

SCHEDULE "B"
PROTECTIVE COVENANTS
EAST RIVER, CHESTER

1. DEFINITIONS AND INTERPRETATIONS

1.01 Definitions

- (a) "Grantor" means the Grantor in this Deed, PYMC Sailing Centre Inc., and its successors and assigns and includes the Grantor's employees, agents, and representatives.
- (b) "Grantee" means the Grantee in this Deed and includes their heirs, executors, administrators, successors and assigns.
- (c) "Subdivision" means the subdivision within which the lot is located together with all other lots within the same development or extensions thereto carried out by the Grantor.

1.02 Variance

The Grantor may at its sole and absolute discretion by instrument or instruments in writing from time to time and without notice to the Grantee or any other owner of building lots in the Subdivision vary, alter, amend, waive, modify or remove any of the stipulations, covenants and restrictions set out herein in respect to the Lands or any other building lots in the Subdivision to which the benefit and burden of the stipulations, covenants and restrictions is attached, so long as their substantial character is maintained.

1.03 Enforcement

The Grantor may take such steps or actions, as it deems appropriate to enforce any of these stipulations, covenants and restrictions. In the event that any steps or action to enforce these Restrictive Covenants are taken, the party in default shall be responsible for all claims, costs or expenses resulting therefrom including legal fees on a solicitor-client basis.

1.04 Validity

The Restrictive Covenants herein contained are severable and the validity in whole or in part of any of these stipulations, covenants and restrictions shall not affect the validity of the other stipulations, covenants and restrictions or the remaining portion of the stipulations, covenants and restrictions contained herein.

2. Use of Property

2.01 Single Family Dwelling

No use shall be made of the Lands other than as a location for one single detached private residential dwelling constructed and maintained to the standards contained herein, provided that the Grantor may, in its sole discretion, permit an in-law suite within any single detached private residential dwelling.

2.02 Fences

No fence shall be erected or maintained on the Lands or any part thereof higher than four feet or situated within thirty feet of any street or roadway except with the written consent of the Grantor, or except whereby required to protect a swimming pool pursuant to the Municipal By-law.

2.03 Businesses

No profession, trade, employment, service, manufacturer, institution, association, enterprise or business of any description shall be conducted from the Lands, except a "home office" as may be permitted by the then existing municipal zoning by-laws.

2.04 Animals

No animals, fish, or fowl of any kind other than household pets normally permitted in private homes in urban residential areas shall be kept upon the Lands and no commercial breeding of pets shall be carried out upon the Lands.

2.05 Signs

No signs, billboards, notices or other advertising matter of any kind, (except for ordinary signs offering the Lands or building thereon, for sale or rent) shall be placed on any part of the Lands, or upon, or in any buildings or any fence, tree or other structure on the Lands.

2.06 Clothes Lines and Wood Piles

No clotheslines or wood piles shall be erected or maintained on the Lands or any part thereof, which is visible from any street or road.

2.07 Repairs

No repairs to any boat, motorized conveyance or trailer shall be performed on the Lands unless performed within a wholly enclosed garage.

2.08 Waste Materials & Equipment

No building waste or other materials of any kind shall be dumped or stored on the Lands except for clean earth, rocks or gravel used for the purpose of levelling, in connection with the erection of a building thereon, or the immediate improvement of the grounds. No lawnmower, bicycle, snowblower, ski-doo, jet ski, or other similar equipment, may be stored on the Lands except in a wholly enclosed garage or out-building.

2.09 Recreational Vehicles

No trailer or mobile home other than those used for recreational purposes may be parked or stored upon any part of the Lands which is visible from any street and no such vehicle may be occupied whether visible from any street or road or not.

2.10 Antennaes and Satellites

No external electronic receiving or broadcasting equipment, no towers, and no satellite dish exceeding thirty inches in diameter shall to be installed on the Lands.

3. Grading and Landscaping

3.01 Erosion and Sediment Control By Grantee

No construction or excavation may be commenced or continued on the Lands until and unless and so long as appropriate sediment and erosion control devices are installed in order to prevent erosion of soil or deleterious materials into any body of water or water course, including the ocean.

3.02 Erosion and Sediment Control by Grantor

The Grantor may place enviro-fence or other erosion and sediment control measures on the Lands during construction of streets and municipal services in such manner at such locations as the Grantor in its sole discretion, acting reasonably, may determine. If erosion and sediment control measures are in place on the Lands at the time that the Grantee acquires the lands, the Grantee shall not remove such control measures unless the removal can occur without sediment or deleterious materials being washed into any body of water, or water course, including the ocean.

3.03 Maintenance of Trees

No living tree shall be cut or removed from the Lands other than those standing within the area to be excavated for the erection of the single family dwelling thereon, adjacent lawn area, garages, out buildings, swimming pools, tennis courts or driveways.

3.04 Property Care Schedule

All disturbed areas shall be stabilized as soon after building completion as possible and within one month after completion, or where completion occurs during the winter, within one month of the start of the spring growing season. All disturbed areas shall be landscaped and landscaping shall be carried out through the use of sod or other permanent ground covers to prevent erosion.

3.05 Future Grading

The Grantor shall have the right to grade any area within or adjacent to the Land as may be required in order to comply with the grading shown on any engineering plans approved by municipal or other governmental authorities until the construction of streets, walkways and public easements has been completed and as may be required from time to time for alterations and improvement to adjacent lots.

4. Building and Structures

4.01 Building Plans

No building shall be erected on the Lands except in accordance with the requirements of these Restrictive Covenants and the Landscaping and Architectural Guidelines prepared by the Grantor and any plans which do not conform the foregoing shall be approved in writing by the Grantor prior to the commencement of any construction.

4.02 Type of Building

No building shall be erected on the Lands other than a detached private residential dwelling and garages or out buildings architecturally similar to and complementary to such dwelling.

4.03 Minimum Dwelling Size

No dwelling shall be constructed on the Lands, which has a minimum square footage of habitable area not including garage less than 2,000 square feet if the Lands are an oceanfront property, or minimum square footage of habitable area not including garage less than 1,800 square feet if the Lands are not oceanfront property.

4.04 Completion of Work

The construction of any building or other structure to be erected on the Property shall have the exterior of the building and landscaping completed within 12 months of the date of start of construction.

5. Property Maintenance

5.01 Damage to Other Properties

No survey stakes or markers installed by the Grantor shall be removed or damaged or altered by the Grantee and in such event the Grantee shall cause such survey stake or marker to be replaced failing which the Grantee shall be entitled to effect such work and to recover the costs therefrom from the Grantee.

5.02 Clean Up

No material including mud, gravel or any other material including construction debris shall be deposited on any street or roadway by the Grantee. Any such material shall be removed by the Grantee within twenty-four (24) hours of request.

5.03 Ditches and Watercourses

No obstruction may be made or permitted to continue to exist to any natural watercourse, or to any ditch or drain constructed on the Lands which would impede the free and unobstructed flow of water or would cause back-up flooding, erosion, or carrying of sediment into any body of water or water course including the ocean.

LANDSCAPING & ARCHITECTURAL GUIDELINES
EAST RIVER, CHESTER

Preamble

To enhance and maintain the value of all of the building lots within the Subdivision, the Grantor has developed covenants and guidelines to ensure that design, construction and maintenance of buildings and landscaping are carried out in an environmentally sensitive and aesthetically pleasing manner. Because the slopes and elevations of the land, existing vegetation cover and soil type are different on individual lots throughout the development, it is not realistic to establish rigid guidelines dealing with all landscaping aspects. Similarly, because numerous architectural styles and finishes have similar aesthetic merit, rigid guidelines dealing with all aspects of building design would either be unduly restrictive or excessively complicated.

Nevertheless, the Grantor wishes to provide landscape guidelines and architectural guidelines to the Grantee. These guidelines together with the Protective Covenants form the basis with which the Buyer is expected to comply. If the Grantee wishes to deviate from the guidelines, he shall do so only after having received approval in writing from the Grantor.

Landscaping Guidelines

1. Driveways and Walkways

1.01 There shall only be one access driveway to the property.

1.02 Driveways must be covered with gravel prior to the start of construction on the lot so that mud is not tracked onto the street.

1.03 The Grantee is encouraged to incorporate a lantern type pole mounted driveway entrance light within 10 feet of the property lot line adjacent to the street.

2. Fencing or Walls

2.01 Fencing and walls are allowed to provide privacy, windbreaks, and screens for service yards, define outdoor living areas, etc. and must comply with the provisions of Section 2.02 of Appendix "B".

2.02 Fencing may not be used if its primary purpose is to define property boundaries.

2.03 Fences or walls shall not exceed 4 feet in height.

2.04 Fence or wall dimensions may be permitted to exceed 4 feet in height in certain circumstances to address privacy or windbreak issues but in no circumstance will they exceed a height of 8 feet.

Architectural Guidelines

3. Type of Buildings

3.01 Out buildings, including detached garages, storage sheds, boathouses, gazebos and fences shall be architecturally similar to and complement the primary residence on each property.

3.02 Concrete foundations must not project greater than 12" above finished grade unless finished the same as the remainder of the building façade (see Article 4.04 below).

4. Building Facades

4.01 No building façade is to be greater than 40 feet horizontally without some elevation relief feature with not less than 2 feet projection. Example: balcony, projecting window or wall feature, entry canopy, change of wall direction, etc.

4.02 No building façade shall have an exterior wall surface unbroken by windows for a distance greater than 20 feet horizontally.

4.03 All exterior posts shall have a minimum finished outside dimension of 7 ½" square and should be finished to match or complement the adjacent structure.

4.04 Finish materials for exterior walls are limited to:

- (i) Wood horizontal lap siding 4" to 6" exposed to the weather
- (ii) Clay Brick
- (iii) Concrete Brick
- (iv) Stone
- (v) Concrete limited to 12" from finished grade
- (vi) Cedar shakes

Aluminium or pressboard siding shall not be permitted.
Vinyl siding shall not be permitted.

5. Roofs

5.01 Roof areas are to be sloped to a minimum slope of 6:12 (vertical to horizontal), of a pitched gable, pitched simple gable or hip design.

5.02 Roofing materials shall be asphalt shingles, tile, composite shingles, wood shingles, slate shingles, non-glare metal roofing.

5.03 Roof top radio or televisions antenna, satellite dish receivers, mechanical equipment, etc., shall not project from the roof unless screened from view.

5.04 Mechanical roof vents are prohibited. All vents of any description are to be the same colour as the surrounding materials.

5.05 Skylights are to be placed as close to the roof surface as possible. Bubble shaped roof skylights are not acceptable. Glass skylights are preferred.

6. Chimneys

6.01 Metal chimneys are to be boxed in (to within 6" of the top of the chimney) using stone, brick or the same exterior finish material used on the related structure. All boxed in chimneys are to have at least one cross sectional dimension of the box the same magnitude as the height of the box above the roof plane.

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