ramps and play sets.</li> <li>• Appendix B - Replacement of lists of recommended ground covers, grasses, and trees with general guidelines; update on tree and shrub quantities.</li> <li>• Appendix C - Application of Architectural Review Procedures to major landscaping revisions in addition to new construction and major remodels.</li> <li>• Appendix D - Addition of working hours from 8 AM to 6 PM M-F and 9 AM to 6 PM on Saturdays.</li> <li>• Appendix E - New section that provides relevant citations from the SEHOA Declaration for easy reference.</li> <li>• Appendix F - New section that provides street monument definitions.</li> </ul>	

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	<ul style="list-style-type: none"><li>Appendix G - New section that identifies Block/Lot designations from street addresses.</li></ul>	