

FISHERS ISLAND DEVELOPMENT CORPORATION

DESIGN REVIEW GUIDELINES

In 1926, the renowned landscape architects, Olmsted Brothers, created a plan for the east end of Fishers Island. Their vision, which time has not changed, was to create a community of home sites in a park-like atmosphere where houses are unobtrusive and compliment the stunning natural beauty of the Island, which a century later remains one of the most rare and special places on the Eastern seaboard. if not anywhere in America.

“All property on the eastern end of Fishers Island is subject to a covenant which reads as follows: “That no building or other structure shall be created on the aforesaid premises, no alterations shall be made in the exterior of any building or other structure erected thereon, and nothing else shall be done materially affecting the appearance of the aforesaid premises except according to plans (including exterior color scheme, grading plan, planting plan, and location plan) which shall have been approved in writing by the grantor, its successors or assigns.”

Fishers Island Development Corporation (“FIDCO”), as the successor grantor, has the responsibility to provide the stewardship to ensure that the broad intent of the original vision is preserved so that the natural beauty of the Island will be maintained and new construction will not be incongruous with that vision. The guidelines set forth below are in significant part a codification of the principles that have governed the approval process to date.

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The FIDCO Board of Directors has established an architectural review committee (the “Committee”) which has been charged with the responsibility to review all applications and design documents for all new construction and alterations or changes to existing structures, including landscaping. For that purpose, the FIDCO Board has adopted these guidelines to assist you and your design professionals in the development of your home project, whether it is a new construction or changes or additions to an existing structure. The intention of this document is to encourage outstanding individually designed properties that are in harmony with the original plan for the Island.

It should be noted that the deed covenants require FIDCO's prior approval of plans for any clearing of trees and undergrowth on a property at any time, whether or not in connection with the construction or alteration of a building or structure, if the appearance of the property will be materially affected. Any such clearing must be conducted in compliance with wetlands and other regulations of the NYDEC and Southold Trustees.

DESIGN REVIEW PROCEDURES

The following is an outline of the procedures for the review of your project, whether it is a new construction, an alteration or an addition. As a prelude to the review process, an orientation meeting and site visit will be conducted with a member or members of the Committee before the design process begins. This meeting gives the property owners and their design professionals the opportunity to familiarize themselves with the site and to ask questions about the guidelines and the review process.

The review process following the orientation meeting will be conducted as follows:

STEP ONE: Initial Review

The owner must submit to the Committee preliminary plans consisting of the following:

- 1.1 Preliminary site plan, including clearing of trees and undergrowth.
- 1.2. Preliminary floor plans. (While floor plans are required to be provided, it is to be understood that the Committee has no approval rights with respect to the layout or any architectural feature of the interior of any improvement.)
- 1.3. Preliminary exterior elevations (all sides).
- 1.4 Details of the number and size of any proposed solar panels, along with plans showing where they will be installed.

The plans should initially be in pdf form submitted via email or paper form including three (3) sets. Depending on the complexity of the project, the Committee could require further copies in large format (24" x 26").

If the proposed improvements are visible to neighboring properties, the Committee may require plans to be shared with the owners of such neighboring properties for review and feedback of the visible proposed improvements as part of the process.

STEP TWO: Major Review

The owner must submit to the Committee the final construction plans for all improvements proposed to be constructed material samples and color chips, together with preliminary conceptual plans for the landscaping of the site, as follows:

2.1 final site plan, including excavation, grading and clearing of trees and undergrowth. The site should be staked to show the location of all improvements, and a ridge pole should be erected to show the highest roof elevation.

2.2 Final floor plans

2.3 Final exterior elevations, including materials specified and color chips.

2.4 Roof plans, including materials and colors.

2.5 Preliminary landscape plans.

2.6 Exterior doors, garage doors and windows.

2.7 Patios, decks, balconies, porches, tennis or paddle courts, swimming pools and other detached structures or other improvements should be located on the final plan.

If the proposed landscaping would be visible to neighboring properties, the Committee may require the landscaping plans to be shared with the owners of such neighboring properties for review and feedback of the visible proposed landscaping as part of the process.

The Committee will review all design documents and return one set of the documents to the owner within thirty (30) days, with the comments of the Committee noted thereon.

It should be noted that throughout these guidelines time periods for responses from the Committee have been specified. While every effort will be made to adhere to these time periods, it must be understood that this may not be possible in every instance and that failure of the Committee to respond within the designated period of time will not be considered approval or waiver of the review and approval process.

STEP THREE: Submission of Plans to Southold and Other Authorities

3. Following Major Review, the owner and builder may submit the approved plans to the Building Department of the Town of Southold and other governmental agencies having jurisdiction for all required permits. The owner shall advise the Committee in writing of any request proposed to be made to the Town of Southold or any other governmental authority for a variance or waiver of any law, regulation or ordinance, which written advice should be accompanied by six (6) sets of the request, including all exhibits

thereto. Any variance or waiver shall also require the approval of the Committee, notwithstanding that the variance or waiver may be granted by the Town of Southold and other governmental authorities. For this reason, we strongly recommend that any request be submitted first to the Committee prior to submission to the Town of Southold or other governmental authority.

STEP FOUR: Commencement and Completion of Construction

4. Upon receipt of Major Review approval, including approval of the preliminary landscaping plans, and approval by all required governmental authorities, construction may commence. Committee approval is personal to the owner who has submitted the application and will remain effective as to that applicant owner only if construction is commenced within six (6) months of the granting of approval and construction is diligently pursued thereafter to assure completion within a period of thirty (30) months. The six- and 30-month periods may be extended by the Committee if the delay is the result of the failure of the required governmental permits to be issued in a timely manner.

STEP FIVE: Final Review

5. The owner must submit to the Committee two sets of the final landscape plan within six (6) months after commencement of construction. The Committee will review the landscape plans and return one set of the plans to the owner within thirty (30) days, with the comments of the Committee noted thereon,

DESIGN DOCUMENT CHANGES

6. The owner must obtain the approval of the Committee prior to making any changes to the approved plans that would materially affect the exterior appearance of the improvements. Any major deviations may require full architectural review by the Committee prior to commencement of the changes.

PERIODIC AND FINAL INSPECTIONS

7. The Committee reserves the right to inspect construction in progress and upon completion to determine conformance with the approved plans.

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Neither FIDCO, its directors and officers nor members of the Committee assumes any responsibility whatsoever to any applicant, property owner or third party for the structural integrity or adequacy of the improvements proposed, soil conditions, environmental compliance or compliance with any zoning or building codes, health or safety requirements, or other governmental laws, regulations or ordinances or the performance, quality or workmanship of any contractor. It must be understood that approval by the Committee does not signify that the proposed construction will satisfy the requirements of the Town of Southold for the issuance of a building permit, which is an entirely discrete process.

KEY DESIGN GUIDELINES

Satellite dishes should be as inconspicuously sited as possible and not visible from the main road.

Any proposal to install satellite dishes or solar panels on a building or other structure, either roof mounted or ground mounted, must be reviewed and approved by the Architectural Committee. Any proposed installation of solar panels is required to be approved by the Fishers Island Utility Company before installation.

The following list summarizes those architectural elements which the Committee requires, recommends and/or encourages:

To the maximum extent possible, the natural character of the site should be preserved and all structures should be unobtrusive and blend in with the terrain and not intrude unduly on neighbors' views.

Certified, New York State licensed and insured professionals, qualified in the fields of planning, architecture, landscaping, engineering and surveying should be engaged to perform the necessary work.

The aesthetics of exterior architecture and landscape architecture should be emphasized.

Bright colors (other than white) are discouraged as the dominant exterior color. All exterior colors must be approved by the Committee.

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Guest houses and pool houses are permitted, subject to compliance with all governmental laws, regulations and ordinances.

Energy conservation is encouraged, as is environmental sensitivity.

DESIGN STANDARDS AND CRITERIA

No foundation for any improvement shall be poured, nor shall construction commence in any manner or respect, until the layout for the improvement has been approved by the Committee. The purpose of this requirement is to ensure that no trees are unnecessarily disturbed and that all improvements are placed on the property in their most sensitive

location.

Each architectural design shall be considered on an individual basis with specific emphasis on impact and harmony with surrounding homes and styles. Houses and other improvements which are of a scale inconsistent with neighboring properties will be discouraged.

Setbacks on all lots are subject to approval by the Committee on a case by case basis, notwithstanding that the setbacks may be in compliance with the laws and requirements of the Town of Southold.

Exterior artificial, simulated or imitation materials are discouraged.

The use of wood (shingles, clapboards or other wood siding), masonry, stone, brick or stucco is appropriate as an exterior material. Aluminum or vinyl siding is not encouraged.

The Committee has final approval of all exterior colors. This includes the roof, exterior walls, shutters, trim, etc.

Where the site permits, all homes are encouraged to have a minimum of a one-car garage, with garage doors that do not front on the road. Carports are not permitted.

All exterior lighting (including landscape lighting) shall be detailed on the final plans. No exterior lighting shall be permitted, which, in the opinion of the Committee, would create a nuisance to the adjoining property owners.

All garbage and trash containers and exterior utility equipment shall be placed in an enclosed or landscaped area.

Above ground swimming pools are not permitted.

Mobile homes and recreational vehicles are not permitted.

Boats should not be stored outside on any property if visible from any road or a neighbor's property.

For environmental as well as aesthetic reasons, native brown gravel driveways are strongly encouraged. If a proposed driveway will cause any runoff onto the main road or a secondary dirt road, FIDCO's specific approval of the use of macadam must be obtained and appropriate measures (culverts, drains, curbing, dry wells, etc.) must be taken to prevent erosion of the road. In any case where macadam is installed, topping with native brown gravel is strongly encouraged. The foregoing guidelines shall be applicable to the repaving of existing driveways, as well as the construction of new driveways.

CONSTRUCTION ACTIVITY

10.1 Construction is permitted only on Monday through Saturday between the hours of 7:30 A.M. and 5:30 P.M. This restriction does not apply to emergency work. All construction sites must be maintained in a neat and orderly fashion, free as reasonably possible of construction debris. The owner must require of all contractors that all personnel working on the site keep the job site free of discarded materials such as lunch bags, bottles and cans. On the way to and from the site no objects should be thrown out of contractors' vehicles or be left in the beds of trucks where they may inadvertently blow out.

Contractors are required to provide at least one trash container for every construction project, which should be emptied on a regular basis. Contractors are responsible for retrieving trash that blows off the site. No stockpiling or dumping on adjacent property is allowed.

Construction site fires are not allowed without the issuance of a permit from the Fire Department.

PAVING, LANDSCAPING DIRT ROADS

FIDCO's requirements (set forth below) with respect to the paving and landscaping of secondary (dirt) roads by adjacent landowners are derived from its ownership of such roads, not from the deed covenants, but are included in these Guidelines for the convenience of owners:

From time to time in the past FIDCO has given permission to landowners to pave portions of secondary FIDCO roads near their properties at their expense. FIDCO is not obligated to maintain such paving, and the understanding has always been that the landowners installing the paving and the subsequent owners of their properties (collectively called the "Initiating Landowners") would be responsible for its maintenance. Unfortunately, these understandings were not always reduced to writing, and with the passage of time and property transfers, some current landowners may not be fully aware of their obligations.

When these paved areas deteriorate, FIDCO will look to the Initiating Landowners to fix potholes and make necessary repairs, so that all may use the road comfortably and safely. If they fail to do so, FIDCO will exercise its right, as owner of the road, to remove the paving and restore the road to its condition as a dirt road, looking again to Initiating Landowners to bear the cost.

Sandy dirt roads are an integral part of the aesthetics of the Olmsted plan, and patches of blacktop (as well as bluestone gravel) detract from its natural atmosphere, even when well maintained. In the future FIDCO will approve the paving of stretches of dirt roads only where required by severe grade or drainage conditions and only if the abutting landowners agree to enter into a recordable agreement, binding on future owners of the property, to maintain the paving at their expense.

FIDCO owns, in fee, a “right-of-way” approximately 50 feet wide for the main road and 40 feet wide for its secondary roads. This means that the FIDCO right-of- way extends, on average, for approximately 15 feet on either side of the paved main road and approximately 12 feet on either side of the secondary roads. For sightline and other safety reasons and to protect its title to its rights-of-way, no trees, shrubs or other plants may be planted, and no fences, walls, paving or other improvements may be installed, within the FIDCO rights-of-way without the prior written approval of FIDCO. Whether or not approved by FIDCO, all such trees, shrubs and other plants, and all such fences, walls, paving and other improvements, must be promptly removed at the expense of the abutting landowner upon request by FIDCO at any time. Notwithstanding any such approval or any acquiescence in the presence of such plants or improvements, such owners shall not have or acquire any easement or other right, consensual or proscriptive, to maintain the same or any ownership or other interest in the land. Likewise, the FIDCO rights-of-way may not be graded or excavated, and trees thereon may not be cleared, without the prior written consent of FIDCO.