

CHIMNEY HILL OWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE

RULES AND GUIDELINES

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Chimney Hill Owners Association, Inc. Architectural Control Rules and Guidelines

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 9:00 AM and should not continue past 7:00 PM.

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

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 of criteria used by the ACC.
- d. To put forth basic principles which will aid property owners in planning construction or alterations, which 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 I 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. 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 III of the Covenants and Restrictions:

Article III of the Covenants and Restrictions provides the minimal requirements for building size and setbacks. The Architectural Control Committee establishes specific regulations based on Article III of the Covenants and Restrictions as well as local zoning and building regulations (see section I., page 9 concerning structure square foot and set-back requirements).

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 insure fair equitable enforcement of architectural restrictions.

E. NEW APPLICATION PROCEDURES / RULES FOR BUILDING

1. Application for building permits for new construction and / or alterations must be obtained through the Association office.
2. CHOA applications must be filled out in full by the owner or authorized agent, signed by both parties, submitted to the Architectural Control Committee (ACC) in duplicate through the Association office, which will acknowledge receipt of the same.
3. All submissions must contain the following:
 - a. All submissions will be to scale, be of architect quality, and must match the material schedule.
 - b. Two (2) copies of plans of each floor level showing square footage must be to scale of $\frac{1}{4}'' = 1 \text{ ft.}$
 - 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 of all sides including appurtenant structures, i.e. decks, porches, etc., and minimum scale of $\frac{1}{8}'' = 1 \text{ ft.}$
 - e. Two (2) copies of site plan showing locations of house, septic system, and driveway and off road parking area, drainage ditches and culvert.
 - 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 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 \$ 1,500.00 fee will apply to all new home construction. Fee will include a wildlife proof rubbish bin and a curb stop and water meter (not hook-up).
 - b) A five hundred dollar (\$500.00) fee will apply for all construction 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 decks and other construction up to 150 square feet.
5. All CHOA Assessments must be paid in full prior to issuance of a Chimney Hill Building Permit.
6. The ACC recommends that change 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.

NEW APPLICATION PROCEDURES / RULES FOR BUILDING (Continued):

7. Applicants shall be required to commence work on any approved project within six (6) months of the notice of decision and 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. Building Permits issued by the ACC are valid for a period of twelve (12) months from the date of issue. 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 fine for non-approved changes to application and approved plans.
- 2) \$ 250.00 fine for failure to notify and receive appropriate approval and/or permit prior to construction.
- 3) \$ 500.00 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 that a submission is incomplete 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. Service shall be made by first class mail, postage prepaid, sent to owner's last address on the books of CHOA. Any owner may re-submit any application with new or different information, seeking a permit or approval from the ACC.

APPEAL PROCEDURES (Continued):

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 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 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. To perfect this right, 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 COMPLIANCE

The ACC, or its designated representative (agent), will inspect properties while they are undergoing construction and when they are completed. It 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 Compliance. Such 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 Compliance final inspection.

Chimney Hill Owners Association will enjoin any contractor or owner from continuing construction if the Architectural Control Committee rules, regulations and / or decisions are not adhered to. Cost for any successful action taken 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 is 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.

GENERAL REVIEW CRITERIA (Continued):

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 and substantial changes in size / location to windows, chimneys, stairs, driveways, landscaping and interior room renovations must be submitted, in writing, to the Chimney Hill office. While no fee is required, approval by the ACC or its designee is required prior to the start of maintenance and/or modification.

NOTE: ANY ADDITIONAL BEDROOMS WILL BE AUTOMATICALLY PRESUMED TO HAVE AN EFFECT ON THE EXISTING SEPTIC SYSTEM AND MUST HAVE ACC AND STATE OF VERMONT WASTEWATER APPROVAL.

9. Satellite Dish Antennas – Satellite dish antennas require application and approval by the ACC. Non roof top 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.

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 or building debris is not permitted without a permit from the Town Fire Chief.

GUIDELINES FOR BUILDING (Continued):

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 set-backs 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 15 inch by 30 foot 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, registered mail 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. Pre-fab metal storage sheds will not be approved.
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 primary home.

GUIDELINES FOR BUILDING (Continued):

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 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.
17. Space for postal boxes is provided at the corner of Haystack & Chimney Hill Roads. Use of this area for postal boxes is encouraged
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.

GUIDELINES FOR BUILDING (Continued):

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 road and neighbor's view. Location of underground storage tanks must be indicated on plot plan and approved by the ACC or its designee.
26. Upon completion of a home, addition, garage, or any structure that alters the "foot print" of the 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.

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 that 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.

WATER CONNECTIONS AND INSTALLATION (Continued):

2. Water connections require the supervision and participation of the Chimney Hill Maintenance Staff and / or Water Maintenance Committee. They may be made on weekends 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 160 # test 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 inch 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. Lots remote 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 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 thereby, and 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 Compliance 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. Roads must be restored to original condition at owners expense.
5. Pressure reducers may be required where water pressure might be too high for the pipes and mains.
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. Water filters are required in all Chimney Hill dwellings. They should be Cuno 3AP-100, or better.

WATER CONNECTIONS AND INSTALLATION (Continued):

9. Dwelling in Sections 4 and 5 (B and C) may require the installation of a pressure tank; for a one to three bath house, we require a Well-X-Trol, WX202, 20 Gallon pressure tank or better. For anything over three baths, we require a Well-X-Trol, WX250, 44 gallon pressure tank or better.
10. Water meters and exterior readers are required on all new house construction. Meters and readers are supplied by Chimney Hill as part of 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 (not more than 3 ½ gallon capacity).
 - b. All new home construction, additions, renovations must limit bathtub/whirlpool size to not more than a 55 gallon capacity.
 - c. 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 7 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 deemed 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 deemed unsafe buildings or structures. All buildings or structures deemed unsafe shall be taken down and removed or made safe and secure as the CHOA Board of Directors deems necessary and as provided herein. Except as provided by state or municipal building code or zoning law or regulation, the CHOA Board of Directors or its designated agent shall determine whether any building or structure is deemed unsafe.

UNSAFE STRUCTURES (Continued):

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. 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 proscribed 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. VERMONT RESIDENTIAL ENERGY CODE

The Vermont Residential Energy Code — officially called the “Residential Building Energy Standards” (RBES) and generally referred to as simply the Energy Code — was passed by the Vermont legislature in May 1997. Based on the Council of American Building Officials’ Model Energy Code (1995 CABO-MEC) and Vermont amendments to the 2000 International Energy Conservation Code (2000 IECC), it is a minimum standard of energy efficiency that has applied to virtually all new residential construction in Vermont since July 1, 1998. **Important note: Mortgage companies and closing attorneys are beginning to request the Vermont Residential Building Energy Standards (RBES) Certificate.**

What Buildings Must Comply?

- Detached one and two family dwellings.
- Additions of 500 square feet or more.
- Factory-built modular homes.

What Buildings Are Exempt?

- Residential buildings started before July 1, 1998.
- Act 250 projects permitted before July 1, 1997.
- Buildings or additions with very low energy use (those designed for a peak energy use of less than 3.4 Btu/h [1 Watt] per square foot of floor area).

VERMONT RESIDENTIAL ENERGY CODE (Continued):

Who is Responsible?

The Builder is the party legally responsible for showing compliance with the code. What is the definition of the builder? The builder is the party responsible for directing the detail of construction.

Where can I find more information?

Information concerning the Vermont Residential Energy Code is included (as an attachment) in the ACC Rules and Guideline information.

What is Required for Chimney Hill?

A copy of the Residential Building Energy Standards (RBES) Certificate (completed by the builder) is recommended to be placed in the owners file. It is also recommended that a copy of the RBES also be permanently attached to the inside electrical panel cover or in a close by location.

N. 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.

- 1) 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 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 sample of siding): _____

Please indicate application procedures and scope of work: _____

Required specifications attached? _____ ACC review date: _____

Approved date: _____ Denied date: _____

Reason for denied application: _____

Appendix B

VERMONT NEW ENERGY LAW INCLUDES CLOTHESLINES UNDER “RENEWABLE ENERGY DEVICES”

Vermont House Bill 446, relating to renewable energy and energy efficiency, became law on May 27, 2009 without Governor Jim Douglas’s signature. See the Governor’s message, *Governor Douglas Allows H.446 to Become Law without His Signature*, under “Recent News”.

Of Particular Note to Community Associations: Solar Collectors, Clotheslines, Etc.

Voluntary Energy Conservation (Sec. 15b24 V.S.A. §2291a) covers renewable energy devices:

Notwithstanding any provision of law to the contrary, no municipality, by ordinance, resolution, or other enactment, shall prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

Sec. 15c24 V.S.A. §4413(g) reads:

(g) Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources.

Sec. 15d 27 V.S.A. §544 concerns energy devices based on renewable resources:

- (a) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install solar collectors or other energy devices based on renewable resources by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings. For purposes of the subsection, that entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south, provided that this determination does not impair the effective operation of the solar collectors.
- (b) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney’s fees.
- (c) The legislative intent in enacting this section is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing measures which will have the ultimate effect, whether or not intended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

Other Provisions of This Vermont Energy Act of 2009

The creation of the Vermont Clean Energy Development Fund (§6523) promotes the development and deployment of cost-effective and environmentally sustainable electric power and thermal energy or geothermal resources, for the long-term benefit of Vermont consumers, primarily with respect to renewable energy resources, and the use of combined heat and power technologies.

The establishment of Building Energy Standards (Sec. 11.21 V.S.A. §266) is for:

(2) “Residential buildings” means one family dwellings, two family dwellings, and multi-family housing three stories or less in height. “Residential buildings” shall not include hunting camps.

(c) ...No later than January 1, 2011, the commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC [International Energy Conservation Code of the International Code Council]. These amendments shall be effective on final adoption.

- The establishment of Commercial Building Energy Standards (Sec. 12.21 V.S.A. §268) is outlined.
- The creation of the Vermont Village Green Renewable Pilot Program (Sec. 15) seeks, among other things, to establish incentives for communities to host energy generation that is renewable and efficiently utilized and that provides heat and potentially power to groups of commercial, industrial, or residential uses, or combinations of such uses, within the community.

§8102, dealing with incentives and customer connections, states: Notwithstanding any other provision of law, the clean energy development fund created under 10 V.S.A. §6523 shall provide at least \$100,000.00 in incentives to customers who will connect to a certified Vermont village green renewable project. Any such incentive shall be applied by the customer to the cost of constructing the customer’s connection to the project.

Effective Dates

This act shall take effect upon passage with the following exceptions:

- (1) Secs. 9 and 9a (relating to business solar energy tax credits) shall apply to credits related to investments made on or after January 1, 2009; and
- (2) Sec. 9b (relating to the repeal of the 76-percent portion of the business solar energy tax credit) shall apply to credits related to investments made on or after January 1, 2011.