

Section 4 Environmental Control Committee Guidelines and Procedures

4.1 Introduction

4.1.1 Authority

The Straus Park Environmental Control Committee (hereinafter referred to as the “Committee”) was established by the Developer/Declarant in accordance with the Declaration of Covenants of Straus Park recorded in the office of the Register of Deeds for Transylvania County, North Carolina on December 31, 1997, Deed Book 417 at page 667. The covenants stipulate that

“No improvements to, modification of, or construction of any kind on any Lot shall occur, unless the same shall have been previously approved in writing in the manner set forth herein by the Environmental Control Committee. The foregoing approval is required for any disturbance of or construction on a Lot (collectively, “Construction”), including but not limited to the following types of Construction; buildings, houses, signs, fences, parking areas, lighting, pools, gazebos, sports equipment and landscaping. The Committee shall publish, and may amend, from time to time, architectural and construction guidelines (the “Guidelines”) in connection therewith. Without limiting what the Guidelines shall address, it is anticipated that the same shall set forth design and building requirements, plans review procedures, compliance requirements, administration and impact fees to reimburse the cost of review and/or to defray the anticipated damage to be done to roadways which *may* be charged by the Committee for payment to the Property Association, and compliance deposits (subject to assessment in case of non-compliance) which must be paid prior to the commencement of any construction on a lot. No construction on a lot shall commence or continue if the plans have not been approved in writing by the Committee, and the required fees paid.”

4.1.2 Purpose

The Committee’s purpose is to assure the orderly development of an environmentally attuned, aesthetically pleasing and harmonious community of residences, retail shops, offices and other community support activities, preserving the natural beauty of the Park and thereby enhancing the value of each property owner’s investment. This will be accomplished by reviewing all proposed projects for compliance with rules for design and construction as described herein and Section 3, Design Requirements.

4.1.3 Scope

Plans for any product of construction to be implemented within Straus Park must be submitted to, and approved by, the Committee.² Such products include all construction, modification, exterior remodeling, and landscaping, including but not limited to:

² For purposes of control and administration, these procedures apply to all products for construction with the exception of the developer built units where Straus Park Development Inc. is the applicant on behalf of the purchaser. In those cases, the Committee has pre-approved building plans including landscape plans and the agreements, including review fees and deposits are assumed by the developer. Complete records will be prepared and maintained, however, for all building sites and compliance inspections will be performed to insure satisfactory completion in accordance with the approved plans.

- a. Buildings, garages, sheds, roads, driveways, parking areas, signs, patios, decks, external antennas, fuel tanks, fixed sporting equipment, wells.
- b. Grade modification including cutting, filling, regrading, or any drainage modification work;
- c. Altering the exterior of existing structures in any way including *repainting*, *staining*, *re-roofing*, replacing windows or doors, etc. Internal remodeling, with no change to the exterior of the building, **does not** require submission to or approval by the Committee.
- d. Any construction upon or topographic modification of any Straus Park Common Property must also be approved in writing by the Declarant.
- e. Alteration or removal of any vegetation/live trees. See also Paragraph 6.1, Tree Trimming and Removal Policy.
- f. Landscape features: water features, additional plantings, walls, fences, walkways, outdoor lights, statuary, or any decorative structure.

4.1.4 Objectives

Architectural design and site reviews shall be directed toward achieving the following:

- a. Preventing excessive or unsightly grading, earth moving or clearing of property removal of trees and vegetation which could cause disruption of drainage and natural water courses, or aesthetic scars to the existing natural environment;
- b. Ensuring that the actual siting and configuration of structures and landscaping is integrated with the terrain and vegetation of the lot and surrounding areas; does not unnecessarily block scenic views from existing or potential structures; or tends to dominate any structures or natural landscape features in the area;
- c. Ensuring that individual architectural design and construction of all buildings is harmonious in form and finish with the street neighborhood and is in consonance with the mountain park architectural theme (Section 2); and insures visual coherence from neighborhood to neighborhood;
- d. Ensuring that landscaping plans provide for the following: Immediate “healing” of construction scars on the natural landscape, minimizes the elimination or replacement of indigenous plant material, provides for visually pleasing settings for the structure, and blends harmoniously with the natural landscape;
- e. Ensuring that any building design, siting and landscaping complies with the applicable Covenants and this Design Manual;
- f. Establishes a compliance procedure that provides for permitting, inspections and sign-off approval of all construction and landscaping.

The actions of the Committee shall in no way relieve the applicant from also complying with all other applicable town or county codes and/or requirements of any other official regulatory agency.

4.2 Review Procedure: New Construction, Additions, Alterations

4.2.1 The Environmental Control Committee

The Directors, in accordance with the Bylaws, shall appoint the Environmental Control Committee. The ECC consists of an Administrator (who manages the ECC and shall vote only to break ties) and shall have six other members, one who must be a practicing Land Planner or Landscape Architect, one who shall be the Community Manager (if one exists), one who shall be a licensed Architect or Engineer and three residents serving three-year staggered terms who shall be appointed by the Straus Park Master Association's Board of Directors.³ The review and follow-on compliance functions are managed day-to-day by an Administrator who meets with and provides information to applicants, owners, architects and builders, and convenes the Committee, as workload requires. Any inquiry concerning these Guidelines and Procedures should be addressed to the Administrator, Environmental Control Committee, c/o IPM Corp., P.O. Box 580, 2602 Hendersonville Road, Arden, NC 28704.

4.2.2 Plans Approval Procedure

The plans approval process⁴ is the principal controlling aspect of orderly construction that produces aesthetically coherent development. The process begins with the owners' application for Plans Approval and Building Permit (*Exhibit 7.1*). The application should be accompanied by the review fee and plans appropriate to the level of approval requested. The Administrator will then review the application, plans, material samples and other supporting information to determine the level of review requested, visits the proposed site to determine if there are unusual circumstances and then schedules the plans for review at the next Committee meeting. Upon Committee approval, the Administrator will prepare an Approval/Agreement Letter-Contract to be signed by the owner, architect and builder (*Exhibit 7.3*). When this document is executed with appropriate deposit, the Straus Park building permit will be issued and construction may begin, in stages, via the permitting process. Construction will be monitored by the Administrator to ensure compliance with the approved plans. When the applicant completes all work, a final compliance inspection will be conducted and, assuming compliance, the construction deposit (compliance account) released. Occupancy may not begin until this process is completed.

4.2.2.1 Application

The Application for plans review and Building Permit (*Exhibit 7.1*) is to be completed and submitted to the Administrator with the required fee (Paragraph 4.2.2.2) together with complete plans (appropriate to level of review requested) for the project (Paragraph 4.2.5.1). A Variance Request Form (*Exhibit 7.2*) must also be completed if the applicant requests any variance from the Design Manual. Copies of the application and other required forms can be obtained at the Straus Park Administrator's office.

³ The 2006 Straus Park Master Association Board of Directors put this composition into practice.

⁴ For purposes of control and administration, these procedures apply to all products for construction with the exception of the developer built units where Straus Park Development Inc. is the applicant on behalf of the purchaser. In those cases, the Committee has pre-approved building plans including landscape plans and the agreements, including review fees and deposits are assumed by the developer. Complete records will be prepared and maintained, however, for all building sites and compliance inspections will be performed to insure satisfactory completion in accordance with the approved plans

4.2.2.2 Review/ Permit Fees⁵

A non-returnable review fee must be submitted with application. This fee is earned upon review and issuance of the Committee Approval/Agreement Letter-Contract (*Exhibit 7.3*). All applications will include project identification under one of the following categories:

- b. New residence; \$750 for structures up to 500 square feet (heated space), \$1,000 for structures in excess of 500 square feet, up to 1,000 square feet (heated space), and \$1,500 or \$0.50 per square foot, whichever is the greater amount, for structures in excess of 1,000 square feet (heated space).
- c. Commercial projects per above up to a maximum fee of \$5,000.
- c. Addition or (physical alteration of the exterior footprint of the structure, including swimming (pools) \$300. This also includes decks.
- d. Alteration (visible external effect but no envelope foundation change) \$150.
- e. Internal remodeling - No fee
- f. Tree removal, exterior re-staining/painting, roof finish replacement or other minor external changes (special application forms are available at the Administrator's office) - No fee
- g. In addition to the above, for new construction, there is a \$1,000 road impact fee.⁶ (NOTE: The road impact fee covers extra wear and tear on the road system that occurs during the construction process. It does not cover real damage, accidental or otherwise to road shoulders, drainage systems, vegetation or other Straus Park property).

Note: All external *alterations and additions* shall conform to the same contractor-builder responsibilities and issues. Such projects shall also follow the same review process with review and compliance deposit. Design Requirements (Section 3) shall guide all alterations and additions submitted for approval.

4.2.2.3 Owner Compliance Deposit

The following Compliance Deposits must be submitted when the Straus Park Environmental Control Committee Approval/Agreement Letter-Contract is signed. The deposit will be held without interest to the owner; any interest

⁵ These fees are preliminary and may be revised from time to time by the Committee to accommodate the cost of administering the Committee's work.

⁶ Upon legal adoption by the City of Brevard from the Straus Park Development Corporation, this fee may be decreased to zero.

accrued shall be for the benefit of the Committee function. These Compliance Deposits are to assure that the project is completed in accordance with the approved plans and specifications including landscaping; that the job site is maintained in accordance with the Design Manual and that any property damaged by the contractor is repaired. The deposit (less any administrative fee) will be returned to the owner upon satisfactory completion of all work.

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| <u>New Construction – Residential or Commercial</u> | Compliance Deposit \$10,000 ⁷ |
| <u>Additions/Alterations</u> | - Significant addition e.g. added room(s), garage or swimming pool - \$2,000. - Minor addition/ alteration as determined by the Committee - \$1000 |

If an existing home is razed or substantially stripped to foundation and framing, the project will be defined and the Compliance Deposit calculated as a new home.

4.2.2.4 Permits

After satisfactory plans review and approval, signing of the Straus Park Approval/Agreement Letter-Contract (**Exhibit 7.3**), receipt of the Compliance Deposit(s) and successful completion of the Initial Site Check as defined in Paragraph 4.2.5.4, the Administrator will issue a Straus Park Building Permit (**Exhibit 7.4**). Please note that the Straus Park permit does not supplant in any way the requirement for a Brevard/Transylvania County building permit. The permit, in addition to other required building permits, is the authority to proceed with clearing, grading and foundation forms placement. Permitting of further work will be in accordance with Paragraphs 4.2.6 Site Survey and 4.2.7 Driveway Inspection.

A complete set of plans and specifications, the Application for Building Permit, other required forms and related correspondence, as approved by the Administrator, will be retained in the Committee files. These documents are the basis for subsequent site work-in-progress and final inspections by the Administrator, which are necessary before release of the Compliance Deposit(s), less any recorded administrative fees assessed during the construction process. It is the policy of the Committee to inspect each building site regularly for construction progress and compliance with the approved plans and specifications. Failure of the Committee to discover inconsistencies in building from submitted

⁷ For Condominiums the deposit shall be \$3,000 per unit within the overall structure or \$10,000, which ever is larger.

plans prior to final inspection does not, in any way, alter the owner/builder's responsibilities as defined herein.

4.2.2.5 Changes

If any changes to the approved plans and specifications involving the exterior of the structure or the site are desired during construction, documentation of such changes must be submitted to the Administrator for approval on the Change Request Form (*Exhibit 7.5*). If the change constitutes a variance from the Design Manual, approved plans and specifications, a Variance Request Form (*Exhibit 7.2*) must be included. Work on an exterior change is not allowed until the request is approved in writing. Any changes to the plans and or specifications that occur during the construction phase could cause significant time delays for construction to be completed.

4.2.2.6 Appeals

The applicant may resubmit amended plans to comply with the Committee's letter.

If the applicant believes the Committee has not adequately considered the issue, the applicant may petition the Straus Park Master Association by letter for a final hearing and decision.

4.2.3 Conceptual Review

If an applicant, prior to detailed plan preparation, has a concern about the acceptability of any planned architectural features, structural layout or site development under the Design Manual, a conceptual description may be submitted to the Committee for informal evaluation and comment. This approach may avoid costly plan revision and delay during the approval process. There is no fee for a conceptual review.

The ECC strongly encourages homeowners (applicants) to review existing site characteristics, opportunities and constraints prior to design of the home and access to the home. This may take the form of a site analysis drawing that dictates future design decisions such as home configuration and driveway location.

Home designs (footprints) that are designed for the specific site in mind are strongly encouraged.

4.2.4 Preliminary Review

If the applicant is concerned about the acceptability of the project design, a preliminary review may be requested by submitting an Application for plans review, with the appropriate box checked, along with the full fee. The submission must include a site plan, at an appropriate scale showing; the required setbacks; the footprint of all structures dimensioned to the property lines; the tree survey; existing grade elevations; and sketches of the building elevations. The preliminary review will be conducted at a regularly scheduled Committee meeting. The written response to the preliminary review is for information purposes only, and is in no way binding on the Committee to subsequently approve the final plans.

The preliminary plans should be conceptual in nature. The ECC is not looking for full

construction documents, but rather an indication of the homeowner's (applicant's) understanding of the site, the massing of the house, and the impact of the house and drive on the site. Hand-drawn plans are encouraged.

The planting plan at the preliminary submittal needs to show intent of planting scheme, areas intended for open space, and a preliminary plant list.

4.2.5 Final Review

4.2.5.1 Submittal Requirements

One copy of the documentation described below must be submitted to the Committee. This copy will be retained by the Committee. If applicant wishes a marked-up copy, two complete sets of plans should be submitted. **In addition to paper plans, a complete set of plans needs to be submitted in digital format (PDF) on CD. Such digital plans will be exclusively for the use of the ECC review and will not be available to any other party for review or duplication so as to protect the intellectual property rights of the creator.**

4.2.5.1.1 Site Plan

A site plan at an appropriate scale (at least 1:20, 1:10 preferable and sealed by a registered surveyor) is required that clearly indicates the following;

- a. Topographical two-foot (2') contours showing existing and finished grades.
- b. All trees over six-inch (6") diameter measured at four feet (4') above the ground or DBH; groups of three or more trees within three feet (3') of each other, each of which exceeds three inches (3") in diameter measured four feet (4') above the ground, the tree species, those trees which are to be removed marked with an "X" and delineated clearing limits. Specimen trees requiring protective barriers must be so marked.
- c. Major stands or groupings of vegetation, such as massings of rhododendron.

Note: Clearing limits must be clearly marked; no trees or vegetation outside this area can be removed without written ECC approval. Areas requiring a protective barrier must be identified. This barrier must be constructed of wood and remain in place during construction.

- c. The required setback lines along with the extreme edges of all proposed vertical construction {over eighteen inches (18") above final grade} including, but not limited to, the building and its roof overhangs, porches, decks, service yards, fences, heating/air conditioning equipment, etc., dimensioned to the property line;

- d. Major site features on the near edges of adjacent properties including the edges of vertical construction, roads, paths, waterways, drainage features, sewer or collection basins or culverts (with sizes and inverts), etc.;
- e. All proposed horizontal construction {less than eighteen inches (18”) above final grade} including driveways, parking areas, paths, walkways, planters, pools, decks, patios, etc.;
- f. The location of any other fixed structures, not directly related to the residence, sited on the property;
- g. Grading and drainage plan including erosion control measures (on separate sheet if necessary) indicating all planned changes from original grade (with contour lines), swales, tree protection, culverts (with material sizes and inverts), and connections to off-site drainage ditches, retention ponds, etc., including culverts and swales (with sizes and inverts); and
- h. Proposed clearing or corridor for utility services to lot for water, electricity, telephone, cable TV and sanitary sewer.

4.2.5.1.2 Landscape Plan

In general the landscape plan should reflect an attempt to preserve, as much as possible, the indigenous vegetation, removing only those trees necessary for construction; some clearing or thinning will be acceptable for the health of the remaining trees, view, and breeze. Under-story should be cleared judiciously, keeping in mind the need for reasonable screening from adjoining properties. Clearing of large areas will not be approved, and the Committee must approve removal of any tree in writing.⁸

The object of the plan (design) will be to “integrate” the house/hardscape into the existing landscape, preserving as much as possible, per the above and adding materials, variety, size and textures to provide an interesting design and to soften the intrusion of construction by blending it with the natural environment. All bare and scarred areas *must* be covered by mulch or groundcover, lawn or other plant material.

The required plan includes a landscaping diagram (overlay of site plan) showing the size, species and location of all existing (retained) trees and shrubs, species and size at planting with indication of size at maturity of proposed individual trees, shrubs and plant materials;

⁸ See also Paragraph 6.1 Tree Trimming and Removal Policy.

grass and mulched areas; gardens; along with the footprint of buildings and horizontal construction, and the location and type of all exterior lights.

4.2.5.1.3 Architectural Plans

Fully dimensioned and annotated architectural plans at a scale of 1/4 inch per foot are required including;

- a. Floor plans with computation of heated/air conditioned area (in sq. ft.) by floor and for the total building.
- b. Elevation views of all sides showing treatment of all exterior surfaces, finished main floor elevation, other floor elevations, maximum building roof height above the main floor, original and final grade levels;
- c. Construction details appropriate for understanding architectural detailing and structural sections including dimensioned roof/wall section(s), chimney treatment, trim, lattices, service yard, posts/columns, railings, balusters, stair tread/riser and landing details; etc.
- d. Complete definition of any other structures (planters, decorative posts, pole lights, flagpole, sport equipment, pool, waterfall, etc.), and signage in the commercial area, to be erected whether attached or separate from the main building.

4.2.5.1.4 Exterior Materials and Finishes (also see Section 3)

Complete definition (including samples) of all exterior materials and finishes is required including but not limited to, siding, soffits, fascia, trim, roof; window frames, mullions, doors, chimneys, roof projections exposed foundation, etc.⁹ Samples of acceptable materials and finishes may be seen at the office of the Committee Administrator. A material/color palette specimen board shall be erected on the site and generally face the roadway.

4.2.5.1.5 Variances

If the proposed Construction includes any variances, each such variance must be separately identified and requested on the Variance Request Form (*Exhibit 7.2*).

Variance approval will be based on architectural merit, the positive impact of the item to the property owner, the street, neighborhood and natural environment. The Committee may seek input from neighbors, where appropriate.

If, during its review of the Application for Building Permit data, the

⁹ See also paragraph 4.5.2.1 On-Site/Color Specimen Board

Committee discovers a variance that was not requested, the Committee will take no further action pending clarification or variance request by the applicant.

4.2.5.2 Project Approval

After receipt of the Application for Plans Review Building Permit with all required documentation, the Administrator will examine all material for completeness appropriate to level of approval requested, notify applicant if additional information is required and schedule it for review at the next Committee meeting.

If the project is approved, the Committee will prepare a Straus Park Approval/Agreement Letter-Contract (*Exhibit 7.3*) and Building Permit (Paragraph 4.2.2 4) which authorizes the start of construction. The permit must be prominently posted at the site, along with the Transylvania County Building Permit (see Paragraph 4.5.1 Approved Contractor Signs). Construction work must start within ninety (90) days of the date of the Building Permit, and unless additional time is requested at time of plans approval be completed within one (1) year of the permit date.

If the project is disapproved, a letter citing the reasons for disapproval shall be sent to the applicant. The applicant may resubmit revised plans, which are in accord with the Committee's letter. No additional fee is required for this submittal. The applicant may, if necessary, appeal in accordance with Paragraph 4.2.2.6.¹⁰

4.2.5.3 Post Approval Control

Any change resulting in a revision to the exterior appearance requires Committee approval. Plan and specification changes must be submitted to the Committee on the Change Request Form (*Exhibit 7.5*), along with modified or marked-up plans defining the proposed change. If the proposed change constitutes a variance a Variance Request Form must also be included, but no additional fee is required. Internal changes, with no effect on the exterior shape or appearance of the project, require no Committee approval or permit amendment.

If any construction not shown on the approved plans and specifications is discovered prior to project closure, such changes must be submitted to the Committee on the Change Request Form, along with revised or marked-up plans defining the change. An Administrative Fee of \$50.00 will be applied. If the change constitutes a variance to the Design Manual which was not specifically authorized by the Straus Park Building Permit, it must be submitted on the Variance Request Form. An Administrative Fee of \$100.00 will be applied. Construction on that section of the structure that involves the change and/or variance shall cease until the Committee approves it. If the Committee disapproves the change and/or variance, it must be restored to the original approved condition.

¹⁰ Denials are most often "denied without prejudice."

4.2.5.4 Initial Site Check

After project approval, Compliance Deposit payment and Building Permit Agreement signing, the applicant must have stakes and strings placed to indicate property lines as determined by a North Carolina Registered Land Surveyor and the location of the horizontal limits of all proposed vertical and horizontal construction including the driveway. (See also paragraph 4.2.6.) On a case-by-case basis, the Administrator may require stake-out and string lines for on-site review during the review process, before final approval.

Trees to be removed must be tagged in red, with no markings on the other trees. **Note:** No other clearing will be allowed without Committee approval. The applicant must contact the Administrator for an inspection of the site layout. After approval, when the string lines layout is established and trees tagged, the Building Permit validated for site clearance and batter board or forms placement will be issued.

4.2.6 Site Survey

After site clearing, batter board placement, foundation excavation/grading/filling, setting of forms, or pier construction, the applicant must have the location and elevation of the forms and any other vertical construction certified by a North Carolina Registered Land Surveyor.

The site survey must be documented by submission of a site plan, at an appropriate scale, with dimensions showing the setbacks on all sides of all proposed vertical construction from the property lines, and the elevation of the top of the main floor, signed, dated and sealed by the Registered Land Surveyor. After completion of the survey, the applicant must request a site inspection by contacting the Administrator. No further construction of any kind is allowed until the Administrator finds the certified site plan to be in accord with the approved plans inspects the site and signs the "Construction Permitted" line on the Straus Park Building Permit.

4.2.7 Driveway Inspection

When the applicant has completed preparations for the pouring or laying of the driveway, the applicant must contact the Administrator for an inspection of the driveway, drainage swale and/or culvert for elevations, sizes and materials. Forms or lines on the ground must clearly delineate the areas to be paved. The driveway shall not be poured or laid until the Administrator approves the layout and drainage by signing the "Driveway Permitted" line on the Straus Park Building Permit.

4.2.8 In Progress Inspections

During the course of construction, the Administrator and Committee may routinely inspect the site to ensure that work is proceeding in compliance with approved project plans and documents, and that construction site requirements are met. If deficiencies or non-compliance areas are noted, the builder or applicant, as appropriate, will be notified of needed corrective actions. Failure of noting deficiencies or non-compliance areas does not relieve the owner, architect or builder of their ultimate obligations.

4.2.9 Final Grading Inspection

As work on the structure(s) nears completion and all cut and fill has been completed, all disturbed areas of the lot will be brought to a final grade, not hand raked, but reasonably prepared for the final, landscaping plan implementation, however, before any landscaping begins, the applicant or his designated representative must call for a final grade inspection. This is a mandatory inspection and failure to complete this inspection before planting of shrubs and trees may result in forfeiture of deposit, as the Committee may determine, and corrective measures.

4.2.10 Final Inspection

When the applicant has completed the project, including landscaping in accordance with the Straus Park Environmental Control Committee Approval/Agreement Letter-Contract the applicant shall submit a letter to the Committee signed by the owner (or owner's agent) and the builder, certifying that all SP ECC permitted work has been completed in accordance with the plans and specifications, and any amendments thereto, approved by the Committee. A copy of the Transylvania County Certificate of Occupancy and final as-built land survey must also be submitted to the Committee.

If the Committee concurs that all SP ECC permitted work has been completed in accord with approved plans and specifications, the Compliance Deposit, less any administrative fees or fines assessed, shall be returned to the applicant.

If the Committee finds that the permitted work was not in compliance with the approved plans and specifications, the Committee will issue a letter to the applicant stating the reasons for noncompliance. The applicant must correct the deficiencies and resubmit a letter certifying completion. Each cited post construction change may, at the discretion of the SP ECC, require remediation, submission of request for change, and an accompanying \$150 change fee. A final, follow-up inspection will then be performed. If the noted deficiency has been corrected, the deposit less an additional administrative fee of **\$150**, for **each** re-inspection, will be released.

4.3 Architect Registration and Design Guidelines

Architects and designers including landscape architects and designers, who wish to submit plans to the Committee must register with the Administrator, receive a copy of this manual and execute an acknowledgment letter (*Exhibit 7.7*).

There is no intent to limit Straus Park design to any particular architect or designer or group, or restrict design talent, or specify rigid design parameters, rather, the registration process is simply intended to insure that those who do plan to submit plans for Committee consideration are aware of the design philosophy for the project and, more specifically the Mountain Park identifying design elements that will bring cohesion to the entire project. To this end, design guidelines for Mountain Park Architecture are detailed in Section 2.

In addition to these specific design considerations, the Committee will pay close attention to setting and blending of the structure with the natural environment and compatibility with neighboring structures. While stock or catalog plans may be acceptable, it should be noted that each site is unique and the acceptability of a design is directly related to how it relates and fits on its site. The objective will be to achieve an integrated and harmonious appearance throughout the project, as defined in Paragraph 4.1.3. Any structure that abuses the natural setting and stands out

from its neighbors will not be acceptable.

4.4. Contractor-Builder Instructions

All Contractors who wish to build in the Straus Park project must be registered with and approved by the Committee. Contractors must be licensed by the State of North Carolina and hold a license commensurate with the proposed project. The procedure for acceptance is explained herein below and in *Exhibit 7.7* (Architect or Contractor Letter of Acknowledgment). The purpose of this approval is simply to facilitate a successful program for the developer and insure a high quality end product for the owner(s) instilling quality control in the building process. Approved contractor-builders will be expected to be thoroughly familiar with all the Committee guidelines, procedures etc. and to follow them carefully. Those who do not perform to the expectations of the process will be reminded of the requirement(s) and asked to comply. Repeated lapses may result in removal from the approved builders list. Any questions about registration or performance requirements should be directed to the Committee Administrator.

4.4.1. Contractor-Builder Responsibilities

4.4.1.1. Permits

After plan approval per Paragraph 4.2.5.2 the contractor may pick up the permit at the Committee Administrator's office. This permit must be posted at the construction site (*paragraph 4.5.1*).

4.4.1.2 Signage

The builder is responsible for erecting the sign per Paragraph 4.5.1. This sign may also display architect and landscape architect name, address and phone number. The sign is to be erected on the lot so it is clearly visible from the street.

4.4.1.3 Temporary Utilities

The builder is responsible for arranging for temporary water and electric service availability at the job site.

4.4.1.4 Construction Equipment

Temporary structures may be placed on the job-site during construction with prior written consent of the Administrator. This structure must not be used as temporary living quarters and must be removed when intended use has ended but before commencement of landscaping. Tool trailers may remain on site during construction but prior approval must be granted to leave large equipment overnight.

4.4.1.5 Control of Subcontractors

The Contractor-Builder is responsible for insuring all subcontractor and tradesman compliance with these guidelines and requirements.

4.4.1.6 Exercise Due Care

The Contractor-Builder will be held financially responsible for damage to roads,

common areas or any property that is beyond normal wear and tear to the roads caused by normal traffic.

4.4.2 Builder Compliance Areas

During the construction process, the Administrator and/or Committee will conduct certain required inspections. Some of these will be controlled by the “permitting in stages” process (*Exhibit 7.4*) others in accordance with the plans Approval/Agreement Letter-Contract (*Exhibit 7.3*) and still others as part of routine construction monitoring.

The following is a brief list of items checked regularly for compliance:

- a. Site work may not begin until the permit is issued;
- b. Permits and builder identifications must be posted for easy visibility from the street (refer to section 4.5.1);
- c. Trash containers (dumpsters) and portable toilets must be on site prior to any construction;
- d. Job site to be organized and free from litter and trash container(s) emptied regularly;
- e. Disposal of paints, chemicals or other substances harmful to the environment must be in accordance with state and local laws. They may not be disposed of on site;
- f. The lot may be cleared only to the extent of the approved construction area.
- g. All construction activity, materials, etc. must be located within the property boundaries, and only within the approved cleared limits;
- h. Installation of a barrier fence for the protection of specimen trees as identified by the Committee. This fence will be constructed of wood and must remain in place until all construction is complete.
- i. Job sites are to be free from nuisance behavior i.e. loud radios; loud, objectionable behavior or language by workers;
- j. Hunting or fishing on Straus Park property is not permitted by contractor or sub-contractor personnel;
- k. Alcohol or drug use by construction personnel is prohibited on the job site or anywhere on Straus Park property;
- l. Trash and “cutoffs” burning on job sites is prohibited;
- m. Loitering on job site after work hours is not permitted,
- n. Roads and private drives may not be blocked for any reason;
- o. Personal pets of contractor or sub-contractor personnel are not permitted on

job sites;

- p. Work hours are to be followed: M-F 7:30am to 6:30pm, Saturday 8:30am to 4:30pm. Work is not permitted on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving or Christmas Day;
- q. Trash hauling trucks must be covered;
- r. Contractor must coordinate with utilities prior to any trenching work near road or other right-of-way or easement areas;
- s. Erosion control measures must be installed prior to any excavating work. These measures must be in effect and maintained during all Construction until disturbed surfaces are stabilized;
- t. Run off drainage may not be impeded. Temporary culverts may be installed in drain ways during construction;
- u. Construction or finish work at variance with the Committee approved plans must cease until approval is granted. Restorations may be required; and
- v. All contractor personnel are expected to comply with the listed OSHA safety regulations.

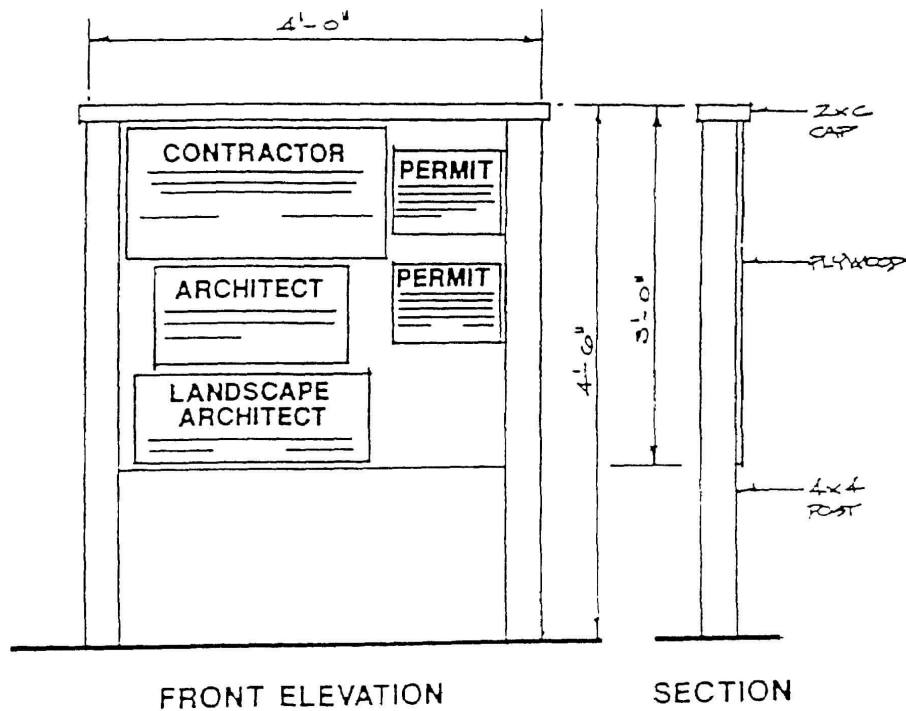
4.5 Contractor-Other Instructions

Any work or construction activity of any kind effecting the Straus Park environment on private lots or common areas must first be approved by or coordinated with the Committee Administrator. This includes but is not limited to any real property improvement, e.g. construction, vertical or horizontal, landscaping, tree removal, planting, significant pruning, etc. lighting or cable installation, drainage control measures or utility installation or repair work

The purpose of these measures is to ensure, to the maximum extent possible, the preservation of the natural beauty of Straus Park. Construction activity, controlled or otherwise, can cause considerable stress to the natural ecosystem. By thoughtful application and checks we will endeavor to minimize this damage and, hopefully, contribute to the overall enhancement of the park and, thus, add to the attractiveness of our community.

4.5.1 Approved Contractor Signs

Signs identifying the General Contractor, Architect, and Landscape Architect are permitted during construction provided they are mounted on a single earth tone color sign board facing the roadway. The sign board shall conform to the illustration below. The sign may not be placed until all building permits are granted and must be removed prior to final inspection.



Signage Dimensions

4.5.2 Supplemental Contractor Instructions

4.5.2.1 On-Site Color/Specimen Board and Wall Mock Up

A material/color palette specimen board shall be erected on the site and generally face the roadway. The purpose of this board is to allow natural lighting conditions to illuminate real materials and finishes as opposed to pre-printed color swatches on cardboard. Materials and finishes to be incorporated include foundation material and color, major bann board or trim and color, wall material and finished color, and roofing material and color. Minimum size of samples shall be 8-in. by 12-in. This board shall be erected within 3 weeks of the final sign off of the Application to Review Plans (*Exhibit 7.1*)

Mock ups of any site walls visible from adjacent lots or the public roadway shall be installed for ECC review and approval prior to completion of the wall.

4.5.2.2 Gutters and Outflow Terminations

Gutter downspouts shall be terminated into underground ducts with outflow water discharged into dissipaters on the owner's property. Splash blocks at the base of downspouts are not encouraged.