

THE PRESERVE AT BOTANY BAY DESIGN
AND CONSTRUCTION GUIDELINES

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Table of Contents

ARTICLE I-THE PRESERVE AT BOTANY BAY VISION.....	I
I.I. Design Objectives.....	I
ARTICLE II - APPROVAL OF PLANS AND CONSTRUCTION.....	2
2.1. Prior Approval.....	2
2.2. Submission of Plans.....	2
2.2.1. New Construction of a Residence.....	2
2.2.2. Alterations, Renovations, or Minor Structures	4
2.2.3. Modification of Submittal Items.....	4
2.3. Time and Standards for Approvals	4
2.3.1. Additional Information	5
2.3.2. Deemed Approval	5
2.3.3. Variance	5
2.3.4. Permits.....	5
2.3.5. Gate Procedure	5
2.3.5. Construction	5
2.4. Review Fees; Fines; Stop Work Orders; Deposits	5
2.4.1. Design Review Committee Review Processing Fee.....	5
2.4.2. Construction Compliance Deposit.....	5
2.4.3. Road Maintenance Fee.....	5
2.4.4. Fines	6
2.4.5. Stop Work Order	6
2.4.6. Restraining Orders	6
2.5. Revocation of Approval.....	8
2.6. No Representations by the Design Review Committee.....	8
ARTICLE III - ARCHITECTURAL DESIGN GUIDELINES	8
3.1. Site, Planning and Landscape Guidelines.....	9
3.1.1. Building Site.....	9
3.1.2. Setback Requirements	9
3.1.3. Combining Residence Lots	10
3.1.4. Clearing Limits.....	10
3.1.5. Earth Change/Grading.....	10
3.1.6. Retaining Walls	11
3.1.7. Drainage	10
3.1.8. Driveways and Parking Areas.....	12
3.1.9. Garages and Parking.....	13
3.1.10. Exterior Hardscape Design.....	13
3.1.11. Walls, Fences and Gates.....	14
3.1.12. Landscaping, Site Furnishing and Outdoor Art	14
3.1.13. Water Features, Spas and Pools.....	14
3.1.14. Tree Palm and Shrub Protection, Removal and Thinning	15
3.1.15. New Tree and Shrub Selection	15

3.1.16.	Irrigation and Water Conservation.....	16
3.1.17.	Exterior Lighting.....	16
3.1.18.	Address Markers	17
3.2.	Structure Design Guidelines	18
3.3.	Building Mass, Scale and Form	19
3.4.	Residence Sizes	19
3.5.	Roofs.....	19
3.5.1.	Pitch.....	20
3.5.2.	Form	20
3.5.3.	Roofing Materials.....	20
3.6.	Exterior Walls	21
3.7.	Windows and Doors.....	22
3.8.	Balconies, Decks, Porches and Railings	22
3.9.	Mechanical Installations.....	23
3.9.1.	Screening.....	23
3.9.2.	Solar Equipment.....	23
3.9.3.	Mechanical System Noise	23
3.10.	Sport Courts	23
3.11.	Towers, Antennae.....	23
ARTICLE IV - CONSTRUCTION GUIDELINES.....		24
4.1.	Construction Procedures.....	24
4.2.	Construction Noise.....	24
4.3.	Clearing and Protecting of Plant Material and Natural Features	24
4.4.	Grading and Excavation.....	24
4.5.	Dust Control and Erosion.....	24
4.6.	Construction Trailers.....	25
4.7.	Construction Debris.....	25
4.8.	Construction Vehicles.....	25
4.9.	Sanitation Facilities	25
4.10.	Compliance with Laws	25

THE PRESERVE AT BOTANY BAY DESIGN AND CONSTRUCTION GUIDELINES

The purpose of the Preserve at Botany Bay Design and Construction Guidelines (the "**Design Guidelines**") is to ensure that all Structures and landscaping on Residence Lots are compatible with the overall vision and design objectives of the Preserve at Botany Bay. The objectives include preserving and enhancing the natural setting of The Preserve at Botany Bay, protecting the privacy of its residents, and creating and maintaining an appropriate design aesthetic throughout the community. Capitalized terms used herein shall have the same meaning given them in the Declaration, unless otherwise indicated.

The Preserve at Botany Bay consists of three unique areas of development. The different Residence Lot sizes and types of homes ("**Residences**") and amenities to be constructed on Residence Lots will influence the style of Residences to be built. These Design Guidelines only apply to Residence Lots, which shall include Estate and Hillside Lots as defined in Section 3.1.2 below, and Residence Lot Owners ("**Owners**").

These Design Guidelines for The Preserve at Botany Bay have been adopted by the Design Review Committee ("**Design Review Committee**") of the Association pursuant to Article 14 of the Declaration, for the purpose of protecting the value and desirability of The Preserve at Botany Bay.

ARTICLE I -THE PRESERVE AT BOTANY BAY VISION

The Preserve at Botany Bay is located at the west tip of the Island of St. Thomas, USVI, with dramatic views overlooking the Atlantic Ocean and the Caribbean Sea. The Preserve at Botany Bay's guiding principle is to create a unique, private community within its tropical island setting which preserves and enhances the integrity of the natural landscape and the wildlife and flora habitat for future generations to enjoy.

The Preserve at Botany Bay is a setting rich in history, from the pre-Columbian native culture to the Danish colonial 18th and 19th century plantation and trading eras to the present times since the transfer to the United States in 1917. The architecture of The Preserve at Botany Bay will reflect this rich historical background, as well as the dictates of a tropical island climate.

To assist Owners of Residence Lots in the design of their Residences, the Association has established these Design Guidelines to help shape the architecture of the Residences and landscape built here.

1.1. **Design Objectives.** There are four primary objectives to be considered when designing Structures in The Preserve at Botany Bay:

A. Preserve, protect and enhance the existing landscape, environment and ecology. Structures are to be sited in order to minimize tree and other vegetation removal,

thereby preserving the topography and ecology of the island. Vegetation removal is to be the minimum necessary to accommodate Structures, comply with local regulations, and selectively frame views, in order to ensure the preservation of endangered species and archeological sites. Grading and drainage designs are to minimize the disruption of natural landforms and, wherever possible, utilize existing drainage patterns.

B. Draw upon the traditional vernacular and historic Caribbean architecture of the USVI, while closely integrating Structures into their environment. Structures and landscaping are to respect the environment within which they are located. Structures are to be designed to step with, and blend into, the existing topography. To the fullest extent possible, Structures are to utilize natural, indigenous building materials and exterior finishes and colors which help blend the Structures into the landscape, or compliment the historical heritage of buildings as developed in the historic parts of the island.

C. Structures are to respond to climatic and environmental conditions. Building orientation, roof forms, window placement and sizes, and porch and deck locations are to consider rainfall, sun penetration and direction of prevailing winds in the siting of Structures.

D. Maintain and enhance views of the ocean and the landscape while minimizing and filtering views onto and from other Residence Lots. Structures are to be sited to both preserve and take advantage of views of the landscape while minimizing tree removal. Tree planting, trimming and removal are to be part of an overall landscape design which will minimize and filter views of the Structures from other Residence Lots.

ARTICLE II - APPROVAL OF PLANS AND CONSTRUCTION

2.1. **Prior Approval.** Prior to preparing preliminary or conceptual plans or design schematics for any Structures, the Owner and the Owner's architect and/or engineer may request a meeting with the Design Review Committee to discuss and review the Owner's concepts and plans and the Design Review Committee's requirements for, and standards of review and approval. No construction of any kind whatsoever (including any exterior renovations or any clearing, grading, excavation or fill work) shall be performed or commenced on any Residence Lot without the prior written approval of the Design Review Committee. Owners shall identify and receive permission to remove any tree as part of Owner's Submitted Items defined below in Section 2.2.1, pursuant to Section 5.9(c)(iii) of the Declaration.

2.2. **Submission of Plans.** Owners shall first obtain written approval from the Design Review Committee prior to the submission of any application, plans, specifications, drawings or other design or construction documents (the "**Design Documents**") to a governmental or quasi-governmental agency or group of the USVI, each Owner shall first obtain the approval of the Design Review Committee.

2.2.1. **New Construction of a Residence.** Requests for approval of new construction of a Residence shall include each of the following items (the "**Submitted Items**"), plus any other items which the Design Review Committee may reasonably request in order for the Design Review Committee to determine whether the standards of approval described in Section 2.3 below have been satisfied.

A. A survey of the Residence Lot prepared and certified by a surveyor duly licensed in the USVI, showing topographic lines, natural features, including rock outcrops, guts with their top of bank and center line, existing drainage paths, all trees over six (6) inches in caliber at a height of six (6) feet, all palms with over four (4) feet of clear trunk, shrubs over four (4) feet high, and any extensive areas of indigenous ground cover. Identify all plant material by species, girth, dripline, trunk height, and perimeter as appropriate. Surveys shall be of a scale of 1"= 20'; provided, however, that Residence Lots in excess of four (4) acres may use a scale of up to 1" = 40'. Surveys shall also include the layout and specification of a detailed septic system where appropriate. The USVI laws, housing laws, planning ordinances, building codes and regulations of any governmental or quasi-governmental authorities having jurisdiction of the Project ("**USVI Local Law**") or the Design Review Committee may require the use of certain specific septic systems relative to the topography or soil conditions of a ResidenceLot.

B. A proposed master site plan at a scale of 1"=20' or 1" = 40', as appropriate, together with additional plans showing details, as needed. The site plan shall include, but not be limited to, the following:

- (1) existing and proposed contour lines;
- (2) areas to be cleaned, areas to be cleared and all finished grades.
- (3) erosion control and drainage plan for both during and after construction.
- (4) driveways, pedestrian paths and their surfacing materials;
- (5) schematic layout for sewer, water, electricity, communications and drainage systems;
- (6) location of the building footprint with the number of stories, any roof overhangs and all required setbacks;
- (7) proposed location of outbuildings, recreational facilities, parking areas, terraces, pergolas, etc. and all relevant surfacing materials;
- (8) landscape plan showing layout of all planted, open, replanted and undisturbed areas with schedules of all proposed plant material to be used distinguishing between indigenous and exotic species and any existing trees, palms, shrubs, etc. that are to be removed;
- (9) all proposed easements and purposes thereof;

- (10) the proposed location, materials, height and design of all fences, walls and terracing
- (11) type, size and location of all exterior lighting; and
- (12) the layout and specification of a septic system, where appropriate. USVI Local Law or the Design Review Committee may require the use of certain septic systems relative to the topography or soil conditions of a Residence Lot.

C. Schematic floor plans of all Structures - minimum 1/8" = 1'0".

D. Drawings showing elevations of all Structures.

E. Description of major cut and fill areas on a grading plan with all finished grades.

F. Schedules of exterior materials finishes and their color, including samples.

G. Residence Lot coverage calculations and floor area ratio ("**FAR**").

H. The Owner's proposed construction schedule.

I. Proof of USVI Local Law compliance, including requirements related to seismic movement and hurricanes in the form of clarification by suitably qualified professionals.

2.2.2. Alterations, Renovations, or Minor Structures. If the request for approval is for alterations or renovations to existing Structures or landscaping, or for minor Structures (including, but not limited to, the expansion of a terrace, the construction of additional parking areas, or the construction of a small outbuilding) and the alteration is visible from a public road, more of 400 Sq. Ft or for the use of habitation, then the Submitted Items shall include as many of the items listed in Section 2.2.1 above as would be affected by the alterations, renovations or minor improvements if they were part of the original construction. All alterations and additions must continue to meet set back requirements.

2.2.3. Modification of Submittal Items. Any additions, modifications, deletions, amendments, variations or other changes to Submitted Items previously approved by the Design Review Committee shall require re-submission to and approval by the Design Review Committee prior to implementation of said change.

2.3 Time and Standards for Approvals. Submitted Items consistent with these Design Guidelines shall be submitted to the Design Review Committee for review and approval. No submittal need be reviewed by the Design Review Committee and the time period for review shall not commence, until all items required herein have been submitted. In reviewing each submission, the Design Review Committee may consider the quality of workmanship and design; harmony of external design with existing Structures; the natural characteristics of the

Residence Lot; its location in relation to and impact on surrounding Structures; topography; finish grade elevation; and other factors, as well as these Design Guidelines.

2.3.1 Additional Information. After the receipt of the Submitted Items, the Design Review Committee may request any additional information or documents necessary to review the Submitted Items, provided that such request for additional information shall be made within thirty

(30) business days or, in the event of an act of nature such as a hurricane, then within a reasonable time, after receipt of the Submitted Items.

2.3.2 Deemed Approval. If the Design Review Committee has not acted on an Owner's request within thirty (30) business days or, in the event of an act of nature such as a hurricane, then within a reasonable time, after the receipt by the Design Review Committee of the last of the requested documents or information, then the application shall be deemed approved.

2.3.3 Variance. The Design Review Committee may, upon request, approve construction plans which are not in compliance with the Design Guidelines, and such approval shall expressly grant a variance and provide reasons for such variance in writing. If the Design Review Committee disapproves an application, it shall provide the Owner with a written report stating the reasons for disapproval not more than thirty (30) business days or, in the event of an act of nature such as a hurricane, then within a reasonable time, after disapproval.

2.3.4 Permits. Owners shall file for all necessary permits for the construction within ninety (90) business days or, in the event of an act of nature such as a hurricane, then within a reasonable time, of receipt of the final approval of their submissions.

2.3.5 Gate Procedure. The General Contractor must submit a list of sub-contractors who will be working on the job along with their contact information and proof of insurance to the Property Manager prior to commencing the work. In addition, the General Contractor must submit a list of workers who will be on the project along with the vehicle they will be driving and license plate so that the individuals may receive gate passes to drive to the work site. The General Contractor, subcontractors and workers are given permission, after information is submitted to the Property Manager, to drive from the Gate House to the job site only. No one associated with the project is allowed to drive to other parts of The Preserve at Botany Bay or to the beaches.

2.3.6 Construction Time Line

A. All construction shall be completed within thirty six (36) months from the commencement date of construction. An Owner shall be required to pay the Association a penalty for each day Owner fails to complete construction of all building improvements on the Lot after thirty six (36) months of commencement.

B. In the event of a catastrophic event such as a hurricane, or for other circumstances which prohibit the completion of construction within the thirty- six (36) month window, The Design Review Committee may grant an extension to the completion deadline. A request for such extension should be made in writing to the Design Review Committee and the Committee will respond to the request in writing defining the new completion of construction date.

2.4 Review Fees; Fines; Stop Work Orders; Deposits.

2.4.1 Design Review Fee. The Design Review Committee shall charge the Owner a processing fee as established by the Design Review Committee for its review of the Submitted Items or any inspections or additional reviews performed by or on behalf of the Design Review Committee, in accordance with such fee schedule as from time to time may be established by the Design Review Committee. In addition, the Design Review Committee may, after written notice to the Owner, employ the services of an architect, landscape architect, land planner, engineer, attorney or any other consultant to render professional advice, and may pay a reasonable compensation for such services, which compensation may be charged, in addition to the fee provided herein, to any Owner who has submitted plans or constructed any Structure requiring review or other action by the Design Review Committee.

2.4.2 Construction Compliance Deposit. Any Owner subject to the requirements of this Article II shall deposit with the Association a construction compliance deposit in an amount to be established annually by the Design Review Committee (the "**Compliance Deposit**"), in the form of a check made payable to the Association, prior to the date the Owner commences the construction of its Structures. The Design Review Committee shall deposit the Compliance Deposit in an account selected by the Design Review Committee and may, after giving notice to the Owner and an opportunity to be heard, deduct from the Compliance Deposit all amounts payable by such Owner under the terms of this Article II, including but not limited to all review fees, charges, professional services fees and fines. When construction of the Structures is complete, as certified by the Owner's architect, the remaining balance of the construction compliance deposit will be refunded.

2.4.3 Road Maintenance Fee. The Design Review Committee shall charge each Owner a nonrefundable road maintenance fee (the "**Road Maintenance Fee**") as established by the Association. The Road Maintenance Fee will be deposited into the appropriate account as established by the Association to be held for future Road repair.

2.4.4 Fines. Without limiting any other remedies available to the Association, the Design Review Committee or the Board, if an Owner commences construction of any Structures or substantially deviates in construction from the approved plans, without first obtaining the approval of the Design Review Committee, or if an Owner fails to comply with any other provision of this Article II, such Owner shall reimburse the Association for all costs and expenses incurred by the Association and shall be subject to a fine in the amount from time to time set forth by the Association which shall be levied as a Default Assessment in accordance with Article 9 of the Declaration.

2.4.5 Stop Work Order. Without limiting any other remedies available to the Association, the Design Review Committee or the Board, if an Owner commences construction of any Structures or substantially deviates in construction from the approved plans, without first obtaining the approval of the Design Review Committee, or if an Owner fails to comply with any other provision of this Article II, the Association, the Design Review Committee or the Board may

issue a stop-work order, requiring that all construction activities immediately cease, and shall so notify Owner and contractor, and shall also "red tag" the construction site to provide notice to any subcontractors or employees of contractor or any subcontractors. The stop-work order shall provide a detailed description of the activities which the Design Review Committee deems to be in violation of these Design Guidelines. Immediately upon the issuance of a stop-work order, the Design Review Committee shall schedule a hearing with Owner and contractor within ten (10) business days, or, in the event of an act of nature such as a hurricane, then within a reasonable time, which hearing shall allow the Owner, contractor and the Design Review Committee to informally present their arguments with respect to the activities which initiated the stop-work order. If the parties are not able to resolve their dispute, then the dispute shall be resolved pursuant to the dispute resolution process set forth in Article 15 of the Declaration, and both parties shall be deemed to have approved the inclusion of the contractor as a Bound Party in such process.

2.4.6 Restraining Orders. If an Owner or a contractor takes actions which violate a stop-work order, the Board may seek a temporary restraining order against such party, and, if successful, such party shall be required to pay all attorneys' fees and other expenses related to the obtaining of such restraining order.

2.5 Revocation of Approval. All approvals of the Design Review Committee may be revoked by the Design Review Committee if the Owner has not commenced the construction of the Structures or work covered by the Design Review Committee's approval within twelve (12) months from the date of issue of all required government permits, or, if Owner has commenced such construction, then such construction shall have been interrupted for twelve (12) months. If so revoked, the Owner shall be required to comply with such further requirements as may be imposed by the Design Review Committee (including the re-submission of Submitted Items), and the Design Review Committee shall not be bound by any approval previously given by the Design Review Committee. The Owner shall be deemed to have commenced the construction of the Structures for purposes of this Section 2.5 when visible signs of construction have taken place. Interruption of construction shall be deemed to have occurred when significant construction activity has not taken place on the Residence Lot for thirty (30) consecutive business days.

2.6 No Representations by the Design Review Committee. No review or approval by the Design Review Committee of any item submitted to the Design Review Committee pursuant to these Design Guidelines or the Declaration shall in any manner constitute the Design Review Committee's (or any member of the Design Review Committee) or the Board's or the Association's or any of their attorneys' or representatives' representation, warranty or agreement that such item (a) has been prepared free of defects or is of good workmanship or design, or will result in improvements which are readily marketable or free of design or construction defects, or (b) complies with any or all applicable laws (including building code requirements), or (c) will result in any governmental or quasi-governmental agency's or any other person's approval of the same. Neither the Design Review Committee (nor any member thereof) nor Declarant nor the Association nor the Board (nor any member thereof) nor any of their respective attorneys or representatives shall be liable to any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of (1) the Design Review Committee's or any Design Review Committee member's mistake in judgment or negligence, (2) the approval or rejection of, or the failure to approve or reject, any plans, drawings and specifications, or other request or item, whether or not defective, (3) the construction of any Structure or performance of any work, whether or not such construction or performance complies with the Declaration or these Design Guidelines or the terms of any approval of the Design Review Committee, (4) the manner, appearance, style or quality to or in which any Residence Lot in The Preserve at Botany Bay is developed, improved, landscaped, maintained or operated, (5) the erroneous execution of an estoppel certificate, (6) the failure of any plan, drawing, specification or other item approved by the Design Review Committee to comply with any or all laws, or (7) any other matter, decision, act or omission; provided that such members shall not act in bad faith.

ARTICLE III - ARCHITECTURAL DESIGN GUIDELINES

The following guidelines are provided to assist members of The Preserve at Botany Bay community in the design of their Residences and landscaping, and are applicable to all

construction, reconstruction and refinishing of Structures, and shall be complied with by each Owner.

The design of Residences at The Preserve at Botany Bay should draw upon the vernacular and historic island architecture while seeking to preserve the existing natural environment and its ecology to the greatest extent possible, respond to the opportunities and restraints of the tropical island climate, and preserve views for all Owners.

The general design of all Residences should reflect the Danish and other Caribbean colonial 18th and 19th century larger domestic island buildings. Modern interpretations of these designs are permitted. An abbreviated bibliography showing some more notable examples is included in Appendix 1.

3.1. Site, Planning and Landscape Guidelines.

3.1.1. Building Site. The guidelines in this Section 3.1 (the "**Building Site Guidelines**") are set forth below and are intended to:

- A. Minimize grading;
- B. Maximize privacy;
- C. Minimize visual intrusion of Structures into Common Elements and other Residences;
- D. Minimize disruption to natural drainage patterns and control surface water runoff;
- E. Protect and maintain the forest canopy throughout the community;
- F. Preserve the dominance of the existing natural setting; and
- G. Minimize the overall development impact on The Preserve at Botany Bay.

3.1.2. Setback Requirements. All clearing, grading and Structures on a Residence Lot shall be constructed within the setbacks set forth below. Estate and Hillside Lots are types of Residence Lots described as either Estate or Hillside Lots on the Plat.

Estate Lots	A minimum of fifty (50) feet from the Estate Lot's boundary with any other Lot or Common Elements, except Roads, and a minimum of twenty (20) feet from a Road.
Hillside Lots	A minimum of thirty (30) feet from the Hillside Lot's boundary with any other Lot or Common Elements,

except Roads, and a minimum of twenty (20) feet from a Road.

Drainage Easements Compliance with setbacks per USVI Local Law currently thirty (30) feet from center of easement or twenty-five (25) feet from edge of easement, whichever is greater.

3.1.3. Combining Residence Lots. No Residence Lots may be combined for the construction of one (1) Residence without the prior written approval of the Design Review Committee. Requests for such approval shall be in writing and shall include conceptual drawings of the combined Residence Lots, along with measurements of the Building Envelope in the combined Residence Lots. If such request is approved, the Design Review Committee may, as a condition to approval, impose amended setback lines, FAR limits, height limits or other amendments to these Design Guidelines. Combining of lots for building purposes will not result in an elimination of lot Association Dues on either parcel.

3.1.4. Clearing Limits. Without the prior consent of the Design Review Committee, such consent not being unreasonably withheld, a maximum of fifteen (15) feet may be cleared outside and adjacent to any proposed primary Structure (house(s)). A maximum of ten (10) feet may be cleared adjacent to any other secondary Structure (retaining wall, etc.). Clearing is defined as the cutting and removal of all vegetation. Areas to be cleared, including driveway, should be marked/flagged and inspected by the Design Review Committee, prior to any work taking place. Any clearing, thinning, or trimming of existing vegetation shall only be permitted in accordance with the Design Review Committee approval of the landscape plan pursuant to Article II herein.

3.1.5. Earth Change/Grading. Grading shall be designed and constructed as much as possible to protect views and privacy of other Owners, retain the character of the Property's natural topography, and blend new Structures into the site. Grading plans shall be prepared by a civil engineer duly licensed in the USVI. The Submitted Items shall include plans and drawings for grading, drainage, utility locations, erosion control, re-vegetation and sedimentation control. Grading shall comply with the following guidelines:

- A. To the extent possible, building foundations shall step with the existing topography to avoid large flat pad grading.
- B. Grading plans shall protect and retain as many existing trees, other existing vegetation and rock outcroppings as possible.
- C. Grading may not extend into setback areas, except for areas of driveways, minor paths and utility Structures.
- D. Cut and fill slopes are to be re-vegetated as quickly as possible with plantings appropriate to the site to blend them into the surrounding environment.

Temporary mitigating measures are to be taken to prevent erosion of these slopes prior to final grading. These include diversion, retention and/or control of surface water from uphill cuts, the placing of filter cloth or geotextile membranes or spraying with wood pulp or hydroseed.

E. Cuts and fills are to be balanced on site to the maximum extent possible.

F. Any surplus cut material is to be trucked off the Property for disposal.

G. Where feasible, dry stack rock walls or berms, backed with filter cloth, will be placed at the foot of all cut and fill slopes to minimize the disturbance of downhill vegetation.

3.1.6. Retaining Walls. While recognizing that The Preserve at Botany Bay includes areas of steep slopes, Structures and landscape designs should minimize the use and height of retaining walls, and should seek to blend retaining walls with the natural topography. All retaining walls shall be designed by a civil or structural engineer duly registered in the USVI. When retaining walls are necessary, the following guidelines apply:

A. Walls which are visible from Common Elements or other Residence Lots shall be built of stone or patterned and/or colored concrete or stone filled gabions, seeded with ground cover plant material. Other materials may be approved at the discretion of the Design Review Committee.

B. The tops of walls shall be shaped or stepped so as to blend with natural contours. Ends of walls shall be returned to create natural-looking transitions with existing landforms and vegetation.

C. Retaining walls are not to exceed eight (8) feet in height. Where grade changes exceed eight (8) feet, stepped-back or terraced wall structures with ample planting terraces (3-foot minimum width) shall be used. The Design Review Committee may, at its discretion, grant a variance for higher walls, if doing so significantly reduces overall impacts to the site and/or adjacent land.

D. Retaining walls are not to be built within setback lines, except those required for driveway access or for erosion control.

E. Shrubs and vines are to be planted at the base and top of walls to blend them with the site.

3.1.7. Drainage. Due to the presence of steep slopes on portions of The Preserve at Botany Bay, proper drainage is of paramount importance. Drainage plans should maintain the natural drainage patterns, encourage percolation and on-site water retention, and minimize any potential for erosion and downstream water quality impacts. Drainage plans are subject to the

following guidelines:

A. Drainage plans shall be designed by a civil engineer or landscape architect duly licensed in the USVI to adhere to acceptable erosion control practices and to be an integral part of the erosion control practices and the erosion control management plan for each site.

B. Natural drainage courses shall be protected and maintained.

C. Existing drainage patterns are to be maintained within the Residence Lot to the maximum extent possible, through the use of dry creeks, broad swales, French drains and other means of dispersion. Gathering of surface water in cisterns for irrigation is encouraged.

D. Constructed drainage courses shall appear and function like natural drainage ways. Native vegetation cover is to be used to naturally filter runoff and promote infiltration and dispersion.

E. Impervious surfaces are to be minimized to the maximum extent feasible to encourage water percolation. The use of more pervious materials, such as crushed rock, porous pavement or open-celled pavers is encouraged.

F. Materials and sizes for all culverts, visible drainage structures and driveways are to be approved by the Design Review Committee to ensure Structures appear natural and blend into the landscape. Headwalls shall be faced with natural stone or faced with colored and/or textured cement render.

G. Drainage across or under driveways is to be incorporated into driveway design and concealed with headwalls.

H. Drainage shall be designed to minimize any potential for erosion and consequent downstream negative impact.

3.1.8. Driveways and Parking Areas. Driveways and parking areas shall be designed to minimize their visibility from other Residence Lots, and shall be blended into the terrain by following the natural grade. Maximum driveway width shall be twelve (12) feet except at the junction with Roads, and on switchback corners. Driveways and parking areas shall be subject to the following guidelines:

A. Driveways and parking areas shall be aligned and located to minimize their impact on existing vegetation and natural features, such as rock outcroppings and drainage courses.

3.1.9. Garages and Parking. Garages and parking areas shall be designed to minimize their visibility from any other Residence Lot. All parking is to be accommodated within the building setbacks. Garage and parking design shall be subject to the following guidelines:

A. Each Residence Lot shall provide adequate. Guest parking spaces shall be screened from view of other Residence Lots by a combination of plantings, pergolas, lattice fences and low walls.

B. Garages are strongly encouraged. Detached garages will be acceptable when conditions warrant.

C. Large capacity trucks, motor homes, commercial vehicles, large trailers and similar vehicles which cannot fit through a standard single-bay garage door may not be kept on any Residence Lot except for loading and unloading as may be allowed by Association policies.

D. Garages are to incorporate planting designs which screen garage doors from off-site view.

E. Parking may not occur on Common Elements, except for on designated Public Parking Areas, unless permitted during special events.

F. Garage window and lighting design is to comply with those guidelines listed in Sections 3.7 (exterior windows) and 3.1.17 (exterior lighting).

3.1.IO. Exterior Hardscape Design. Exterior hardscapes, including stairways, paths, courtyards and terraces, shall be designed to create outdoor "rooms" as an extension of indoor rooms. They shall be designed to take advantage of the climate at The Preserve at Botany Bay and to respond to the Residence Lot's topography and landscape characteristics. Hardscape design shall comply with the following guidelines:

A. Appropriate paving materials for exterior hardscape shall include native stone; faux stone which has the appearance of native stone; colored, stamped or patterned concrete; pre-cast concrete pavers; decomposed granite or gravel.

B. Inappropriate paving materials for exterior hardscape shall include non-colored, unpattern concrete, asphaltic concrete.

C. Colors and finishes shall blend with the landscape and the Residences.

3.1.11. Walls, Fences and Gates. Walls, fences and gates, shall be designed to be as inconspicuous as possible, and shall utilize materials and screening with landscape to achieve this. Walls, fences and gates shall comply with the following guidelines:

A. Fencing materials shall complement and/or extend from the Structure walls, site walls and/or landscape patterns.

B. Biological barriers in the form of indigenous impenetrable plant material is preferred.

C. Inappropriate fencing types include: unfinished concrete block, chain link, and picket fences.

D. No boundary fences around the exterior lot lines of any Residence Lot or around the perimeter of any Building Envelope shall be permitted.

3.1.12. Landscaping, Site Furnishing and Outdoor Art. Landscaping shall be designed so as to appear as extensions and/or components of the main Residence, and may be built to ameliorate the climate and create shade, shadow and texture. Landscaping, site furnishings and outdoor art shall be subject to the following guidelines:

A. All pergolas, arbors, gazebos, pavilions, port cocheres, greenhouses and/or decks are to be located within the building setbacks.

B. The height, color, materials and style of outdoor Structures shall be complementary to that of the main Residence.

C. In general, the same guidelines which apply to the Structures apply to landscaping.

D. Play structures shall be screened from view from other Residence Lots.

E. Courts for games and sports will be considered on Residence Lots

on a Lot by Lot basis, and will be approved at the sole discretion of the Design Review Committee, if they do not visually intrude on, nor cause light migration to other Lots; and will not create excess noise audible off site and will not have significant negative impact on existing vegetation and terrain.

3.1.13. Water Features, Spas and Pools. Water features, spas and pools shall be designed so as to minimize their visual and audible off-site impact, and shall be subject to the following guidelines:

A. Water features, spas and pools shall be located inside the Building Envelope, visually connected to a Residence, and designed as an integral part of the Residence's exterior design.

B. Swimming pools will be approved on Residence Lots on a Lot by Lot basis, and are to be located so as to minimize their offsite visual and audible impact.

C. Spas are to be recessed into the ground, terraces and/or decks.

D. Spa, pool and water feature pumping equipment shall be enclosed in a Structure which is or appears to be an extension of the Residence, or they shall be located in underground vaults, basements, all so as to contain noise. Solid noise-absorbing covers for equipment may be required after installation if it is discovered that the equipment is audible from adjacent Residence Lots.

E. Water features are to use recirculated water systems.

3.1.14. Tree Palm and Shrub Protection, Removal and Thinning. Maintaining the existing natural landscape and environment is a primary objective of these Design Guidelines. Tree, palm and shrub removal shall be subject to the following specific guidelines:

A. The removal of any tree with a caliber greater than six (6) inches, as measured four (4) feet above grade, any palm with four (4) feet or more of trunk, any shrub or group of shrubs taller than four (4) feet, any orchids or any indigenous ground cover of more than fifteen (15) square feet in extent.

B. Removal of any trees, palms, shrubs, etc. of the above-mentioned size without Design Review Committee approval may result in a fine of \$2,500 per tree/shrub, in addition to any other tree/shrub mitigation as required by the Design Review Committee. The fines stated above may be adjusted from time to time by the Design Review Committee.

C. Protective fencing shall be erected around all existing trees and shrubs during construction on the dripline for trees, 1'6" from the perimeter for palms, shrubs, etc.

D. How about removal of invasives – Wild Tamarind, etc?

3.1.15. New Tree and Shrub Selection. The choice of plant material for new plantings will have a larger overall visual and physical impact on the environment of The Preserve at Botany Bay than the Structures. The existing indigenous trees and shrubs have adapted to their dry insular environment. The selection of indigenous plant material species or

cultivated varieties thereof is strongly encouraged.

3.1.16. Irrigation and Water Conservation. Landscape shall be designed to minimize the need for irrigation, and shall incorporate automated irrigation systems as needed which provide efficient water coverage and minimize water usage and runoff. Irrigation systems shall comply with the following guidelines:

A. Irrigation system design shall comply with all local water conservation requirements.

B. Temporary irrigation systems are required for all revegetated areas. These systems shall be abandoned once plantings have been clearly established and after a maximum of one growing season.

3.1.17. Exterior Lighting. All exterior lighting shall use fixtures appropriate to the house design and minimize intensity of their illumination, except as needed for safety and security. Exterior lighting shall comply with the following guidelines:

A. All exterior lights shall be shielded to protect illumination, so that the light source is not visible from adjacent Residence Lots.

B. I would like this to be more robust – minimal uplighting of trees or other amenities. Lighting is to be for safety of walk ways and house usage – not landscape illumination or lighting of the structure.

C. Exterior light fixtures shall not exceed seventy-five (75) watts unless a greater intensity is required for safety reasons or by USVI Local Law.

D. Pathway lighting fixtures shall be a maximum height of thirty (30) inches and a maximum of fifty (50) watts.

E. Driveway lighting shall be a maximum height of thirty (30) inches and a maximum of forty (40) watts, unless a greater intensity is required for safety reasons or by USVI Local Law.

F. Except for driveway lighting and address markers, all lighting must occur within the setback lines.

G. Pole-mounted lighting is not permitted.

H. No lighting source shall be directly visible from the Beaches or any areas designated for ecological protection, so as to not confuse nesting turtles or hatchlings in their natural, instinctive, return to sea.

I. The following items shall not be used for any exterior lighting:

(1) Mercury vapor lamps or lamps which emit light of a similar character.

(2) Neon lights.

(3) Flashing and moving lights of any type.

(4) Exposed fluorescent and metal halide or halogen lamps which are visible from an adjacent Residence Lot or any Common Elements. Where such lights are used, they shall be shielded to project light downward.

(5) Colored lights, with the exception of approved subdued ambers and grays or similar colors.

3.1.18. Address Markers. The design, finish and color of address markers and signs are to comply with local emergency response requirements and the following guidelines:

A. Street numbers shall be between five (5) and seven (7) inches tall, and shall be dark numbers on a light background, or vice versa.

B. The numbers on address markers shall be between twelve (12) and sixty (60) inches above the ground, and shall not be obscured by vegetation.

C. Address markers may be illuminated at night, in compliance with the guidelines set forth in Section 3.1.17.

3.2. Structure Design Guidelines.

The architectural design at The Preserve at Botany Bay is to draw on the rich historic and cultural heritage of St. Thomas, USVI, respect and protect the existing natural environment together with the views of other Owners at The Preserve at Botany Bay. By drawing on the building massing, general proportions, roof profiles and the construction elements of the Danish colonial eras, the built environment at The Preserve at Botany Bay will have an overall harmonious quality. However, it is not intended that the design of the buildings be copies of historic structures, but rather that the designs draw on the larger historic domestic buildings for inspiration, and for their proven response to the climate and landscape.

The basic design elements are to be a combination of the following:

- A. In general, the long axis of the Residence shall run parallel to the existing contours.
- B. Structures should conform to the natural topography, follow the contours and where possible incorporate natural features.
- C. Rectilinear Residence masses with steep pitched roofs, having minimal overhang, other than porches, to reduce potential hurricane impact.
- D. Individual Residence masses can be articulated to each other, with shallower or flat roofs over the connecting elements.
- E. Verandahs, porches, decks, patios and terraces acting as links between different Structures, and extending the Residence out into the landscape. These same elements also provide covered/shaded outdoor living spaces that are responsive to the local climate.
- F. Buildings, terraces, porches, etc. stepping down the slopes to reduce the visual mass of the Residence, and helping to integrate the Residence into the landscape.
- G. Articulation of the building surfaces, to soften their appearance, by the use of various architectural elements including cornices, string courses, door and window surrounds, pilasters, the staggering of the wall planes.
- I. USVI zoning regulations have created a maximum number of dwelling units for The Preserve at Botany Bay. These regulations define a dwelling unit as "any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, and cooking." However, the Design Review Committee will permit a dwelling which may include several buildings connected or within a compound of buildings.

3.3. Building Mass, Scale and Form.

A. Most of the sites for Estate Lot Residences have relatively steep slopes that will require great care in the design if large vertical cuts are to be avoided.

B. All the Residences are required to provide cisterns for the collection of rain water, in accordance with USVI Local Law. These elements can provide support for the lower floors of the Residence. The downhill, exposed, faces should be broken up with recessed planes or similar treatments, and suitable planting.

C. In many instances it will be necessary to carry the down slope edge of the Structure on posts or similar supports. The appearance of these shall be in proportion to the apparent visual weight they are supporting. Under main portions of the Structures these supports shall have a slenderness ratio of not higher than 1:8. Under balconies, porches, etc. a slenderness ratio of not higher than 1:12.

D. The use of garages, detached rooms, with covered walkways to create courtyard spaces is encouraged.

E. The visual stepping down of the Structure(s) by the use of lower roofs abutting the larger building masses is encouraged.

F. Shallow covered balconies, on bracketing or relatively slender supports, providing shade and rain protection to windows and doors.

3.4. Residence Sizes.

A. Floor areas. The Estate Lot Residences and the Hill Side Residences are to have a minimum internal floor area of 2,400 square feet, exclusive of garages, storerooms and other ancillary Structures.

B. Building heights. The Estate Lots are zoned RI, which restricts the height of Residences to two (2) stories, with a mezzanine of not more than one third (1/3) of the floor area below. The single-story portion of a Residence shall not be more than twelve (12) feet to the eaves, or lower roof edge. The second two story portion shall not be more than twenty-four (24) feet to the eaves or lower roof edge. Mezzanine eaves cannot be more than ten (10) feet above their finished floor level. Heights will be measured from the lower uphill finished fl,901•or grade level. In addition to the building height limitations above, no Estate Lot Residence shall extend more than twenty (20) feet above the highest elevation of the Estate Lot.

3.5 Roofs

A consistent roof profile throughout The Preserve at Botany Bay will be the major unifying factor. Roof forms shall be chosen which are appropriate in their function with regard to the climatic conditions and the size and shape of the Structure, and shall be of a design appropriate to the aesthetic appearance of the Structure. Mechanical equipment, vents, roof protrusion, skylights, solar panels and similar items shall be incorporated into the architectural

design to the extent possible to minimize the "clutter" visible from Structures at higher elevations.

3.5.1. Pitch.

A. The main roofs to all the main massing blocks of the Residence shall have a pitch of not less than eight (8) in twelve (12).

B. The roofs over lower level rooms, porches, verandahs, balconies, etc. may have lower pitches.

C. The roof structure and covering on these lower roofs will be discontinuous to all higher roofs, even when immediately adjacent.

3.5.2. Form.

A. All principal roofs will be preferably hipped in form. Gabled or ridged roofs are also permitted. No shed, mono-pitch or broken ridge main roofs are permitted.

B. Lower pitches, and mono-pitch, or shed roofs are permitted over perimeter spaces adjacent to main roofs.

C. Flat roofs are to be avoided except as a necessary link between pitched roofs or for those areas where a pitched roof is impractical.

3.5.3. Roofing Materials.

A. Appropriate roofing materials include:

- (1) Colored or patterned concrete or clay tiles;
- (2) Slate or faux slate;
- (3) Oxidized copper;
- (4) Non-reflective metal, including standing seam or corrugated

Residences.

B. Inappropriate roofing materials include:

- (1) Asphalt composition tiles, shakes or roll; and
- (2) White or other finishes that will produce glare to adjoining

C. All roofing materials must meet the USVI building code for uplift.

D. Samples of materials and color shall be submitted to the Design Review Committee for approval.

E. All openings shall withstand hurricane force winds calculated in accordance with USVI Local Law and have protection from flying debris in the form of approved impact resistant glazing or permanent hinged wood shutters, roll down metal or wood blinds, with the blind boxes either recessed into the wall, or screened by suitable architectural detailing, by temporary metal or plastic profiled panels, or by temporary fabric barriers.

F. All temporary/intermittent use of hurricane protection devices shall be removed and stored except during **Hurricane Season**.

3.6. **Exterior Walls.** Exterior materials should be selected for their construction, function and aesthetic appearance. Materials of permanence; solidity; resistance to corrosive effects of wind, rain, sun and salt spray; high quality of material and low maintenance requirements are recommended. The use of synthetic materials is to be avoided. Exterior walls shall comply with the following guidelines:

A. All exterior wall colors shall be subject to approval by the Design Review Committee. Except for natural wood and stone, predominantly colors of historic buildings or other subdued colors should be used with spots of brighter colors for smaller, non-dominating architectural features, such as sunshades, trim, canvasses, umbrellas, canopies and doors.

B. Exterior wall materials and finishes shall be stone, tile, stucco, exposed brick, stonework, board and batten, shiplap siding or patterned and/or colored concrete or pre-cast concrete.

C. No vinyl, prefinished metal siding, plain surfaced or grooved plywood panels, composite or presswood siding are permitted.

D. Stone walls shall be constructed of rough cut or native or natural-looking faux stone and are to appear structural and not veneered.

E. Brick and stonework shall be left natural. Wood siding shall be left with a clear finish, stained or painted.

F. Highly reflective exterior surfaces are not permitted.

G. All exterior wall materials, including walls of cisterns and accessory buildings, must be continued down to finish grade so that unfinished foundation walls will not be exposed.

3.7. **Windows and Doors.** Window and door placement shall take advantage of views and emphasize the connection of the Residence to the outdoors. Designs shall minimize reflectivity, glare and nighttime light emission, as viewed from other Residence Lots. Windows and doors shall comply with the following guidelines:

A. Appropriate window types include louvers, double-hung, casement tilt/turn and fixed windows.

B. Window and doors are to be wood, vinyl-clad, metal-clad with a natural finish or metal with an anodized finish. Unfinished aluminum or other metal windows are not permitted.

C. Doors, windows and door frames may be stained and/or painted.

D. Glass may be coated or tinted to control solar heat gain, but a reflective, mirrored appearance is not permitted. Coated and/or tinted glass samples are to be submitted for approval by the Design Review Committee.

3.8. **Balconies, Decks, Porches and Railings.** Balconies, decks and porches shall be used to strengthen the connection between indoor and outdoor spaces. Balconies, decks, porches and railings shall comply with the following guidelines:

A. Balconies, decks, porches and railings shall be constructed of materials consistent in style and appearance with the finish of the Residence.

B. Handrails, louvers and door handles may be metal or other materials appropriate for the intended use approved by the Design Review Committee.

C. Column and railing designs are to be consistent with the detailing of the Residence; provided, however, that Estate Lots will be allowed greater latitude in using highly decorated or ornamental railings.

D. Exterior doors and window frames should be of finished wood, metal or vinyl. No exterior glass windows or doors may be mirrored or have any other form of highly reflective finish.

3.9. Mechanical Installations

3.9.1. Screening. All mechanical (HVAC, etc.) installations shall be screened from view.

3.9.2. Solar Equipment. Solar panels shall be integrated into the roof design and generally follow the roof slope. Frames should be finished to complement adjacent roof surfaces. Support solar equipment shall be located out of public view or enclosed and screened from view to the extent practical. Solar water tanks shall not be located on roofs. Solar power storage is not required.

3.9.3. Mechanical System Noise. All air conditioning, hot tub, pool pump installations and similar noise-producing equipment shall be enclosed and located within the Building Envelope to the extent possible, and in all cases, shall be concealed and muffled to limit emanations to a level not to exceed thirty (30) dba at any point on the property line of the Residence Lot. Notwithstanding the foregoing, should complaints occur after construction, the Design Review Committee may, without liability or limitation, restrict or prohibit the operation of such offending equipment found to be generating noise in excess of the limitation set forth above, until additional noise mitigation measures are provided by the Owner and approved in writing by the Design Review Committee.

3.10. **Sport Courts**. Tennis courts, basketball courts and other sport courts may be constructed or placed on a Residence Lot only with the prior consent of the Design Review Committee, which may be withheld in the Design Review Committee's sole and absolute discretion. The exercise of such discretion shall be based upon noise, slope conditions, lighting, size of Residence Lot, the visual impacts of the installation and any other factors deemed important to the Design Review Committee or the Association. Visual mitigating measures, such as retractable tennis court surround netting, are recommended. Sport courts with lighting visible from other Residence Lots will not be permitted.

3.11. **Towers, Antennae**. No towers, windmills, satellite dishes bigger than a twenty-one (21) inch, antennae, or similar facilities for the reception, generation or transmission of radio

or electronic signals or wind power, shall be installed or maintained on any Residence Lot without the prior approval of the Design Review Committee. No antenna may be mounted any higher than the ridge of the highest roof of the Structures. No activity shall be conducted on the Residence Lot which interferes with radio, electric, fiber-optic or other utility reception in The Preserve at Botany Bay.

ARTICLE IV - CONSTRUCTION GUIDELINES

4.1. **Construction Procedures.** Prior to commencing construction on a Residence Lot, the Owner and general contractor shall meet with a representative of the Design Review Committee to review construction procedures and requirements and to coordinate the construction activities on the Resident Lot. The Owner and general contractor are required to implement an erosion control plan as required by Article II of these Guidelines within twenty- four (24) hours of commencing construction. Only contractors who are licensed in the USVI may construct structures in The Preserve at Botany Bay.. If an Owner changes contractors after Design Review Committee approval is given, the new contractor must provide a copy of their business license and the Owner must comply with any other building permit requirements of USVI Local Law.

4.2. **Construction Noise.** Construction shall not commence prior to 7:00 a.m. or continue past 5:00 p.m. There shall be no construction on Sunday, except with the prior approval of the Property Manager.

4.3. **Grading and Excavation.** Unless other wise approved by the Design Review Committee, no Owner shall take or borrow any fill material from any Lot on the Project, nor dispose of any material from the Owner's Lot on any other Lot on the Project. No Owner shall mine or remove sand from any Lot, except for removal necessary for the construction of Structures, as approved by the Design Review Committee. In the event of any excavation on a Residence Lot, the Owner of such Residence Lot shall provide shoring and retention structures as necessary to maintain the stability of adjacent Lots.

4.4. **Dust Control and Erosion.** Owners shall strictly comply with all erosion control measures stipulated in their permits obtained pursuant to USVI Local Laws. Each Owner shall take all necessary precautions during the construction of Structures to control dust and erosion. Such precautions shall include, as necessary, perimeter silk erosion control fencing, perimeter dust fences, watering, seeding, and mulching. Roads shall be kept clear of mud and debris at all times. The Design Review Committee may require specific additional measures be followed by each Owner in a case-by-case basis.

45. **Construction Trailers.** The appearance and location of all construction trailers, field offices and the like shall require the prior approval of the Project Manager..

46. **Construction Debris.** All trash, debris and leftover and unused construction materials on the construction site shall be cleaned up daily and removed from each construction site at least once per week or as necessary to a dumping site located outside of The Preserve at Botany Bay. Precautions shall be taken to prevent debris from blowing off the construction site. the Property Manager may require specific construction fencing to prevent debris from blowing off the construction site. Concrete trucks shall wash out spill pans before leaving the construction site. Each construction site shall be kept neat and shall be policed properly to prevent it from becoming a public eyesore or nuisance, as determined by the Design Review Committee. Dirt, mud, debris or concrete resulting from activities on each site shall be removed promptly from Common Elements, including Roads, and other Lots in The Preserve at Botany Bay. No vacant Lot may be used as a storage or staging area for another Lot prior to or after construction without the express written consent of the Design Review Committee and the Owner of such Lot.

47. **Construction Vehicles.** No construction vehicles or machinery or private vehicles of the construction crew may be parked, stored or otherwise left on any of the Roads or roadway shoulders on The Preserve at Botany Bay, or on any Common Element or Residence Lot without prior written consent of the Property Manager.

48. **Sanitation Facilities.** All construction sites shall have a sanitation facility in a location approved by the Property Manager

49. **Compliance with Laws.** Each Owner shall comply with all USVI Local Laws and federal laws governing the construction of Structures on Owner's Lot including, without limitation, the USVI zoning, building and housing laws and regulations.

THE PRESERVE AT BOTANY BAY
DESIGN AND CONSTRUCTION GUIDELINES

January 26, 2006

APPENDIX 1: ABBREVIATED BIBLIOGRAPHY

1. U.S.V.1./FORMER DANISH WEST INDIES

- a. THE 3 QUARTERS OF THE TOWN OF CHARLOTTE AMALIE
by Edith deJongh Woods.

ISBN 0-926330-20-0 1st edition
 0-926330-00-4 Field edition

- b. HISTORIC BUILDINGS OF ST THOMAS AND ST JOHN
by Frederik C Gjessing & William P McClean.

ISBN 0-33-37382-0

- c. HISTORIC ARCHITECTURE OF THE US VIRGIN ISLANDS
by Pamela Gosner.

ISBN 0-877160260 CL

The above three books deal mainly with the neo classical merchant houses of circa 1840. They include an invaluable wealth of details of openings, gateways, balconies and building surface treatments.

- d. THREE TOWNS conservation & renewal of Charlotte Amalia,
Christiansted & Ferericksted of the USVI

ISBN 87-980249-4-9

Conservation proposal, with excellent to scale line drawings of many buildings.

- e. VICTORIAN FREDERICKSTED

by Susan Brown. St Croix Landmark Society Inc.

Library of Congress catalog card# 81-84246

Documentation of the rebuilding of Fredericksted after the 1878 Fireburn. Delicate, lighthearted trim detailing.

- f. FURTHER USVI INFORMATION

The St Croix Landmarks library can help with more information, including on Whim Greathouse, Cane Garden Greathouse, Sprat Hall, Little La Grange, Mt Washington and Butler Bay houses.

2. CARIBBEAN / WEST INDIES

- a. THE VILLA, Form and ideology of country houses
by James S Ackerman.
ISBN 0-691-0991101
The history of the villa from Roman to modern times.
Chapter 1 "The Typology of the Villa" is essential reading for an
understanding of the social, economic, cultural and historic reasons for the
current phenomenon of the luxury villa, as proposed for the Preserve at
Botany Bay.

4. SOURCES:

Brad Charles Melzer, director of libraries.
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