1 – INTRODUCTION:

THE ARCHITECTURAL AND ECOLOGICAL CONTROL COMMITTEE
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THE ARCHITECTURAL AND ECOLOGICAL CONTROL COMMITTEE

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1 – INTRODUCTION

THE ARCHITECTURAL AND ECOLOGICAL CONTROL COMMITTEE

PURPOSE OF THIS GUIDE

The purpose of this Guide is to publicize the rules and procedures followed by the Architectural and Ecological Control Committee (A&ECC) in carrying out its responsibilities. It is designed to assist Massanutten Village property owners in developing and maintaining their property in keeping with established procedures, standards, and requirements, thereby avoiding possible delays and penalties. This Guide contains four distinct chapters as follows:

Chapter 1 – Introduction: The Architectural and Ecological Control Committee
Chapter 2 – Construction, Alterations, and Additions
Chapter 3 – Landscaping and Ecology
Chapter 4 – Property Maintenance

The property owner is responsible for assuring that necessary documents are submitted to the A&ECC in a timely manner, are complete, and follow the criteria presented in this Guide. This will expedite the review process and lessen the possibility of rejection and the need for a resubmission.

The property owner will be notified as to the time and place the A&ECC will consider the submission. The owner is encouraged to attend, accompanied by the builder or contractor, if any, to assist in answering questions.

Information contained in this Guide is subject to change. The Massanutten Property Owners Association (MPOA) should be contacted prior to submitting plans to determine if any subsequent changes have been made. Any text of this Guide containing material applicable to only pre-existing properties will be shaded—as this text is shaded for illustration purposes.
GOALS OF THE A&ECC

The purpose of the A&ECC is to promote an attractive, harmonious residential community that will have lasting appeal, keeping in mind the following objectives:

• Ensuring compliance with the *Protective Covenants and Restrictions* for the benefit of all MPOA property owners
• Preserving the design integrity, architectural quality, and aesthetic character of the village properties to make this a desirable place to live
• Encouraging environmental responsibility
• Promoting continued architectural harmony in order to enhance and maintain property values for all residents

AUTHORITY OF A&ECC

A&ECC approval for various activities is required by the *Protective Covenants and Restrictions* for subdivision units 1, 2, 3, 4, 5, 6, 9, 10, Village Woods, Piney Mountain, and Greenview Hills, as well as for the condominiums Grenoble Woods and Skiside Court Clusters 5, 6, 7, 8, 10 and Skiside Court East Section 1. The A&ECC derives the authority from these covenants as well as from the MPOA *Rules and Regulations*.

To ensure that houses are suitably located with regard to the topography of each individual lot, the A&ECC has the right to control absolutely, and to decide solely, the precise site and location of any house on any lot, or building plot consisting of more than one lot, provided however, that such location will be determined only after reasonable opportunity is afforded the lot owner to request a specific site.

The A&ECC is authorized to enforce any building or construction code now or hereafter adopted by the MPOA, unless such code is less restrictive than an applicable provision of Rockingham County. In that case, the more restrictive code will govern.

The A&ECC may base its refusal or disapproval of plans or specifications on any ground, including purely aesthetic considerations which, in the sole discretion of the A&ECC, are considered insufficient. In exercising its powers, however, the A&ECC may not be unreasonable and will apply such standards as will inure to the benefit of the entire Massanutten community.

The A&ECC or a representative may inspect the building during construction or alteration to determine compliance with the approved plans and specifications. Where discrepancies exist, the A&ECC may require corrective work or, where warranted in its opinion, it may issue a notice to cease construction until compliance is assured to its satisfaction.

No individual member of the A&ECC has the authority to waive any provisions of this Reference Guide or of the Protective Covenants and Restrictions.
RESPONSIBILITIES OF THE A&ECC

- The A&ECC meets on the second Thursday of each month.
- Each member of the A&ECC should review all submissions for new construction, additions, and alterations and visit each site prior to its monthly meeting.
- Each member should attend the monthly meeting and participate in the review process.
- The A&ECC may evaluate general design for aesthetic acceptability and compatibility in conjunction with the Protective Covenants and Restrictions of each Village unit.
- The A&ECC will critically examine those submissions that meet only the minimum specifications to ensure that some redeeming visual features have been incorporated into the design.
- The A&ECC will seek to ensure that all plans are appropriate for their respective sites.
- It is not the responsibility of the A&ECC to correct or alter submitted plans for new construction in the event of errors or omissions. It may suggest changes that will enhance the property.
- The A&ECC does not warrant any structural aspects. Our purpose of review is for aesthetic integrity and to assure compliance with this Guide and the applicable Protective Covenants and Restrictions.
- The A&ECC is responsible for inspecting all property and existing structures in the Village on a regular basis to ensure compliance with its requirements. This responsibility generally will be carried out through the MPOA Administrator or a Compliance Inspector.

COMPLIANCE INSPECTOR

A Compliance Inspector will be employed by the MPOA under the supervision of the MPOA Administrator as the need for one is determined by the MPOA Board of Directors. The Inspector, acting as a representative of the A&ECC, inspects all property and existing structures in the Village on a regular basis to ensure compliance with all A&ECC requirements as reflected in the provisions of this Guide and in the conditions and directions imposed by the A&ECC in approving submissions. In addition, in making these inspections, the Compliance Inspector acting for the MPOA, will look for violations of the MPOA Rules and of the Protective Covenants and Restrictions applicable to each unit.

The Inspector will report violations to the Administrator. If a violation is not resolved otherwise, the Administrator will refer it to the MPOA Board of Directors for action as a rules violation or for other appropriate action.

The Administrator, with the prior approval of the A&ECC (recorded in its minutes), may delegate to the Compliance Inspector any inspections and related approvals that this Guide provides are to be done by the Administrator.

We are proud of our Village and want you to be also. Call us, visit the MPOA office, or attend our monthly meeting. We are here to assist you and all other property owners.
DEFINITIONS

A&ECC—The Architectural and Environmental Control Committee

ADA—The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 by President George H. W. Bush. The ADA prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life—to enjoy employment opportunities, to purchases goods and services, and to participate in State and local governmental programs and services. Modeled after the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color, religion, sex, or national origin—and Section 504 of the Rehabilitation Act of 1973—the ADA is an “equal opportunity” law for people with disabilities.

Builder/Contractor—A builder or contractor is responsible for the day-to-day oversight of a construction site, management of vendors and trades people, and the communication if information to all involved parties throughout the course of a building project. The builder/contractor has no authority pertaining to agreements between the owner and MPOA.

Condition—Any specific requirements for the improvements imposed by MPOA as condition of appraising the plans.

Deposit—The funds required to be paid to MPOA to remediate any breach of the governing documents or conditions.

Detached Structure or Building—Any section of a building that is not connected to the main building.

FFHA—The Federal Fair Housing Act (FFHA) is similar to the ADA, however, the FFHA applies directly to housing facilities, including HOAs like MPOA. Under the FFHA a HOA may not legally refuse to make reasonable accommodations in its rules or policies when such accommodations may be necessary for a disabled owner to fully enjoy and use his/her dwelling.

Governing Documents—Any restrictive covenants applicable to the lot, any MPOA Rules, guidelines, directives, or policies applicable to the lot or the improvements.

HOA—Home Owners Association

Improvements—Owner’s intended construction on – or alteration of – the lot, as may be shown on the plans.

MPOA—Massanutten Property Owners Association

Owner/Responsible Party—The owner/responsible party is the individual or individuals registered on the deed to the MPOA property being built or altered. Ultimate responsibility for any agreements pertaining to the construction or alteration of a property is between the owner/responsible party and MPOA and not the builder contractor.
**Reasonable Accommodations for FFHA**—MPOA is required by Federal law to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

**Setback**—A distance from the property line within which the building is prohibited.

**Variance**—A deviation from the setback rules as they apply to property setbacks within Massanutten Village. A variance may be granted by the A&ECC only rarely where it will not cause problems pertaining to right of way or infringing on a neighbors space and privacy.

**Village**—Properties existing under authority of MPOA.
2 – NEW CONSTRUCTION, ALTERATIONS, AND ADDITIONS
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PROCEDURES

All plans for new homes will be submitted to the A&ECC for approval. Submissions not in compliance with these procedures and/or not adequately and accurately depicting these details may be approved with contingencies or may be rejected and a resubmission required.

A. OWNER’S RESPONSIBILITIES PRIOR TO THE A&ECC MEETING

Two (2) weeks prior to the A&ECC meeting (second Thursday of each month), the following documents will be completed and turned in to the MPOA office:

- Application Form (obtained in the MPOA office) with current submission fee; there is no submission fee for changes to existing property.
- 3 Original Surveys; for all new construction and where applicable for existing properties.
- 3 Sets of Construction Drawings of professional quality;
- Materials and Color Samples.

Two (2) weeks prior to the A&ECC meeting, the outline of the house, driveway and parking areas will be staked and taped. Any additions will likewise be staked and taped. See E. below regarding marking and removal of trees outside these staked areas.

APPROVAL LEVELS FOR CHANGES OR ADDITIONS TO EXISTING PROPERTIES

1. ALTERATIONS NOT REQUIRING A&ECC APPROVAL

- Repainting/staining same color;
- Power washing of house, decks and railings;
- Roofing house with same material and color;
- Paving existing driveway, with no change to shape or slope.

2. ALTERATIONS REQUIRING ONLY MPOA ADMINISTRATOR OR A&ECC CHAIRPERSON APPROVAL

- Altering doors, windows, and decks;
- Altering outside walkways, steps, and railings;
- Installing propane and/or fuel tanks.

3. ADDITIONS AND/OR ALTERATIONS REQUIRING A&ECC APPROVAL

- All plans for additions such as rooms, porches, decks, patios, carports, or garages will be submitted to the A&ECC for approval;
Changes that alter the outside appearance of the house and are not addressed under the MPOA Administrator’s approval will be submitted to the A&ECC; Above ground fences, walls exceeding 18” in height, kennels, pens, and similar structures will be submitted to the A&ECC for approval under the provisions of Chapter 3 (Landscaping and Ecology).

All sections that follow in this chapter apply to BOTH new construction and changes or additions to existing structures.

B. MPOA AND A&ECC MEMBERS RESPONSIBILITIES PRIOR TO THE MEETING

- The MPOA office will send a letter to owner indicating the scheduled time of plan review.
- The MPOA office will send letters of notice for new construction and alterations requiring A&ECC approval to nearby residents.

C. AT THE A&ECC MEETING

1. The A&ECC will determine that:
   - All documentation is on file;
   - Plans indicate compliance with all MPOA regulations and standards;
   - Plans are of professional quality;
   - Issues raised by nearby residents are addressed.

2. The A&ECC will vote for approval, approval with contingency, or disapproval of the submission.

   On A&ECC approval of plans:
   - All copies of plans will be signed and stamped. A review copy remains on file and 2 copies are returned to owner.
   - Owner and builder will sign the Plan Acknowledgment Agreement, verifying acceptance of approval and intent to follow rules. The Agreement is then filed.
   - The A&ECC will provide the owner/builder with a signed Plan Approval Letter.
   - The owner/builder will submit Plan Approval Letter along with signed and stamped copy of plans to Rockingham County Building Department to obtain building permit;
   - A&ECC approval expires after nine (9) months if construction has not yet started at that time.
On A&ECC approval of plans with contingency:

- Owner and builder will sign the Plan Acknowledgment Agreement, which outlines contingencies.
- When all contingencies are met and documented in the file, procedures then continue as outlined above in "On A&ECC approval of plans".

On A&ECC disapproval of plans

- The owner/builder will be advised of the deficiencies and/or unaccepted contingencies.
- The owner/builder may appeal the disapproval to the MPOA Board.

D. RESUBMISSIONS

- If the original submission is disapproved by the A&ECC or voluntarily withdrawn, revised plans may be resubmitted within six months of the disapproval or withdrawal. If the established fee was paid with the original submission, no additional fee is required for a resubmission for alterations except as provided in this paragraph.
- If the Administrator determines that revisions in the resubmitted plans are so substantial that they are not for the same house as the original plans, the resubmitted plans will be considered a new submission and must meet all the requirements for a new construction submission, including payment of the then current submission fee.

E. TREE AND BRUSH REMOVAL

- The owner will take all reasonable measures to preserve the trees on the lot. The A&ECC may require replacement at the owner’s expense of trees removed or damaged in violation of this Guide.
- Only such underbrush (but no trees) may be removed as is necessary to complete the first survey and staking of the new or altered house footprint. Otherwise, no clearing may begin prior to A&ECC approval of plans.
- No trees that exceed three (3) inches in diameter, measured one (1) foot above original ground level, will be removed without advance approval under Chapter 3 (Landscaping and Ecology) of this Guide or in accordance with the provisions of this paragraph.
- Driveway, parking, and walkway areas will be located in a manner that preserves existing trees as much as possible.
- Trees within the approved driveway, or approved addition, parking, and walkway areas, or inside of or within ten (10) feet of the house foundation/footprint, including decks, may be removed.
- If during the building process trees are found that need to be removed due to location of utilities or for the use of a crane (trees not marked or approved by the A&ECC during the plan approval process), the owner must mark these trees with an orange ribbon and request the Administrator’s approval prior to these trees being removed. It is understood that the administrator may require additional trees to be planted to replace trees that are determined need to be removed.
• All trees approved for removal will be taken down in such a manner as to avoid damage to trees that are to remain. If this cannot be done using a bulldozer, the tree to be removed will be felled by saw or ax. A bulldozer may be used to remove the stumps, taking care not to damage trees that are to remain.
• All uprooted stumps, cut trees and brush will be removed from the lot prior to foundation construction. No stumps, trees, brush, or other debris will be burned or buried on the lot.

**F. CONSTRUCTION**

• The owner will start construction within nine (9) months of A&ECC approval of plans.
• The owner/builder will obtain building permit from Rockingham County Building Department. All homes will meet building code requirements for Rockingham County.
• Any changes to approved construction plans will be brought to the attention of the MPOA Administrator who will determine whether changes require A&ECC approval.

**G. SECOND SURVEY**

• After any foundation footings are poured, a second certified survey will be completed and submitted to the MPOA for file. If there are no foundation footings (i.e. house is on a slab), this will be done during the initial stages of construction.

**H. PERIODIC INSPECTIONS**

• Owners agree that periodic inspections may be conducted by the MPOA Administrator, or designee and the A&ECC as required.

**I. FINAL CONSTRUCTION**

• Exterior construction will be completed within nine (9) months of lot clearing or the beginning of construction.
• A Certificate of Occupancy will be obtained from Rockingham County before any new home can be occupied.
• The MPOA Administrator will inspect final construction to assure compliance with authorized plans.
REQUIREMENTS

A. SITING

The proposed single family dwelling or addition should be sited in a manner that:

- Meets all setback requirements. Home sites will have a minimum setback of twenty five (25) feet from rear of the lot, twenty five (25) feet from the front, and ten (10) feet from the side boundaries. On corner lots, home sites will have a minimum setback of twenty five (25) feet from each street and ten (10) feet from the other two (2) boundaries. Any additions must conform to these guidelines. The A&ECC has authority to allow a variance, but only to overcome practical difficulties or prevent unnecessary hardships. If a setback variance is needed it should be formally requested with the submission;
- Utilizes existing topography to the maximum extent practical;
- Provides proper drainage during and after construction to avoid impact on surrounding property;
- Avoids soil erosion during and after construction;
- Necessitates the minimum removal of trees;
- Provides adequate space on the lot for parking of vehicles of owners and guests;
- Considers aesthetic acceptability and compatibility with existing dwellings.

B. SURVEY (See sample)

Three (3) copies of a certified lot survey with original signatures (not black ink), made within a sixty (60) day period prior to review, will be submitted for new construction; for additions these may be submitted showing proposed changes; all will include:

- Boundary and setback lines drawn to scale on survey;
- Existing and proposed grade lines {not greater than five (5) foot intervals};
- Location of decks, patios, porches, garages, carports, parking areas, driveways and walkways with dimensions indicated;
- Limits of proposed clearing;
- Location of portable toilet;
- Location of culverts (MPOA provides drawings/standards for installation);
- Location of exterior lighting, including security, landscape and driveway lights;
- Clearing of brush/trees for purposes of survey will be kept to a minimum. **A second certified survey will be submitted after the foundation is in**;
- A major addition may require a second certified survey after the foundation is in;
- No detached garages, sheds, or other structures are permitted.
C. CONSTRUCTION DRAWINGS (See sample)

- Three (3) sets of professional quality construction drawings are required.
- The drawings submitted for approval must be those that will be submitted to Rockingham County for a building permit.
- Square footage of each floor will be computed at the five (5) foot vertical mark.
- Drawings will be to scale (1/4" = 1' 0" minimum) with the scale indicated.
- Exterior elevations (right, left, front, rear) will show details of decks, porches, stairs, railings, roof, roof pitch and overhang, trim, siding, stone, doors, windows, skylights, lighting, grading, and any other pertinent details.
- All exterior views will be appropriately labeled as Front, Rear, Left, and Right.
- Roof pitches will be indicated.
- Dimensions of house or addition will be shown.
- Construction details will be shown (footings, walls, foundation, chimney, decks, stairs, etc.).
- Exterior features, such as shutters, dormers, or other enhancements may be required by the A&ECC to improve aesthetics of house to an acceptable level.
- Storage facilities for mowers, snow blowers and other similar grounds maintenance equipment will be shown. These may not be detached structures.
- Any exterior security, landscape, or driveway lighting will be indicated.

D. MATERIALS AND COLOR SAMPLES

The following materials and color samples must be provided to the A&ECC at the time of submission:

- Exterior paint, stain, and vinyl colors for walls, foundation, trim, shutters, doors, decks, porches, and chimney;
- Actual samples, including color, of all exterior materials used in construction, such as stone, brick, vinyl siding, shingles, and window cladding.

E. STANDARDS

Submissions not in compliance with the following standards may be rejected and a resubmission required.

1. Mandatory Architectural and Aesthetic Features

- Only single-family, private residences designed for occupancy by one family are permitted.
- A one-story home will have at least one thousand square feet of finished living space on the main level and a multi-story home will have a minimum of eight hundred (800) square feet on the main level and four hundred (400) square feet on each additional level. The A&ECC has discretion to determine which floor constitutes the main floor. The minimum square footage requirements do not include the basement or any unfinished areas.
- No single family residence will exceed 35 feet in height as measured from the lowest floor level.
• Minimum thickness required for wooden siding is 5/8 inch. Minimum thickness required for vinyl siding is .042 inch.
• Roofing shingles will be architecturally dimensional and have a minimum 25-year warranty.
• On each edge of the roof from which water drains, overhangs will be twelve inches (12”) minimum, unless an exception is approved by the MPOA Administrator or the A&ECC.
• Garage doors more than nine (9) feet wide are required to have a row of windows. The style and location are the owner/builder's choice but will be shown on drawings.
• All exposed foundations will be covered with stone, brick or siding to within eight (8) inches of the ground. More than eight (8) inches of a poured foundation with a brick pattern, stained to match the color of the siding may be left exposed only when it would not be visible from a road or from neighboring property.
• Painted or parged foundations are permitted only if no more than eight (8) inches of the foundation is exposed.
• Liquid propane tanks 200 or more gallons will be buried underground. All other liquid propane tanks and above-ground heating oil tanks will be painted to match the house or screened with evergreen plants or lattices.
• All driveways that have an uphill grade above MPOA streets of more than 20% (i.e., 1 foot of elevation in 5 feet of length) will be paved within one (1) year of completion of the home.
• As a minimum, all areas where the original soil has been disturbed will be covered by mulch or gravel.
• No above ground fences, walls, kennels, or pens will be erected except as authorized by the A&ECC under the provisions of Chapter 3 (Landscaping and Ecology).
• Any setback variance request requires approval of the A&ECC.
• No excavation, tree removal or filling will occur prior to approval of the A&ECC.
• No detached garages, sheds or other structures are permitted.
• No plumbing or heating vent will penetrate roof surfaces which face the street (except for corner lots). All roof stacks and flashing will be painted to blend with roof colors.

2. Preferred Architectural and Aesthetic Features

• Use of native or manufactured stone or brick.
• Use of rough-sawn wood siding or trim, and fiber concrete siding or trim.
• Use of color treatment in earthy and subdued tones. For additions these materials must be compatible with existing structure. Except for small surfaces of trim, any white, very light, or garish colors, or those clashing with the natural tones of the forest and mountains will not be accepted.
• House design or the design of any alteration or addition should blend with the environment, rather than compete with nature for attention.
• All materials used in construction will be evaluated on the basis of durability, quality and warranty. Premium quality or select grade materials are strongly recommended.
• Positioning of structures should blend with the landscape, adapt to natural contours and minimize alterations to natural drainage.

3. Suggested Firewise Architectural Material Recommendations

The following are recommendations on architectural materials and practices for use in Massanutten Village and are consistent with architectural practices for a Firewise Community.

• Use Class A or B roofing materials such as asphalt shingles, slate or clay tile, or metal; metal is preferred.
• Fire-resistive or noncombustible construction materials are essential for siding and walls. Use a minimum of Class III flame/spread-rated siding material stone, brick and stucco are best.
• Limit the length of roof eaves so that they do not extend excessively beyond exterior walls. If the eaves are longer, enclose them with fire-resistive materials.
• Foundations may come in contact with a spreading wildfire before other areas of the structure. Enclose foundations with concrete block, cement walls or other fire-resistant materials.
• Minimize the size and number of windows on the downhill side of the house or the side most likely to be exposed to wildfire. Both size and materials used are crucial in windows and sliding-glass doors. Multi-paned glass or tempered glass is recommended.
• Cover exterior attic, soffit and under-floor vents with metal wire mesh (openings no larger than one-eighth of an inch) to prevent sparks from entering structures though vents. Install eave and soffit vents closer to the roof line than to the walls. Most decks are located at the top of a hill to take advantage of mountain views, however fires generally spread uphill. Enclose the undersides of balconies and decks with fire-resistant materials so that burning embers cannot accumulate. Provide a barrier to uphill fires by using stone for landscaping defensive areas in front of the deck.
• Cover chimneys and stove pipes with a nonflammable screen (mesh openings no larger than one-half inch).

4. Mandatory Owner Responsibilities

• The owner will start construction within nine (9) months of A&ECC approval of plans.
• The exterior of all buildings and all grading and landscaping will be completed within nine (9) months after initial clearing.
• Builders or contractors will not use heavy or noisy equipment before 7 AM or after 8 PM.
• A portable toilet will be made available for all construction workers and placed on the building lot.
• Construction materials will not be stored on MPOA roads, nor on adjoining lots or green space.
• Debris will not be placed on MPOA roads, nor on adjoining lots or green space.
• All vehicles in any way connected with the construction will enter the lot only by the driveway shown in the plans approved by the A&ECC.
• No construction or subcontractors signs are permitted.
• Disturbed soil surfaces will be protected from erosion. Water drainage will be managed to avoid soil erosion and impact on surrounding property.
• Drainage pipe or tubing will be buried except for the exit opening.
• Trash receptacles are required at all construction sites. Construction debris will be removed as often as necessary to keep the lot attractive. No construction debris, trash, tree cuttings, felled trees, or other material may be buried on the site.
• No burning is permitted inside Massanutten Village.
• Excavated stone, construction materials and equipment, soil, felled trees, stumps, and any other construction debris will be removed from the site no later than two-weeks after completion of construction.

5. Landscaping Criteria

• Each side of the house or addition facing any street or court will be adequately landscaped as approved by the Administrator.
• For aesthetic purposes (e.g., to provide a partial screen between the new house and neighboring houses, roads, green space, etc.) the A&ECC, at its discretion, may require the owner to plant trees and/or shrubs of a specified size in areas that have been cleared (even within ten feet of the house), and even in areas where there were no trees or shrubs before construction began.

6. Firewise Landscaping and Material Recommendations

• Avoid tree branches overhanging the structure
• Place stone to (preferably) 10 feet around each side of the foundation, exterior stairs or deck
• Never place mulch or wood ships against the foundation, exterior stairs or deck
• Avoid planting conifers—junipers, pines, firs, and spruces
• Broad-leaved deciduous trees are preferred
• Keep tree limbs pruned to at least 5 feet off the ground
• Plant native plants that retain moisture
• Grass plants should be trimmed back during the winter
• Plant grasses that require little water during the summer months
ENCLOSURES

SAMPLE APPLICATION FORM FOR NEW CONSTRUCTION
SAMPLE APPLICATION FORM FOR ALTERATIONS/ADDITIONS
SAMPLE SURVEY
SAMPLE PLAN ACKNOWLEDGE AGREEMENT
SAMPLE PLAN APPROVAL LETTER
SAMPLE CONSTRUCTION DRAWINGS
Request for A&ECC Review – New Construction

Return to:

Massanutten Property Owners Association
Architectural and Ecological Control Committee
3980 Massanutten Drive Massanutten VA 22840
Office: (540) 289-9466 Fax: (540) 289-9406
E-Mail mpoa@massanuttenvillage.com

Owner Name: ____________________________________________________________
Unit: _____ Lot: _____ Street Address: _____________________________________

Owner Address:
Street Address: __________________________________________________________
City: ______________________ State: ______ Zip: ______

Owner Phone #s: _________________________________________________________

Owner E-Mail address: _____________________________________________________

Contractor Name: _________________________________________________________
Contractor Phone #s: ______________________________________________________

Submittal Deadline: All requests must be submitted in their entirety by 5 PM on the last
Thursday of the month preceding the A&ECC meeting which is held the second Thursday
of each month.

                         ______________________________       Date: ______

Right of Access – by signing below, the owner of this property grants the members of the
MPOA A&ECC the right to enter upon this property for the review of the alterations or
additions requested herein.

All exterior materials and color samples must be included at the time of submittal. Failure
to do so may result in a delay of the review.
NEW CONSTRUCTION

__$500.00 Non-Refundable Processing Fee (for new residence construction)
Make checks payable to: Massanutten Property Owners Association

NOTE: See Section NNN of the A&ECC Guidelines for a schedule of escrow fees required before approved plans can be released.

Three (3) sets of professional-quality plans must be submitted with this application.

Certified Lot Survey
__Proposed house location—minimum setbacks and dimensions to property line drawn
__First floor elevation given
__Existing and proposed altered grades shown
__Driveway/Parking—location and dimensions shown
__Driveway/Culvert—location and dimension shown
__Landscaping shown and/or proposed
__Exterior construction—walkways, walls, fences, and lighting shown
__House and drive staked and lined with construction ribbon between all stakes
__Site plan must show proposed location of portable toilet

Construction Drawings
__Dimensioned and drawn to scale, including setbacks (floor area under sloping roof calculated at five foot vertical mark shown)
__Finished square footage: Basement_______ First Fl._______ Upper Fl._______ Total_______sq. ft.
__Exterior elevations—details of deck, roof, trim, foundation, piers shown
__Exterior materials—roofing, siding, foundation, chimney, and decks shown and specified on plan elevations
__Roof overhang—eave and gable measurement shown
__Construction details—footings, walls, foundation, chimney, decks, portals
__Setback variance

Unusual or special construction methods noted
__Use of crane ___ Excessive grading ___ Retaining walls ___ Specify________________________

Type of construction
__Modular—If so, to be set in place by crane? Yes___ No___
__Stick built
__Panelized
__Other
   Explain: ____________________________________________________________________________
NEW CONSTRUCTION

Aesthetic Information

NOTE: Shingles, masonry, siding, and all color samples must be included with submittal.

<table>
<thead>
<tr>
<th>Exterior Finish</th>
<th>Material</th>
<th>Color</th>
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<tbody>
<tr>
<td>Shingles</td>
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<td>Chimney</td>
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<td>Foundation Walls</td>
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<tr>
<td>Masonry Veneer</td>
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<td>Siding</td>
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<td>Trim</td>
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<td>Shutters</td>
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<td>Door - Front</td>
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<tr>
<td>Door – Garage</td>
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<td>Door - Other</td>
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<td>Decks</td>
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<tr>
<td>Driveway</td>
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<tr>
<td>Other</td>
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</table>

I understand that failure to provide any information requested on this form may delay review of these plans. I further understand that no clearing is permitted prior to approval and that, once tree removal and/or excavation has begun, exterior alterations/additions must be completed within nine (9) months.

Each construction site must have a portable toilet or access to other sanitary facilities. Location of portable toilet is to be indicated on site plan and will be reviewed on a case-by-case basis.

Owner: _______________________________ Date: ________
Request for A&ECC Review – Alteration/Addition

Return to:
Massanutten Property Owners Association
Architectural and Ecological Control Committee
3980 Massanutten Drive Massanutten VA 22840
Office: (540) 289-9466 Fax: (540) 289-9406
E-Mail mpoa@massanuttenvillage.com

Owner Name: ____________________________________________
Unit: _____ Lot: _____ Street Address: ____________________________

Owner Address if different than address above:
Street Address: ____________________________________________
City: __________________________ State: __________ Zip: __________

Owner Phone #s: ____________________________________________
Owner E-Mail address: ________________________________________

Contractor Name (if applicable): ________________________________
Contractor Phone #s: ________________________________________

Submittal Deadline: All requests must be submitted in their entirety by 5 PM on the last Thursday of the month preceding the A&ECC meeting which is held the second Thursday of each month.

Are there any dogs on the property? _____ Yes _____ No

Right of Access – by signing below, the owner of this property grants the members of the MPOA A&ECC the right to enter upon this property for the review of the alterations or additions requested herein.

Owner: ___________________________ Date: _________

All exterior finish and color samples must be included at the time of submittal. Failure to do so may result in a delay of the review.
ALTERATION

Color and/or Material Change
Siding
Trim
Roof
Other

Landscaping
__ Tree removal (all trees to be removed must be clearly marked with construction ribbon)
   Number of Trees
   Location:
   Why must they be removed?
   __ Other

ADDITION

__ Room
__ Enclosure of Existing Deck
__ Deck
__ Garage
__ Site and Floor Plan (must be provided)
   Color and Materials

Setback Variance
__ Site Plan (must be provided)
   Why is a Setback Variance required?

Fence
   Materials must conform to those specified in the A&ECC Guideline and shall
   not exceed 4’ in height
__ Site Plan (must be provided)
   Purpose

I understand that failure to provide any information requested on this form may delay review of these plans. I further understand that no clearing is permitted prior to approval and that, once tree removal and/or excavation has begun, exterior alterations/additions must be completed within nine (9) months.

Owner: _______________________________ Date: ____________
Site Plan for Lot 55
Greenview Hills
Massanutten Development
Stonewall District, Rockingham County, Virginia

INGRAM - HAGEN & CO., P.L.C.
Surveyors - Engineers - Planners
Offices: Mount Crawford & Fishersville
ROUTE 2, BOX 204
MOUNT CRAWFORD, VIRGINIA 22841
Telephone (540) 828-2778 Job # 22212

This is not a true, certified copy unless the signature heron is an original signing.

SAMPLE SURVEY
March 13, 2018

Rockingham County Building Inspections
P O Box 1252
Harrisonburg VA 22801

Dear Ms. Kite:

The committee has reviewed and approved the plans and the structural aesthetics for the house to:

Owner:
Address:
Unit:
Lot:
Location:
Builder:

We would appreciate your usual notice when a building permit has been issued.

Sincerely,

A&ECC Chairperson

SAMPLE PLAN APPROVAL LETTER
This sample is a reduced copy of a professional quality New Construction submittal (1/4" = 1')
OBJECTIVES

APPROVAL LEVELS

A. REMOVALS

1. Tree and Brush Removal or Trimming
   Not Requiring Approval
   Approval

2. Tree and Brush Removal Requiring Only
   MPOA Administrator or A&ECC Chairperson
   Approval

3. Tree and Brush Removal Requiring
   A&ECC Approval

B. ADDITIONS

1. Items Not Requiring Approval
2. Items Requiring Only MPOA
   Administrator or A&ECC Chairperson
3. Items Requiring A&ECC Approval

STANDARDS

A. FENCES

1. What Is a Fence
2. Approval Criteria
3. Location
4. Appearance

PROCEDURES

A. OWNERS RESPONSIBILITIES PRIOR TO THE A&ECC MEETING

B. MPOA AND MEMBERS OF THE A&ECC RESPONSIBILITIES
   PRIOR TO THE A&ECC MEETING

C. AT THE A&ECC MEETING
OBJECTIVES

- To protect the natural wooded areas and maturing landscape of the community in such a way that the natural character, environmental integrity or screening effect is preserved.
- To complement the natural beauty of the environment, through the effective choice and installation of landscaping, both plant materials and associated structural elements.

APPROVAL LEVELS

Some issues require A&ECC approval. Others may require only the consent of the MPOA Administrator or Chairperson of the A&ECC, while some may not require any approval.

A. REMOVALS

1. Tree and Brush Removal or Trimming Not Requiring Approval

   - Removal of trees less than three (3) inches in diameter, measured one (1) foot above original ground level;
   - Removal of dead or up-rooted trees;
   - Removal of non-evergreen brush;
   - Removal of undesirable plants, such as brambles, poison ivy, or honeysuckle;
   - Pruning of trees to maintain health and shape;
   - Limbing of trees to any reasonable height not to exceed eight (8) feet up from the ground and in a manner to avoid killing or damaging those trees.

2. Tree and Brush Removal Requiring Only MPOA Administrator or A&ECC Chairperson Approval

   - Removal of damaged or diseased trees or brush;
   - Removal of trees constituting a safety hazard.
   - No trees, shrubs or brush shall be removed from designated green space by property owners without permission from the Administrator. If a property owner has concerns pertaining to damaged or diseased trees that might impact their property, then the property owner should contact the MPOA administrator or A&ECC chairperson for the proper direction or action.

3. Tree Removal Requiring A&ECC Approval

   - Removal of live trees exceeding three (3) inches in diameter, measured one (1) foot above original ground level;
   - Removal of trees that are on a common property line.
B. ADDITIONS

1. Items Not Requiring Approval

- Planting trees, shrubs and flowers;
- Replacing grass with mulched, planted areas or vice versa;
- Wood, stone or brick planters no higher than eighteen (18) inches;
- Vegetable gardens in a rear or side yard, located to minimize visibility from neighboring properties and streets;
- Items such as bird feeders, bird houses, stepping stones, wind chimes, small decorative garden ornaments, benches, or removable plant support structures;
- One sign per lot showing the owner's name and/or the name of the premises, not exceeding two square feet in area, nor more than three (3) feet in height.

2. Items Requiring Only MPOA Administrator or A&ECC Chairperson Approval

- Structural elements, such as retaining walls, steps, hand rails and walkways following the natural contours of the land;
- Outdoor lighting.

3. Items Requiring A&ECC Approval

- Grading that alters the existing flow of water;
- Above ground fences, walls exceeding 18” in height, kennels, pens. and similar structures;
- Trellises, arbors, gazebos;
- Signs other than those in paragraph B.1, above.

Any items not specifically covered above should be referred to the MPOA Administrator for appropriate determination.

STANDARDS

A. FENCES

1. What Is a Fence

- All above ground fence components, walls exceeding 18” in height, kennels, pens, and similar enclosures constitute "fences" for purposes of this Guide.
- A single split rail-type fence post with rails is not considered to be a fence if: (a) it supports no more than four rails (two in each of two directions); and (b) one end of each of the rails rests on the ground; and (c) the rails of any such fence post are not within 15 feet of the rails of any other such fence post; and (d) there are no more than four such fence posts on any lot;
• Deck railings are not fences, but are subject to A&ECC approval as New Construction or Alterations.

2. Approval Criteria

• Fences will be approved only in the case of demonstrated need based on safety considerations (e.g., for child or pet containment; to prevent falls down steep drop-offs). Even in the case of demonstrated need, however, the A&ECC will take into consideration the interests of neighbors and of the community in preserving the area in a natural-looking state.
• In the case of a dog, neither an above ground fence nor a kennel will be approved for containment purposes if it is practical to install an underground electric fence that can adequately restrain the animal. A kennel will not be approved if the animal can be adequately restrained by an above ground fence.

3. Location

• No fence will be located within two feet of a property line. An exception may be made only if it is otherwise physically impossible to construct a reasonably straight fence (e.g., large trees staggered in the path of the fence).
• If at all possible, the fence will not be visible from the road. Normally this means that it will be entirely behind the dwelling and will not extend to the side beyond either rear corner of the dwelling.

4. Appearance

• In the case of most free-standing fences, a natural wood split rail fence, with uncoated galvanized rectangular mesh attached if necessary, is required. Galvanized mesh must be secured to the inside of the fence rails.
• Chicken wire or solid, closed-view fencing is not acceptable.
• No part of a fence (other than a kennel) may be higher than 48" above the surface beneath it. No kennel may be higher than 60".
• If, due to the configuration of the property (e.g., a corner lot; or a house without an entrance on the back of the house), the fence will be visible from the road, approval will be contingent on the owner adequately screening the fence from the road with evergreen trees or shrubs that must be continuously maintained.
• The owner also may be required to screen the fence with evergreen trees or shrubs so it is less apparent from a neighboring lot or from green space.
PROCEDURES

When A&ECC approval is required, a request will be submitted to the A&ECC in writing. No submission fee is required.

A. OWNER’S RESPONSIBILITIES PRIOR TO THE A&ECC MEETING

Two (2) weeks prior to A&ECC meeting (second Thursday of each month), the following documents will be completed and turned into the MPOA office.

- Application Form (obtained from the MPOA office)
- Copy of site plan, drawn to scale showing existing and proposed elements relevant to the application;
- For regrading, retaining wall or terracing, contour line drawing showing existing and proposed grading and drainage pattern;
- For plant material, a symbol for each plant at mature size;
- For any structural element (fences, trellises, arbors, etc.) construction drawings showing details of design and installation;
- Samples or brochures, describing all materials and colors, including type of materials to be used.

B. MPOA AND A&ECC MEMBERS RESPONSIBILITIES PRIOR TO THE A&ECC MEETING

- The Administrator and members of the A&ECC will visit the site and review the plans, to ensure they meet all regulations and are of professional quality.
- The MPOA office will send a letter to owner indicating time of plan review.
- The MPOA office will send letters of notice to nearby residents if appropriate.

C. AT THE A&ECC MEETING

1. The A&ECC will determine that:
   - All documentation is on file;
   - Plans indicate compliance with all regulations and standards;
   - Plans are of professional quality;
   - Issues raised by nearby residents are addressed.

2. The A&ECC will vote for approval, approval with contingency, or disapproval of the submission.

On A&ECC approval of plans
   - Owner is notified of approval.
   - Review copy remains on file.

On A&ECC approval of plans with contingency
   - When all contingencies are met and documented in the file, procedures then continue as outlined above in "On A&ECC approval of plans".

On A&ECC disapproval of plans
   - Owner will be advised of the deficiencies and/or unaccepted contingencies.
   - When all deficiencies and/or unaccepted contingencies are met and documented in the file, owner may resubmit at a later date.
   - Owner may appeal disapproval to the MPOA Board.
4 - PROPERTY MAINTENANCE
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<th>Section</th>
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<td>Replacement</td>
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<tr>
<td>-5-Reconstruction/Deconstruction</td>
<td>31</td>
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</table>
MAINTENANCE

All houses and lots will be maintained in a good condition that does not detract from the character of the community. This includes, but is not limited to, maintenance of the following exterior elements:

- antenna/dish
- chimneys
- culverts
- decks
- doors
- downspouts
- drainage tiles/pipes
- driveways
- fascia
- fences
- gutters
- lawn/mulch
- light fixtures
- parking area
- recreational equipment
- refuse & debris
- retaining walls
- roofing
- screens
- shutters
- siding
- signs
- trim
- vegetation
- walkways
- walls
- windows

In the event any lot or improvement is not properly maintained, the MPOA, through its agents and employees, may enter thereon for the purpose of maintenance, restoration or repair, the cost of which will be added to and become a part of the annual charges to which the lot is subject. Maintenance includes general upkeep, repair, and replacement.

GENERAL UPKEEP

Repainting, re-staining, or renovating will be done on a periodic basis as needed. All developed lots, and the improvements on them, will at all times be maintained in such a manner as to prevent their becoming unsightly by reason of deterioration (including but not limited to weathering, fading, peeling, cracking, blistering, staining, rotting, mildew), unattractive growth of vegetation, or the accumulation of rubbish or debris.

REPAIR

This includes, but is not limited to, the correction of any damage or deterioration of exterior elements and the replacement or renovation of exterior elements that are no longer substantially sound, stable or plumb or that no longer present a satisfactory appearance.

REPLACEMENT

Any missing exterior elements will be replaced promptly.

NOTE: If making any changes that would alter the exterior color, materials, or shape of any structure, the owner should follow Chapter 2 - New Construction, Alterations, and Additions. Certain other changes may be governed by Chapter 3 - Landscaping and Ecology.
A&ECC FLAG DISPLAY STANDARDS

**Vertical Flagpole Standards** (either free-standing or mounted on the structure):

Vertical flagpoles, either free-standing or mounted on the structure, are **not** permitted. An exception to this is an existing flagpole erected prior to this standard coming into effect; these flagpoles shall be permitted to stand, as-is, as long as they are maintained in good and proper condition. These exceptions will convey should the residence be sold. However, any further action to extend, replace, or alter said flagpoles is not permitted.

**Structure-mounted Staffs:**

Flag staffs mounted on structures shall have a maximum length of 6 feet.

**Maximum Flag Size:**

Based upon a maximum flag staff length of 6 feet, flags should not exceed 3 foot by 5 foot in size.

**Lighting:**

Lights shining on any flags on structure-mounted staffs shall be aimed inward to the property, shall not be allowed to shine on to another’s property, and shall not exceed a rating of 25 watts luminosity.
Addendum to the A&ECC Design and Ecology Reference Guide

**Landscaping:**

Foundation plantings may be required to break up a long continuous line of siding.

Landscaping must be planted as soon as is reasonably practical, with completion no later than six months after the completion of the building where residency can commence. It is accepted that seasonable factors may result in planting time scales in excess of the minimum, not to exceed one year.

**Erosion Control:**

Steep slopes and highly eroded areas created by the construction process shall be planted with durable ground covers that can be established quickly within six months after the completion of the building where residency can commence. It is accepted that seasonal factors may result in planting time scales in excess of the minimum, not to exceed one year. Slope protective measures, such as erosion cloth, mulching and/or rip-rap, shall be employed where it is not feasible to otherwise establish vegetative ground cover.

**Additional Information:**

Invasive Plants

As part of the landscaping, the owner should not plant invasive species of plants. For more information on this topic and to plan to prevent invasive species please visit the link below.

http://www.dcr.virginia.gov/natural-heritage/invsppdflist
GUARANTEE OF COMPLIANCE

The Administrator is authorized and directed to establish a program requiring owners building houses to guarantee compliance with MPOA Covenants, rules and A&CC requirements.

This Plan shall require owners to make certain deposits prior to receiving plan approval. These deposits shall be as follows:

1) $2,000 for tree preservation;
2) $1,000 for road preservation;
3) $2,000 for landscaping;
4) $500 for trash removal
5) $7,500 for driveway pavement (if the uphill grade from MPOA’s street is greater than 20%).

Such deposits would be held by MPOA to ensure that the Association’s building requirements are followed. If deemed necessary by MPOA, the Association could use the funds to remediate any violations which exist. Such deposits would be held by MPOA in a non-interest bearing account.

When construction is complete, any unused portion of the funds deposited would be returned to the lot owner. However, if the funds are insufficient for necessary remediation, the lot owner(s) would be responsible for any deficiency.

Owners seeking plan approval will be required to agree to the foregoing conditions in an agreement containing such terms as our attorney approves.

This policy shall take effect immediately for all plans to be submitted.
5 – RECONSTRUCTION/DECONSTRUCTION
Reconstruction/Deconstruction

In the event a residence or improvement is partially or completely destroyed due to natural or man-made disaster such as fire, flood, fallen trees, or any other causes, the homeowner must notify the A&ECC of his/her intent to correct the damage or tear down the structure within 90 days of such damage.

This correspondence should include:

1. The schedule for reconstructing or deconstructing the damaged property
2. Details surrounding each activity to include but not be limited to original plans if reconstruction mirrors the original design, or, if not and design will be changed, submission of samples and documentation as required for any new construction or alteration.

The A&ECC will work with the homeowner to develop a mutually agreed schedule for completion of the work required.

In the event a damaged structure must remain in place due to insurance appraisal or for other acceptable reasons, as determined by the MPOA Administrator, the structure must be reasonably protected from view from the street and neighboring structures. Additionally, measures must be taken by the homeowner to ensure that the damaged structure is safe and secure (no open doors, windows, or garages where wildlife or children might gain access).

No trash, ashes, garbage, or other refuse shall be dumped or stored on any lot nor be thrown into or on any street, roadway, bridle path, hiking trail, or other route of general access.