

CHIMNEY HILL OWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE

RULES AND GUIDELINES

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CONTENTS

	Page
A. <u>INTRODUCTION</u>	4
B. <u>OBJECTIVE</u>	4
C. <u>DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS, AND BY-LAWS</u>	5
D. <u>ARCHITECTURAL CONTROL POLICY</u>	5
E. <u>NEW APPLICATION PROCEDURES / RULES FOR BUILDING</u>	
1. Where to obtain	6
2. Where to submit	6
3. What to submit	6
4. Application fees	6
5. CHOA Assessments	6
6. Notification of adjoining property owners	6
7. Commencing work	7
8. Validity of permits	7
9. Failure to complete	7
F. <u>FINES AND PENALTIES</u>	7
G. <u>APPEAL PROCEDURES</u>	
1. Submission	7
2. Notice	7-8
3. Hearing	8
4. Appeal	8
H. <u>CERTIFICATE OF COMPLIANCE</u>	8
I. <u>GENERAL REVIEW CRITERIA</u>	
1. Conformity with Covenants / By-Laws	8
2. Design compatibility	9
3. Scale	9
4. Maintenance of property values	9
5. Individual Rights	9
6. Materials / Siding	9
7. Town building permits	9
8. Maintenance and modifications	9
9. Satellite Dish Antennas	9
10. Duplex rule	10

11.	Tree Houses and Play Structures	10
12.	Generators	10
13.	Solar, Wind, and Alternative Energy Sources	10-11

J. GUIDELINES FOR BUILDING

1.	Clearing	11
2.	Surveying	11
3.	Square Foot Requirements	11
4.	Blasting	11
5.	Culverts	11
6.	Removal of Debris	11
7.	Rubbish Bin	11
8.	Colors	11
9.	Decks	11
10.	Storage Sheds	12
11.	Garage & Carports	12
12.	Driveways and / or Parking Pads	12
13.	Air Conditioners	12
14.	Chimneys	12
15.	Exterior Lighting	12
16.	Retaining Walls	12
17.	Postal Delivery Boxes	12
18.	Ornamental Statuary	12
19.	Flagpoles	12
20.	Gutters & Downspouts	12
21.	Clothes Lines	12
22.	Style & Harmony	12-13
23.	Foundations	13
24.	Lot Markers	13
25.	Above Ground Storage Tanks	13
26.	“As-Built” Requirements	13

K. WATER CONNECTIONS AND INSTALLATIONS

1.	Septic Requirements	13-14
	a. type of pipe	
	b. existing ground break	
	c. protection of water line	
	d. set-backs and requirements	
2.	Water Requirements	14
	a. type of pipe	
	b. type of valve	
	c. type of stand pipe	
	d. where to obtain water meters	
3.	Lots Remote from Water Meters	14
4.	Crossing Roads for Water Hook-ups	14
5.	Pressure reducers	14
6.	Backflow Preventers	14
7.	Interior Main Line Shut-off	14

8.	Water Filters	14
9.	Pressure Tanks	14-15
10.	Water Meters	15
11.	Fixtures	15
12.	Water Hook-ups	15
13.	Plumbers Work Notice	15
L.	<u>UNSAFE STRUCTURES</u>	15-16
M.	<u>SEVERABILITY</u>	16
20.	APPENDIX	
1.	Vinyl Siding (appendix A)	17
1A.	Vinyl Siding Application	18

A. INTRODUCTION

All Chimney Hill property owners benefit from the design review process of the Architectural Control Committee (ACC). The intent of architectural controls is to assure property owners that the quality of their environment will be maintained. This, in turn, protects Chimney Hill property values.

The guidelines set forth herein are directed to owners wishing to build and to their builders. They are also meant for homeowners wishing to make exterior and/or interior alterations, which require a CHOA permit as defined herein. Once an application is approved it must be followed. Modifications must be submitted to the ACC for approval.

Because Chimney Hill is a predominantly second home community and homes are in close proximity to one another the welfare and quiet enjoyment of neighboring homes must be taken into consideration. Therefore, exterior construction of any nature should not commence before 7:00 AM and should not continue past 9:00 PM.

These guidelines relate only to building, modification, or maintenance of homes; they do not attempt to define the full scope of CHOA architectural control authority or responsibility.

Repainting or exterior repairs must be approved by the ACC or its designee. Requests can be mailed or emailed to the administration office. Approved minor projects must be completed within a year of approval. After one year a new request must be submitted. No work may commence until approval is given. Not sure if your project requires approval? Call the administration office before beginning work. See I.(8) of this manual.

B. OBJECTIVES OF THIS MANUAL

This manual is a guide for the Architectural Control Committee (ACC), as well as for permit applicants. The rules for building are meant to address all work for which property owners must submit applications to the ACC. The general objectives herein are:

- a. To review uniform building rules and guidelines to be used by the ACC in reviewing applications.
- b. To assist Chimney Hill property owners in preparing applications acceptable to the ACC.
- c. To increase property owners' awareness and understanding of the Covenants and Restrictions and criteria used by the ACC.
- d. To put forth basic principles which will aid property owners in planning construction or alterations that are in harmony with their neighborhoods and the environment of Chimney Hill.
- e. To help maintain and improve the quality of the living environment in Chimney Hill.

C. DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS / BY-LAWS

Authority for maintaining the quality of design in Chimney Hill comes from the Association's by-laws and from the Declaration of Protective Covenants and Restrictions, which are on file in the town hall in Wilmington, and which are a part of every deed to land in Chimney Hill.

Article XIII, Section 9 of the By-Laws:

The Architectural Control Committee shall have the duty of applying the Covenants as applicable to the Properties. It shall look out for any proposals, programs or activities that may adversely affect the residential value of the Properties and shall advise the Board of Directors regarding Association action on such matters. It shall refuse or grant permission to build to applicants who have filed plans and specifications as directed.

Article 1 of the Covenants and Restrictions:

The land conveyed hereby shall be used only for single-family residential purposes. No trailers or mobile homes shall be allowed thereon; and no tents shall be allowed thereon, except that tenting by children only shall be permitted after a dwelling has been fully constructed on land in compliance with the provisions of this deed. No trade, business, or commercial activity of any nature shall be conducted on said land (exception: V.S.A. S 4412(4)). No building or structure thereon shall be used for habitation until its construction has been completed in accordance with the plans and specifications required by the provisions of this deed.

Article 3 of the Covenants and Restrictions:

Article 3 of the Covenants and Restrictions provides the minimal requirements for building size and setbacks. The Architectural Control Committee establishes specific regulations based on Article 3 of the Covenants and Restrictions as well as local zoning and building regulations (see Section J., 2 and 3, concerning structure square foot and set-back requirements).

f. D. ARCHITECTURAL CONTROL POLICY

The policy of Architectural Control in Chimney Hill is to preserve and enhance property values, amenities, and opportunities in the community contributing to the personal and general health, safety and welfare of residents and owners. The community has a general character, achieved from its housing designs, open space, wooded area and amenities, which shall be preserved and enhanced. Under applicable covenants and rules and regulations of the Chimney Hill Owners Association, Inc., it is the responsibility of the Architectural Control Committee to implement this policy through the reasonable regulation of the building and landscaping practices. The purpose of this manual is to standardize architectural review practices, to provide adequate notice of this policy and to ensure fair equitable enforcement of architectural restrictions.

E. NEW APPLICATION PROCEDURES / RULES FOR BUILDING

1. Application for building permits for new construction and / or alterations may be obtained through the Association office or at Chimneyhill.com/ownerinfo.
2. CHOA applications must be filled out in full by the owner or authorized agent, signed by both parties, and submitted to the Architectural Control Committee (ACC) through the Association office, which will acknowledge receipt of the same. Submission by email with electronic supporting documents is preferred.
3. All submissions must contain the following:
 - a. All submissions will be to scale and must match the material schedule.
 - b. Plans of each floor level or structure showing square footage, home plans and additions must be to scale.
 - c. The use of each room or area to be clearly specified in the plan; i.e., BR (bedroom), BATH (bathroom), MR (mudroom) etc.
 - d. Elevations for all new homes, additions, outbuildings, and porches of all sides including appurtenant structures, (decks excluded) and minimum scale of 1/8" = 1 ft.
 - e. One copy of the site plan showing locations of house, septic system, driveway and off road parking area, drainage ditches, and culverts .
 - f. A landscape plan/design is required and must indicate area(s) that will be disturbed during construction and steps that will be taken during and after construction for erosion control and runoff.
 - g. Certified septic system design by a licensed Vermont engineer.
 - h. Copy of the Wilmington Zoning Permit.
 - i. CHOA application shall be submitted in duplicate.
 - j. Pins placed in all projections by a licensed Vermont engineer.
 - k. The owner must sign all documents submitted pursuant to the above applications.
4. Fees: (all fees are payable at the time of application)
 - a) A three thousand two hundred fifty dollar (\$3,250.00) fee will apply to all new home construction permits. The fee will include a wildlife proof rubbish bin, a curb stop, water meter (not hook-up), a 911/lot sign, building permit and contribution to the water capital reserve.
 - b) A five hundred dollar (\$500.00) fee will apply for all construction (other than a new home) over 1,000 square feet.
 - c) A two hundred and fifty dollar (\$250.00) fee will apply for all construction over 300 square feet up to 1,000 square feet.
 - d) A one hundred dollar (\$100.00) fee will apply for all construction over 150 square feet and up to 300 square feet.
 - e) A fifty dollar (\$50.00) fee will apply for all construction up to 150 square feet.
5. All CHOA assessments must be paid in full prior to issuance of a Chimney Hill Building Permit. Permits will be rescinded if the owner's account becomes delinquent over 90 days after the issuing of the permit.

6. The ACC recommends that changes to any property, which may affect a neighbor's property should be discussed with the neighbor in advance of making application to the ACC, and, in some cases, it may be appropriate to submit that neighbor's comments with the application.
7. Applicants shall be required to complete the work within one (1) year, unless the applicant seeks and is granted an extension to these time requirements by the ACC. Failure to comply with this provision will render the Building Permit null and void.
8. Construction must be scheduled so as not to leave any partially completed project for any extended period. Such projects become a visual blight on the community and are often the sites of hazard and nuisance.
9. Failure to complete construction within the 12 month permit time frame will result in cancellation of the permit and necessitate filing a new application and payment of appropriate fees. All work must cease on the construction until a new permit is issued.

F. FINES AND PENALTIES

Non-compliance to the Rules and guidelines for building and/or failure to notify and receive approval from the ACC Committee for new construction, renovations, improvements and maintenance items will result in the following minimum fines and penalties:

- 1) \$ 150.00 minimum fine for non-approved changes to application and approved plans.
- 2) \$ 250.00 minimum fine for failure to notify and receive appropriate approval and/or permit prior to construction.
- 3) \$ 500.00 minimum fine for water activation without approval of Chimney Hill.

G. APPEAL PROCEDURES

No action affecting an application for a building permit will be taken by the ACC except in accordance with the following procedures:

1. Submission. The ACC will act only upon completed submissions, with all necessary data attached and properly filled out. If a submission is incomplete, the ACC will notify the applicant as promptly as possible, and request that a completed submission be made. Notice of an incomplete submission shall not be construed as a denial of the application. As noted above, an incomplete submission will not be subject to any review, but rather returned to the owner for completion.
2. Notice. If an application is approved, a building permit will be issued to the owner. If an application is rejected, the ACC shall serve the owner with the notice of rejection, together with the reasons therefore. Notice shall be made by email or mail. Any owner may re-submit any application with new or different information, seeking a permit or approval from the ACC.

The notice denying the application shall state that the owner has a right to a hearing to be held before the Committee in executive session. The notice shall contain an invitation to the owner to request the hearing and produce a statement, evidence and witness on his behalf. The owner shall be required to notify the ACC in writing within fourteen (14) days of his election to have a hearing. Failure to make such an election, in writing, in the time prescribed, can be conclusively deemed to be a waiver of the right to a hearing. In the event the hearing is requested as outlined herein, the Committee shall schedule such hearing within fourteen (14) days of receipt of the request, and shall notify the owner of the time and place of the hearing by first class mail, sent to the owner's last address on the books of CHOA.

3. Hearing. The hearing shall be held in executive session pursuant to the notice affording the owner a reasonable opportunity to be heard. The minutes of the hearing shall contain a written statement of the results of the hearing. The committee shall issue a determination within fourteen (14) days of the hearing, which determination shall be served upon the owner by mailing same, by first class mail, postage prepaid, to the owner's address on the books of CHOA. The determination shall be rendered in the discretion of the Committee, and shall express the decision of a majority of the members of the Committee.

4. Appeal. Following a hearing, an owner shall have the right to appeal the decision to the full Board of Directors. A written notice of appeal must be received by the Executive Director, President or Secretary of CHOA within ten (10) days after receipt of the decision of the ACC. The Board of Directors shall set the appeal for hearing within a reasonable time, at a place convenient to the Board. The Board shall review the decision of the ACC to insure conformance with the applicable covenants binding upon the property, the rules for building, and other pertinent rules and regulations of the Association.

H. CERTIFICATE OF OCCUPANCY

The ACC, or its designated representative (agent), will inspect properties while they are undergoing construction and when they are completed. Permission of inspection is granted while a permit is open. The ACC will notify the owner in writing of violations, if any, when satisfied that the conditions set forth in the approved plans and application have been met, issue a Certificate of Occupancy. Such a certificate is necessary to obtain water from the central water system in Chimney Hill. Fourteen (14) days notice must be give to the Architectural Control Committee for the Certificate of Occupancy final inspection.

Chimney Hill Owners Association will deny any contractor or owner from continuing construction if the Architectural Control Committee rules, regulations and / or decisions are not adhered to. Any costs incurred by Chimney Hill Owners Association will be at the owner's expense.

I. GENERAL REVIEW CRITERIA

The general criteria by which every application will be reviewed by the Architectural Control Committee (ACC):

1. Conformity With Covenants – All applications will be examined to confirm that the

Proposals conform with the Declaration of Protective Covenants and Restrictions and with the By-Laws of the Association.

2. Design Compatibility - A proposal must be compatible with the character of the neighborhood and with architectural aspects of the applicant's house (when the application proposes an alteration). The building and building site, the grading plans, and the proposed parking accommodations must all be approved. Any interior or exterior alterations, modifications or additions which may have an effect on the septic system as originally submitted must have Architectural Control Committee approval.
3. Scale – The size and mass of a proposed alteration (addition) must relate well to adjacent structures and to its surroundings.
4. Maintenance of Property Values – The effect of a project on the property values of neighboring properties are an important consideration. The determination of what adversely affects property values is reflected in the architectural parameters imposed by the Covenants and Restrictions.
5. Individual Rights – The right of an individual homeowner to use his/her property as they desire is recognized as important. The ACC will make every effort to help owners proposing projects that conflict with community interests to recognize and eliminate these conflicts.
6. Materials / Siding – Continuity is established by the use of material similar or at least compatible with other houses in Chimney Hill. Exterior material and treatment must be specified on the ACC building application and approved by the ACC. Vinyl Siding (see appendix A).
7. Town Building Permits – All new construction and interior and exterior alterations require Town of Wilmington zoning and building reviews. This must be accomplished prior to undertaking any work. Wilmington approval does not preclude ACC approval, or vice versa. The ACC will not knowingly approve any application which is in violation of Wilmington zoning or building codes.
8. Maintenance Modifications – Any exterior maintenance/modification to homes or property such as: exterior painting/staining, replacement of existing decks (with no change in size or dimensions), replacement/repairs to roofs, substantial changes in size/location of windows, chimneys, stairs, driveways, drainage, septic repairs/replacement, increases or decreases in home bedroom counts, must be submitted, in writing, to the Chimney Hill office.

Landscaping or tree removals or any of the fore stated projects on common lands or not on the homeowner's property, must be submitted, in writing, to the Chimney Hill office.

While no fee is required for Maintenance Modifications, approval by the ACC or its designee is required prior to the start of maintenance and/or modification.

Porta-Pots will be allowed during the construction permit period only. Notification must be provided to the Chimney Hill office prior to delivery. They must be supplied by a reputable company who will pump and clean on a weekly schedule. Must be placed out of sight so as not to offend neighbors or by passers. Any use of Porta-Pots will follow the same regulation.

NOTE: ANY ADDITIONAL BEDROOMS WILL BE AUTOMATICALLY PRESUMED TO HAVE AN EFFECT ON THE EXISTING SEPTIC SYSTEM AND MUST HAVE A STATE OF VERMONT WASTEWATER PERMIT THAT MATCHES THE BEDROOM COUNT. ANY SYSTEM FOUND TO BE IN NON-COMPLIANCE WILL BE REPORTED TO THE STATE.

9. Satellite Dish Antennas – Satellite dish antennas require application and approval by the ACC. Non rooftop installation of dish antennas will require the same permit process as an addition or outbuilding (see appendix B for additional information).

10. Rules for Duplex – If a house is designed or equipped in such a manner as to be capable of use for residential purposes by *two or more independent family units* under the same roof, the house constitutes a “duplex” which is a form of building not permissible under the applicable covenants. Chimney Hill Declaration of Protective Covenants and Restrictions, dated February 26, 1967 and recorded in the Wilmington Town Clerk’s office specifying “Single family residential purpose”.

11. Tree Houses and Play Structures – Tree houses and play structures are allowed with approval by the ACC. Design plans must be submitted as well as a property plot plan showing the location of the tree house/play structure. The ACC requires that the tree house/play structure must be maintained at all times or be removed when in disrepair or when the tree house/play structure reaches the end of its useful life.

12. Generators- Prior to installing a standby home generator, notification must be submitted, in writing, to the Chimney Hill office. While no fee is required, approval by the Architectural Control Committee (ACC) or its designee is required prior to installation. The name of the electrician performing the installation should be included in the written notification, along with the brand and model of the system, along with a plot plan showing the proposed generator location and screening.

Generators need to be installed per the manufacturer's minimum clearances the exhaust directed away from any windows, doors, air conditioners, and other structures (neighbor’s home).

The unit should not be located in the front of the home. Generators shall be sound and visually screened from other properties, public roads or common land. 20-foot property setbacks from abutting properties shall be maintained. A generator with a noise rating under 70 db is acceptable. Generators must be installed on pads with anti-vibration pads.

Generator test cycles shall happen Monday through Friday between the hours of 8 AM thru 8 PM.

13. Solar, Wind, and Alternative Energy Sources- Prior to installing alternative energy sources, notification must be submitted, in writing, to the Chimney Hill office. While no fee is required, approval by the Architectural Control Committee (ACC) or its designee is required prior to installation. The name of the electrician performing the installation should be included in the written notification, along with the brand and model of the system, along with a plot plan showing the alternative source(s) location(s), screening, and tree removals.

Alternative energy sources must be placed to not disrupt neighbors' right to peaceful enjoyment. Neighbors must not experience glare, strobe, or noise.

Roof mount solar panels must be installed with the plane of the roof. Ground mount systems shall not be installed in the front of a home and 20-foot setbacks from abutters property lines shall be maintained.

Wind turbines shall not be installed in the front of the home. Only house mount turbines that extend not more than 8 feet from the peak (ridge line) of the roof shall be considered.

Outdoor wood boilers are not allowed in Chimney Hill.

J. GUIDELINES FOR BUILDING

Every CHOA building permit shall be conditional upon compliance with the approved plans and specifications, and with the following guidelines which govern the building process. Please note that the most restrictive rules will apply to all permitting.

1. Other than for preliminary site engineering, no clearing or excavating may be done before receiving a Chimney Hill Building Permit. Under special circumstances the ACC may approve clearing and excavation prior to the issuance of a building permit. Burning of brush debris is not permitted without a permit from the Town Fire Chief.

2. All lots must be staked with iron pins by a licensed surveyor at all corners and projections before starting new construction. Houses, including decks must be placed 40 feet back from the front lot line and 20 feet in from the sides and rear. On a corner lot, the front is the side corresponding with the home entrance. NOTE: The Town may require 40 feet from the boundaries of abutting roads if a corner lot. Chimney Hill recommends that a licensed surveyor verify house location and setbacks prior to, during and after construction.

3. Dwelling shall be at least 1,100 square feet exclusive of any attached garage.

4. Blasting may be undertaken only after notification of the day and time to the Administrative office and blasting mats should always be used.

5. Each driveway must have a minimum 15 inch diameter culvert, or larger, if required. Culverts must be maintained at the property owner's expense. Head walls shall be built at each end to prevent erosion of the driveway and/or Chimney Hill roads. Access to town roads must be permitted (by town) and meet all town requirements.

6. All trees, stumps, and building debris must be removed from the site as they accumulate and may not be placed on any other Chimney Hill land. Such debris, if not removed in a timely manner, will be taken away by CHOA at the owner's and/or builder's expense after written, mail or email notification.
7. An approved wildlife proof rubbish bin is required for all new home construction and will be supplied by Chimney Hill as part of the permit fee. Bin must be placed so that it will be accessible in the winter, but not a hindrance to snow plowing.
8. Color choices for houses must be in keeping with the present tone of the community. Muted earth tones are most consistent and harmonious in Chimney Hill, and they are categorically acceptable.
9. Decks must be compatible in design, material and color with dwellings to which they are attached. Approval of certain other modifications may be contingent upon completion of a deck and railing (such as new exterior doors which open onto such a deck).
10. Storage sheds generally are to be located to the rear of dwelling units. They must be compatible with contiguous buildings in design, materials and color, and they must be of durable construction and designed with snow loads. Prefab metal storage sheds will not be approved. Q-huts/tarpaulin type storage shelters require a permit application and fee for review and will only be approved for a temporary duration.
11. Garages and carports must be designed to be integral parts of the buildings if they are attached. Roof slopes and general configurations of attached and free standing garages and pole barns must be in harmony with the primary home and designed with snow loads.
12. Driveways and/or parking pads must have a gravel base at least sufficient so as not to be rutted by vehicles used in wet weather. Gravel, crushed stone, concrete, and pavement are acceptable surfaces. Driveways should be of adequate, but not excessive, width for turning and backing. Those descending from road grade should include a rise at road edge to keep run-off on the road and a swale in front of the garage, carport or parking area to divert driveway run-off.
13. Attic ventilators or other mechanical apparatus above the roof should be as small in size as possible and should be painted to match the roof. They should be located, generally, on the least visible side of the roof, and not extended above the ridgeline.
14. Metal and masonry chimney and wooden flue enclosures must be compatible in design, locations and color with the existing house. All exposed metal chimney(s) are to be chased to within two (2) feet of chimney cap.
15. Exterior lighting must be located and directed and of such height and intensity that it does not adversely affect neighboring properties. Fixtures must be complimentary in design.
16. Retaining walls may be used to preserve trees, improve drainage and define area, but should be kept as low as possible. Local rock or wood treated to prevent rot are among acceptable materials.

18. Ornamental sculptures or statuary will not be approved.
19. Permanent flagpoles must be of an appropriate height and location. Freestanding poles must be installed in a vertical position. Any wood below the ground should be protected against rot with a wood preservative.
20. Gutters and downspouts must match the color of the building to which they are attached. Out flowing water should spread out at ground level to prevent erosion and should not flow unrestricted onto other properties, the public roads or common land.
21. Clothes lines must be in rear yards and completely screened from other properties, the public roads or common land.
22. Except where CHOA and the ACC feel a different style is already established, the harmony of designs will be enhanced by clear simplicity. As a general rule, applicants and builders in all sections of Chimney Hill are encouraged to give special attention to both the letter and spirit of these guidelines and to utilize the services of qualified professionals in doing so.
23. It's recommended that only poured concrete foundations be utilized, not block foundations due to the severity of the elements. No more than two (2) feet of foundation shall be left exposed above finished grade. The ACC recommends that any exposed foundation be appropriately maintained to its original condition.
24. Lot markers must be installed and visible from the road. Markers are not to exceed 18" x 18" and must contain the lot letter and/or number and 911 address (CHOA will provide new lot marker, with 911 address, when the certificate of compliance is issued (owner's name may also be included).
25. All propane tanks (and/or exterior above ground storage tanks) must be properly screened from the road and the neighbor's view. Natural materials or vegetation are preferred screening material. Location of underground storage tanks must be indicated on the plot plan and approved by the ACC or its designee.
26. Upon completion of a new home an "as built" survey of the property must be submitted to the Chimney Hill office. The "as-built" must be completed by a licensed surveyor/engineer and must indicate the home, addition, garage, or structure location (including decks) as well as the septic tank(s) and leach field locations (new construction only). "As-built" plans will also indicate the setbacks from the property lines to the structure. A Chimney Hill Certificate of Compliance will not be issued until an "as-built" is submitted and approved. The ACC reserves the right to request an as-built submission, at the owner's expense, for additions, garages, or any structure that alters the "footprint" of the home and has concerns of setbacks or a variance request.

K. WATER CONNECTIONS, INSTALLATION AND REQUIREMENTS

1. Septic Requirements – The following regulations for prevention of inadvertent contamination of the water supply from Sewage Disposal Systems are adopted:

- a. All main water line locations and sewage disposal systems must be prepared by a certified Vermont licensed engineer.
 - b. In cases where the depth of the water line is below the elevation of the top of the crushed stone or sand in the disposal field or bed, corrective action needs to be taken.
 - c. In cases where a ditch or ground break exists between the water line and the sewage disposal system and the elevation of the bottom of the ditch is below the elevation of the water line, no corrective action needs to be taken.
 - d. In cases where a line is less than 50 feet from a sewage disposal system and there is no break as above, a check valve shall be installed such that a vacuum cannot be created in the line.
 - e. In cases where the main water supply line is less than 50 feet from a sewage disposal system, the water supply line shall be protected by a curtain drain in crushed stone. Further, the water line shall be protected by an impervious membrane (sand fill) and a curtain drain shall be created by the use of filter fabric rather than perforated pipe.
2. Water connections require the supervision and participation of the Chimney Hill Maintenance Staff and / or Water Maintenance Committee. The water service line from the main/curb stop to the home is a homeowner owned line. They may be made between May 1 and November 1, weather permitting. The trench must be at least 4 feet deep and the following materials must be on hand at the site:
- a. 1 inch flexible 200 psi rated pipe (house to main, plus 10 feet)
 - b. 1 inch valve (curb stop supplied by Chimney Hill as part of permit fee).
 - c. Standpipe (curb box with 4 foot riser supplied by Chimney Hill as part of permit fee).
 - d. Valve and standpipe must be obtained from the Association for the sake of uniformity.
3. Remote lots from existing water mains will be charged for water supply at a rate equal to the cost of the 1 inch coiled flexible pipe required, plus any necessary blasting. Any subsequent or shared hook-ups tapped into the line will promulgate pro-rata reimbursements from the lot owner tapping in. A notice of such charges shall be served on each owner who may be affected. Said notice shall be subject to the hearing and appeal procedures of Section 6 of these Guidelines and Rules for Building.
- No water will be turned on permanently until the septic system is connected, approved by the Town of Wilmington and back filled, until rough plumbing is complete and a Certificate of Occupancy is issued by the ACC.
4. All road crossing to tap water mains will be supervised by the Chimney Hill

Maintenance Staff and / or Road Maintenance Committee and Town of Wilmington where applicable. All water lines crossing a road must be sleeved for future replacement. Roads must be restored to original condition at owners expense.

5. Pressure reducers are required on the main hill, sections 1, 2, and 3.
6. Back flow check valves are required on all main lines entering home as well as on all hot water heaters and boilers.
7. Main water line shut off valve (where main line enters home) is required and must be in a location that is easily accessible and able to be activated at all times.
8. Whole house water filters are required in all Chimney Hill dwellings and shall be located upstream from the meter.
9. Dwellings in Sections 4 and 5 (B and C) require the installation of a pressure tank; for a one to three bath house, we require a 20 Gallon pressure tank or better. For anything over three baths, we require a 44 gallon pressure tank or larger.
10. Water meters are required on all new house construction and are the property of the homeowner. Meters are supplied by Chimney Hill as part of a new home permit fee. Installation by your plumber must be in a location approved by the Association.
11. Fixtures
 - a. All new home construction, additions, renovations require the installation of water restrictive shower heads, faucets and low gallonage toilets. Fixtures are not to exceed 2.5 GPM per federal mandates. Toilets should be low flush not to exceed 2.25 GPF.
 - b. All new home construction, additions, renovations must limit bathtub/whirlpool size to not more than a 55 gallon capacity.
12. Water hook-ups and continued water service by CHOA are contingent upon compliance with all applicable covenants, these Guidelines and Rules for Building and all rules and regulations of CHOA or its ACC. Notice of any disconnection shall be served on any affected owner, and said owner shall have the rights set forth in Section G of these Guidelines and Rules for Building.
13. Plumbers Work Notice. The Vermont Department of Public Safety requires that a Plumbers Work Notice be submitted and approved for all new home construction. This must be completed by a licensed Vermont Plumber and a copy of the approved Work Notice must be submitted to Chimney Hill prior to the issuing of a Certificate of Compliance and activation of water service. Application and information is contained in the ACC hand out for construction.

L. UNSAFE STRUCTURES

1. All buildings or structures that are hereafter appear unsafe, unsanitary or constitute a fire hazard or are otherwise dangerous to human life, public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be inspectable buildings or structures. The CHOA Board of Directors can request that all buildings or structures that

appear unsafe to be inspected by the State or Town and that representative shall determine whether any building or structure is deemed unsafe.

2. If an unsafe condition is found to exist in a building or structure, the CHOA Board of Directors or its designated agent shall cause to be served by certified mail return receipt requested at the address of the owner of record a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time, at the owner's expense. Such notice shall require the owner thus notified to declare, within seventy-two hours of receipt of said notice, acceptance or rejection of the terms of that order.
3. Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the CHOA Board of Directors shall institute the appropriate action to remedy the unsafe condition without further notice to the owner with cost for abating the unsafe condition being collectible against the unsafe property in the same manner as prescribed for delinquent assessments.
4. Any building or structure that is non-conforming to any municipal zoning regulation or regulation of the CHOA and is damaged by fire, explosion, flood or other act of God may be restored to the same dimensions, floor area and location existing immediately prior to such damage or destruction, provided such restoration is completed within two years of such damage or destruction.

M. SEVERABILITY

In the event that any rule or regulation herein is determined to be unlawful for any reason, all remaining rules and regulation shall remain in full force and effect. Local, State and Federal laws may be applicable in some matters, in this event the most stringent will apply.

APPENDIX A

REQUIRED SPECIFICATIONS FOR RIGID POLY (VINYL CHLORIDE) (PVC) SIDING FOR APPLICATION IN CHIMNEY HILL

Chimney Hill, due to its Vermont mountainous location, experiences wind and temperature extremes that require certain specifications and care for the use of vinyl siding. This fact and the character of our development makes it essential that the following requirements and specifications are strictly adhered to. The ACC requirements are intended to protect our membership from inferior products that are not applicable to Vermont's extreme conditions. The following are required minimum standards for the application of vinyl siding in Chimney Hill, the ACC encourages you to exceed these standards whenever possible.

Documentation and verification of the following must be submitted with application.

Proposed product must be certified by manufacturer, in accordance with American Society for Testing and Materials (ASTM (D3679)) to meet or exceed the following:

- a) Siding color must be solid and penetrate the entire siding surface. Top only color application will not be permitted. Siding will contain a "wood grain" look that has been part of the manufacturing process.
- b) Siding thickness will be a minimum of .040 inches.
- c) Siding will be proven to meet the Canadian cold impact and flexibility test standard (or comparable U.S. standard meeting at least -30 degree temperatures).
- d) Siding must be wind rated to a minimum wind velocity of 100 mph.
- e) Siding must be installed over a properly prepared surface based on manufacturer's specifications. Installer will be certified by the siding manufacturer.
- f) Siding product must bear a forty year written warranty to be free from defects and warranty must be transferable.

2) Required Maintenance:

- a) Siding and trim must be maintained to original installation standards. Damaged, missing, defective materials and/or workmanship must be repaired (replaced) in a reasonable amount of time not to exceed one (1) year.

Please attach all related material to the application form.

CHIMNEY HILL OWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE

VINYL SIDING APPLICATION/SPECIFICATIONS

Note: see appendix in Rules and Guidelines for required specifications

Name: _____

CHOA Lot and Street #: _____

Home Phone #: _____ CHOA Phone #: _____

Vinyl Siding is for: Existing Home: _____ New Home Construction: _____

Beginning Construction Date: _____ Ending Construction Date: _____

Contractor Name, Address and Phone #: _____

Siding to be used (list manufacturer and style): _____

Color (include picture representative of siding): _____

Please indicate application procedures and scope of work: _____

Required specifications attached? _____ ACC review date: _____

Approved date: _____ Denied date: _____

Reason for denied application: _____
