

**Coolfont Mountainside
Association
Regulations and Guidelines
For Building at Coolfont**

December 2003

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COOLFONT MOUNTAINSIDE ASSOCIATION

Regulations and Guidelines for Building at Coolfont December 2003

Preface

These "Regulations and Guidelines" supersede all prior "Regulations and Guidelines" published by the Coolfont Mountainside Association (CMA) and were authorized by the CMA Board of Directors on December 6, 2003. Changes are effective immediately. Owners who have already submitted requests for building approval and have not yet received approval shall be bound by the "Regulations and Guidelines" dated June 1995, but shall be encouraged to follow the new version.

Where words like "shall", "required", "minimum", "maximum", or "must" are used, the provisions are mandatory and shall be deemed to be "regulations". Where words like "should", "may", "desirable", "recommended", or "discouraged" are used, the provisions are not mandatory, but owners are expected to give serious consideration to them.

The submission and approval of the required documents for any project by DACC is for the sole purpose of determining if the documents comply with these "Regulations and Guidelines". DACC's review is not for completeness, technical accuracy, or technical content of the documents, or structural integrity. The Association and the DACC do not assume any professional responsibility or liability in the construction of these projects.

I. INTRODUCTION

In the founding documents submitted to the United States Department of Housing and Urban Development, CMA was "...to create a recreational community with permanent parks, wilderness, open spaces and other common facilities for the benefit of each lot owner". Later documents dealing with minimum standards for development of expansion areas describe CMA in terms of "seasonal housing". Further, approvals from the West Virginia Department of Health for sewage collection and water distribution systems describe CMA houses as "...periodically occupied single residential cottages..." that are subject to certain design standards for those systems. In recent years a number of homeowners have taken up permanent residence on the mountainside.

The "Regulations and Guidelines for Building at Coolfont" are based on the appropriate portions of the documents that form the rules and legal basis for the operation and governance of the Association. These documents are the Bylaws of Coolfont Mountainside Association, Inc., the Declaration of Covenants and Restrictions and the Coolfont Mountainside Association Inc. Regulations Regarding the Use of Property. Further, the applicable requirements of the State Health Department and An Ordinance Regulating the Establishment of Real Estate Subdivisions in Morgan County, West Virginia (adopted September 8, 1983 and amended January 22, 1991) are incorporated by reference. The Bylaws require that the CMA Board of Directors create the

Development and Architectural Control Committee (DACC) to assist the Board in carrying out its required duties.

These "Regulations and Guidelines" are intended as an aid to lot owners, homeowners, prospective buyers and their builders to enable them to avoid delays in the approval of their building plans, and consequently in construction. These are the result of a collaborative effort between the CMA community, members of the Development and Architectural Control Committee, the Board of Directors of the Coolfont Mountainside Association and the Coolfont Development Company. These "Regulations and Guidelines" reflect an appreciation of the beauty of the mountainside forest in which our unique community is located and a commitment to preserve and enhance its natural advantages. There is a strong desire to encourage freedom of individual expression in the development of land and buildings, limited only by those protections that are advantageous to all.

It is the responsibility of the owner to provide a copy of these "Regulations and Guidelines" to his/her builder early in the planning process, whether a new home or modification or expansion of an existing home, to maximize their incorporation into the developmental stage of the project and to minimize the cost of any possible redesign later due to omissions or errors associated with the implementation of this document.

I.A BYLAWS OF COOLFONT MOUNTAINSIDE ASSOCIATION, INC. (Related to building at Coolfont)

The following Article from the Bylaws applies to the functioning and approval process related to improvements of property in the CMA:

Article II:

11.2.2.3. Development and Architectural Control Committee. The primary responsibility of the Committee is to advise and assist the Board in the discharge of responsibilities relating to new development and to physical changes in the current Association.

The Committee shall perform the following:

(a) Annually review the existing architectural guidelines, "Guidelines for Building at Coolfont", recommending to the Board any desired amendments. While the guidelines should strive to be historically consistent, they should also incorporate technological and architectural improvements.

(b) Review all written plans for improvements on all lands within the Association and approve, within thirty calendar days or recommend their disapproval to the Board for action, using for criteria the Covenants, current building guidelines, and the Coolfont Mountainside Association, Inc. "Regulations and Guidelines Regarding the Use of Property."

(c) Review any proposals by the Developer. If disagreements arise with the Developer, advise and assist the Board in their resolution.

I.B DECLARATION OF COVENANTS AND RESTRICTIONS (Related to building at Coolfont)

The following Articles from the Covenants apply to building and maintenance of all improvements upon the properties belonging to the Coolfont Mountainside Association and property owners.

Article VI:

Section 2. Easement for Public Utilities: Reservation of Right-of-Way. The said Developer hereby expressly reserves from said premises an easement in a strip of land six (6) feet wide along the perimeter of each lot, for the purpose of the transmission of electricity for lighting and other purposes, and for the construction and maintenance of open culverts for the conveying of surface water in an amount not to exceed one second foot of water and to construct, operate, and maintain pipe lines, sewers, drains, water pipes, telephone lines, or conduits under the surface of said reservation for any lawful purpose whatsoever; no structure shall be built upon the property affected by said reservation of right-of-way, and said property shall at all times be open to the Developer and any public service corporation which may require the use of said right-of-way.

Article VII:

Section 1. Review by Committee. No building, fence, wall or other structure shall be commenced, erected or maintained upon The Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. Depending on the nature and the complexity of work as described in the Renovations and Changes Section, two persons on the committee may grant approval.

In the event said Board, or its designated committee, fail to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it or in any event, if no suit to enjoin the addition, alteration or change has been commenced prior to the completion thereof, approval shall not be required and this Article shall be deemed to have been fully complied with.

II. REGULATIONS AND GUIDELINES FOR BUILDING AT COOLFONT

II.A GENERAL DESIGN

To preserve the natural atmosphere of the woodlands, houses should generally blend with the environment. Each house should be sited as to have minimum impact on the views from other houses and future building sites. Exterior materials and lighting should be chosen with this in mind. Exceptions to the below requirements for technologically improved building materials may be requested as a waiver in writing to the Board via the DACC.

1. Exterior Massing and Roofline. The form and shape of the houses should be appropriate to a mountainside forest. Sloped or shed roofs are required to have a minimum slope of 3" per foot. The manner in which a house is to meet the ground should be considered in terms of the slope of the site. Excessively large exposed areas of foundation above grade should be avoided as well as houses projected out above steep slopes on stilts or pipe columns. Large areas of a site should not be disturbed or terraced to accommodate a particular house design.

2. Exterior Walls. Fir, cedar, redwood, local oak boards or texture 1.11 plywood, cementitious simulated wood siding and natural stone are acceptable as an exterior finish provided their color harmonizes with the natural surroundings. Vinyl or aluminum siding are not permitted. Foundation walls (basement walls) must be covered with an acceptable material; brick, stone or colored parging (paint matching or slightly lighter or slightly darker than the siding, no strong contrasts) is acceptable. Brick or stone fireplaces or UL approved prefab units are acceptable.

3. Exterior Colors. The colors of all exterior finishes shall be natural or earth shades of gray or brown with values intermediate between black and medium grey, or shades of grey, green or brown-green with values between black and medium. Colors shall be selected for harmony with natural environment rather than any strong contrast. Colors for all exterior elements (doors, windows, door and window trim, shutters, soffits, parging, siding, roofing, railings, and all wood trim, etc.) shall be included on the approval sheet, with samples provided at the site visit for DACC approval.

No reflective finishes (gloss or semi-gloss) may be used on exterior surfaces with the exception of hardware items. Bright accent colors, white, or black trim are not to be used on shutters, soffit or fascia.

4. Roofing. Acceptable roofing materials are class A fire rated, 20-40 year fiberglass or 235# or better asphalt shingles. Wood shingles or shakes are not acceptable because they are highly flammable.

5. Exterior Lighting. The light source of any exterior lighting fixture should not be visible from or infringe upon neighboring property, because this detracts from the atmosphere of privacy in the woods. Directing light where it is needed is recommended, rather than floodlighting. Low path lights or tree up lighting are more desirable than general yard lighting. The use of floodlights should be minimized.

6. Signs. The CMA is responsible for installing and maintaining directional road signage and lot signs on the roads. Owners are responsible for installing house "name" and "lot number" signs, which should be located only at individual driveways. Numbers and/or house names on private property should be located as near as possible to the access to assist the drivers of emergency vehicles to identify property. The style should be that generally used by Cacapon State Park. All signs should be of the same size, font, and color as the CMA-installed signs. Signs should be located on pressure-treated posts only, not on trees, and lot number and name should share the same post. Signs that do not meet these requirements should not be located where they are easily visible from the main road, as uniformity and consistency is desirable along the road.

7. Garbage and Trash. These should be kept in securely covered containers located and enclosed so that they do not distract from the natural forest environment or are not unsightly from the road or neighboring property(s). Bears have become a problem at CMA; therefore trash containers should be designed to withstand them.

8. Carports or Garages. These must be part of the main structure or connected to the house by a roof.

9. Trailers and Boats. No house trailers, tents or truck campers are permitted except for non-residential uses, such as temporary construction shelters. Boats are allowed only if adequately screened from neighboring property and roadways.

10. Clothes Drying. Clothes drying should be located only in screened areas, and should not be visible from neighboring property or the road.

11. Walls and Fences. Fences are generally discouraged. If they must be built, in children's play areas for example; they should be of wood or split rail. Chain link fences or exposed concrete block walls are not to be used. Retaining walls, where required, should be kept as low as possible and be constructed of preservative-treated wood or stone.

12. Playground equipment. Playground equipment must be of colors cited in the Exterior Colors paragraph (II.1.c) above.

13. Antennas and Satellite Dishes. Antennas and Satellite Dishes will not be mounted on CMA common property. Antennas and Satellite Dishes should be mounted in locations on the homeowner's property to minimize visibility from other CMA lots. Satellite dishes should be 24" or smaller for downlink and/or uplink use. Larger satellite dishes should not be used.

II.B FIRE PREVENTION

It is extremely important that roofing be constructed of fire resistant materials. (See II.1.d. above.) Any fireplace chimney must have a spark arrestor and fireplaces should have screens and doors. Smoke detectors and fire extinguishers should be placed appropriately in each house.

Exterior fires are permitted only in barbecue receptacles and fires in them should be used only for the purpose of lighting coals intended for cooking. Barbecue receptacles are defined as factory manufactured enclosures, such as a barbecue grill or portable metal exterior fireplace. These receptacles should be in good shape, i.e., not rusting out or containing holes for sparks to escape. Fires in these receptacles shall be only for the purpose of lighting coals intended for cooking. Those receptacles in disrepair shall be replaced. DACC approved and permanently installed stone or brick barbecues with chimneys and spark arrestors are also permitted. Barbecue receptacles must be certified by the DACC and may require recertification from time to time. Open fires on or in the ground or with flames extending are not permitted under any circumstances. Homeowners should comply with the recommendations of the Firewise Program of the West Virginia Division of Forestry.

II.C SPECIFIC CRITERIA FOR INDIVIDUAL SITES AND HOUSE PLANS

The following criteria are essential for the maintenance of the nature of our community and the protection of our environment and natural resources.

1. Location on Lot. To ensure a house location that will facilitate access and construction ease, yet take full advantage of aesthetic possibilities, the site plan shall:

a. be compatible with sewerage requirements, e.g., high enough to flush sewer by gravity or else suitable for septic tank and drainage field, where this alternative is legally permitted and approved by the CMA Board or DACC Committee. A lift station may be required in certain areas where gravity flushing is not possible.

b. locate the house, including deck, porch, garage, etc., not less than 25 feet between the edge of the building and the line of all adjacent residential lots (house location should also optimize privacy); not less than 60 feet from the front property line of the lot (the front is defined as the portion of the lot parallel to the main vehicular access road); and not less than 15 feet from

the rear lot line, defined as opposite the front (25 feet from all other lots); not less than 15 feet between the lot and common land on the side or rear yards (25 feet from all other lots). On corner lots, with the possibility of having two fronts, the road with more traffic shall be considered the main road. Possibilities of shared driveways and parking areas should be considered to reduce construction and maintenance. Shared driveways must be coordinated with all affected owners and a right-of-way secured prior to submission of "Request for Approval"

c. provide one parking space for each bedroom; with a minimum of two and maximum of five parking spaces. Rooms that can readily be used as bedrooms shall be counted for the purposes of establishing parking space requirements. Applicable parking spaces in garages shall be counted as part of the required spaces.

d. minimize the destruction of trees and shrubs, especially large and well preserved specimens, or exceptionally desirable species like dogwood, redbud and mountain laurel.

To achieve the most advantageous situation for privacy, view, sunlight, etc., the owner should attempt to front away from other house sites nearby rather than toward them. Each house should be sited as to have minimum visibility from other houses and future building sites.

2. Number of Buildings. Only one building may be erected per lot. Garages, carports and other structures must be attached to a part of the dwelling. No separate animal shelters may be placed on the property, except as approved in writing in advance by the DACC.

3. Size and Quality. The minimum size dwelling that can be routinely approved is 1,000 square feet of occupiable space, excluding decks and porches. A maximum allowable size is 4,300 gross square feet of occupiable or living space for lots up to an acre in size. For lots greater than an acre, 4,800 gross square feet occupiable or living space is allowed. Gross square footage is defined as outside of exterior wall to outside of exterior wall times the number of floor levels of living space.

The maximum number of bedrooms permitted is five. Occupiable or living space, does not include: crawl spaces, mechanical rooms, decks, balconies, porches, garages or carports. Unfinished basements or other unfinished rooms with a habitable ceiling height of 7 feet 6 inches shall be counted as living space. Garages or carports are not permitted to be over 500 square feet.

The proposed house plans must reflect the quality of design and construction and appropriateness to the surrounding homes

and the mountainside setting. Quality of materials will be considered in the review of proposed building plans. Poor quality leads to maintenance problems involving not just the owner, but also the community; it may lead to deterioration of external appearance. It also contributes to capital losses not only for the owner but also for neighbors.

4. Landscaping, Thinning and Planting. Owners should give high priority to preservation or enhancement of natural terrain and natural plant growth. Dead, damaged or diseased trees, weed trees or trees leaning towards a house should be considered for removal. Modifications and additions should harmonize with the particular setting. It is desirable that landscaping for adjacent lots blend with one another and that rigid or formal dividing lines be avoided. All areas of the site disturbed by construction shall be restored to a natural condition.

Plans for any major landscaping which is contemplated before and/or after the completion of the house must be reviewed and approved by DACC. Major landscaping is defined as 25 or more trees being planted and/or a landscaping project costing more than \$2,500. Planting is encouraged. Trees that are desirable are dogwoods, redbuds, and other flowering trees, oaks, poplars, and maples. (Refer to II.B FIRE PREVENTION and II.C.7. Utilities. for planting guidance.)

5. Trees. Large and small shrubs and trees are vital to the environment. Except where approved in writing by the DACC, no trees over six inches in diameter and no dogwoods of any size may be cut; topped or trimmed on any lot or on common ground. Owners, without approval, may remove trees located within 10 feet of any house. Requests to remove other trees that pose a danger to structures will be reviewed and approved routinely by DACC. It should be remembered that all growth - vines, shrubs, trees, and saplings provide screening, shade, windbreak, cover for wildlife, and preserve aesthetic value. It takes only minutes to cut a vine or tree, but years to grow one of appreciable size. It is important to keep these facts in mind at all times when viewing your lot or adjacent common land. Once a mistake is made, it takes years correct it.

6. Vistas. A vista is defined as "a view to the next ridge, in not more than two directions, providing a gentle, soft view (s)."

A written request for approval of vistas is required to be submitted to DACC from the owner with the site plan and general view(s) located. Trees to be trimmed or cut should be tagged in the field. A committee composed of the owner and two members of DACC will meet on the site with the tree cutter. Trees will be cleared selectively, starting with dead and sickly trees while retaining all dogwoods and redbuds and other desirable varieties. Insofar as practicable, large trees will be pruned, with limbs removed, rather than being completely removed. Photographs of the vista will be taken

with copies kept by the owner and DACC for future reference in pruning. Felled trees shall be cut and stacked for firewood or removed from CMA property.

Trees should not be cut for vistas until after houses have been constructed and owners can readily see what their house and property is like and DACC has reviewed and approved the request for vistas

Cutting of new vistas on present CMA property is not allowed. Vista maintenance is permitted on one's own property and on common land only when written approval from DACC has been given. Vistas shall not be provided or maintained on the property of others, unless written permission of the owner or owners affected has been granted, conveyed to and approved by DACC. In each view, trees or branches may be selectively removed, provided the overall width of the view is not more than 30 feet. If there are two vistas, they must be separated by at least 30 feet. Open, and/or abruptly cleared swaths will not be permitted.

7. Utilities. The owner should consult with the Coolfont Development Company or the DACC as to existing water, sewer, electric, and telephone utilities servicing the lot. The owner (or the builder) shall call the appropriate utilities (Miss Utilities of West Virginia: 1-800-245-4848) to locate and mark all existing lines prior to digging. No landscaping or trees shall be planted above or within ten feet of water, sewer, telephone or electrical lines.

II.D DESIGN REQUIREMENTS AND GUIDELINES

Until Morgan County adopts a building code, the DACC recommends, in the interest of quality and safety, that the owner include as a part of the contract with the builder and/or contractor the requirement that construction conform to one of the recognized national model codes such as the current edition of the "CABO One and Two Family Dwelling Code."

The owner shall engage an engineer or architect, currently registered in the states of West Virginia, Virginia, Maryland, Pennsylvania, or Washington DC or an independent, certified professional inspection service to oversee the construction of all aspects of his/her home to assure and certify that it is built according to the owner's plans and specifications. The inspector should be independent from the contractor or builder. (The inspector's name and current registration, or certification number is required on the DACC application). This shall also help assure the owner that his/her Coolfont home meets all appropriate requirements of the State Health Department and the Morgan County "Regulations and Guidelines" regarding establishment of subdivisions in West Virginia. Ultimately the owner is responsible for the quality of his/her house.

Building on a mountainside has both advantages and challenges: For example, lots with modest slopes permit a lower level that can be finished as living space, usually reducing the cost per square foot.

The builder must take special care, however, to make waterproof and structurally strong walls because of seasonal water problems. A dehumidifier may be required for summer use on lower floors to prevent condensation. Care must also be taken to protect water lines entering or leaving the house from freezing in winter. The house should maximize the amount of sun in large glass areas in winter by facing south.

The authority and responsibility of the DACC preclude it from establishing building code requirements. However, the following specific design "*Regulations and Guidelines*" are based on more than 30 years experience of CMA homeowners, local builders and maintenance people who look after homes for absentee owners:

1. Drainage. Drainage water from paving or landscaping shall sheet flow over large areas of ground or shall be routed into appropriate drains. Roof drains should spill into gravel beds or drain tile. Because of soil erosion, large concentrations of surface water should be avoided. Even small puddles offer breeding grounds for gnats and mosquitoes.

Driveways must be graded to prevent discharge runoff onto CMA roads and must be provided with a minimum 18-inch diameter corrugated galvanized metal piping where driveways cross roadway drainage ditches. The piping shall extend beyond the maximum flair of the driveway apron. The piping shall be covered to a depth of no less than 12 inches. The driveway apron shall provide an adequate turning radius at the road, especially on steep driveways. The inside-turning radius should be at least 20 feet.

2. Footings and Foundations.

a. Footings shall be on undisturbed soil below the frost line but not less than 30 inches below grade, 36 inches recommended, and provided with adequate reinforcement.

b. All basements shall have proper foundation drainage.

c. Structures built entirely on piers are not permitted.

d. Crawl spaces or basements shall be vented or equipped with dehumidifiers to prevent mildew problems. Dirt or gravel in the crawl spaces should be covered with polyurethane for moisture control.

e. A termite shield shall be placed on top of all foundations and supporting structures.. Special care shall be taken to assure the adequate design of foundations for stone and brick fireplaces.

g. Only pressure treated wood suitable for ground contact shall be used for decks and porches, balconies, foundation sills, and all wood in contact with concrete or masonry.

3. Insulation. Temperatures at Coolfont can drop to as low as minus 15 degrees F, so good insulation is mandatory. The local

utility company, Allegheny Power, recommends that a minimum insulation of R-13 in walls, R-19 in the floors above crawl spaces and R-30 in the ceilings be used. Check with the power company (1-800-255-3443) for specific recommendations on building an energy efficient home. They can also provide a listing of certified energy efficient homebuilders.

4. Water and Sewer. The water and sewer systems that serve the mountainside were designed and approved on the basis of a seasonal community of single-family homes. All water leaks occurring from the water meter to homeowner's house shall be charged to the owner. A water and sewer hook-up fee is required and payable by the homeowner.

a. A water meter installed in a meter box with union connections is required for each house. The water meter that is required by CMA is a Copper Setter, or approved equivalent, with a shut-off valve. The meter shall be placed near the property line. The top of the box should be at grade level for ease of access. The valve must be located above the bottom of the meter well in a position so that it can easily be replaced if required. The meter must be located in an easily accessible location and must be easily read. Drainage around the meter must be adequate so that flooding of the meter well shall not occur.

b. Water and sewer lines shall be located a minimum of 36 inches below grade to prevent freezing. Water service and plumbing shall conform to the current CABO Code. Owners must coordinate with CMA to identify the adequate pressure zones for house locations. Houses proposed for construction at high elevations outside the adequate pressure zone may need a pressure enhancement device.

c. Water lines that are to be located under driveways shall be placed in a sleeve of at least schedule 40 pipe.

d. Water saving devices are required in toilets (except for low-flow models) and showers. Garbage disposals are not recommended.

e. Sewer lines that are to be located under driveways shall be constructed of at least schedule 40 pipe or sleeved.

f. Primary and secondary concrete septic tanks, each of 1,000-gallon capacity, are required. The septic tank clean-outs must be easily accessible at grade for periodic pumping. The installation of clean-out access must be coordinated with the professional inspector to assure conformance with needs for septic tank cleaning. Septic tanks serving houses occupied full-time, as well as those rented regularly, should be inspected annually and must be pumped out at least every three (3) to five (5) years. DACC may organize the clean out of all individual septic

tanks and cooperation from all homeowners will be requested. The pumping cost for each house is to be borne by each participating homeowner.

g. All exterior water and sewer lines and connections shall be inspected and approved by a professional inspector prior to being backfilled.

h. A "ditch witch" is a narrow piece of construction equipment. Trenches for all water, sewer, electric and telephone lines should be dug by a ditch witch whenever possible, given the slope of the lot and in order to preserve the natural setting. Trenching must be filled and the grading smoothed and restored to the original grade after completion. Where site conditions do not permit the use of a ditch witch, e.g., rock, slope, etc., the builder shall advise DACC at the site meeting and provisions must be made to minimize damage to trees, etc.

5. Plumbing and Heating

a. To prevent freezing, all plumbing shall be run through interior portions of the house, rather than exterior walls. It is recommended that heat in the house be kept at a minimum of 45 degrees Fahrenheit at all times to prevent freezing of internal water pipes.

b. If water pipes enter the house at an above ground location, they must be enclosed in a structure and kept warm with a thermostatically controlled heater.

c. Heat pumps including in-ground systems, electric baseboard and propane forced air or hot water systems are acceptable as primary heating systems. Fireplaces and wood stoves should only be used as secondary heating sources.

6. Chimneys. All chimneys shall extend at least 2 feet higher than any portion of the building within 10 feet, but shall not be less than 3 feet above the point where the chimney passes through the roof. Particular care must be taken to assure that each section of a "zero-clearance" chimney is installed according to the manufacturer's instructions. Chimneys should be cleaned regularly, based on usage, to prevent chimney fires.

7. Construction Activity. Construction materials, debris, packing boxes, stumps and other waste materials may not be buried or burned on site. Trees and other materials suitable for burning in the fireplace that were felled for the construction effort should either be removed from the CMA property or be cut into shorter sections and neatly stacked on the property. Other uprooted shrubs or plants unsuitable for the fireplace shall be removed from CMA property.

Construction debris must be cleaned up on a regular basis and no less than weekly when visible from the road. Debris must be

removed from site, or stored in a dumpster to keep the mountainside from looking unsightly. Dumpsters or construction trash receptacles must be located in an inconspicuous location.

Loud construction work is permitted between 7:30 AM and 7:00 PM, Monday through Friday. Loud construction activity includes, but is not limited to, tree removal, framing and carpentry, concrete pouring, roofing, etc. Only construction activity of a quiet nature is permitted at other times.

II.E DESIGN REVIEW PROCEDURES

The Development and Architectural Control Committee (DACC) provides Board-approved "*Regulations and Guidelines*" to property owners. The DACC is composed of Coolfont landowners, and is appointed by the CMA Board of Directors (also owners). Its purpose is to protect the financial and aesthetic investment of the community by helping the individual owner discover the opportunities of his/her own site on the basis of the observations and experience of the planner, consulting architects, and those owners who have already built. The Committee does not seek to restrict individual taste and preference. Its aim is to avoid harsh contrasts in the landscape and to foster careful design, so that there is harmony between the buildings and their sites, and among the buildings themselves. The DACC is not concerned with interior design, but is concerned that the exterior of buildings be constructed with good quality materials and workmanship that blend with the natural environment and shall not become maintenance problems.

The following procedures and regulations have been developed to ensure that professional guidance and expertise is used in the design and construction of homes that are a part of the Coolfont Mountainside Association.

1. PROCEDURES

a. "REQUEST FOR APPROVAL" SUBMISSIONS MAY NOT BE ACCEPTED BY THE DACC IF THE OWNER IS MORE THAN THIRTY DAYS IN ARREARS ON ANY CMA ASSESSMENT.

b. All submission packages for new construction and additions shall be signed by a registered architect or engineer licensed in the states of West Virginia, Virginia, Maryland, Pennsylvania or Washington, DC.

Stock purchased plans designed by an architect shall also be deemed acceptable, unless such plans are considered substantially altered in the judgment of the DACC. A registered professional architect or engineer shall approve all plans that have substantial foundation or other structural changes from the stock plans. If stock plans form the basis of the design, they must also be submitted. Stock plans are defined as purchased house plans, prepared by a licensed architect or engineer, and providing adequate detail to construct the house.

c. All submissions of plans shall consist of 1/4 inch equals 1 foot floor plans and elevations showing all facets of the proposed construction and shall be suitable as construction documents (i.e., with all elements dimensioned and identified).

d. A topographic survey of the property at a scale of not less than 1 inch equals 30 feet indicating topography at two-foot intervals and major trees (6 inches in diameter and greater) in the proposed building area shall be included in the submission together with a site development plan prepared by either a registered civil engineer, landscape architect, or architect, indicating all elements of the proposed development.

e. Structural fill, foundation soil-bearing values, and the foundation installation, including depth of footings below finish grade and finished elevations, shall be inspected and certified by a registered engineer or independent certified testing service. The site shall be certified as conforming to the requirements of the approved construction documents and his/her professional judgment prior to construction of bearing walls on the foundation. The footings must be inspected before and after the concrete has been poured and the certification shall state that this was done.

2. "REQUEST FOR APPROVAL" SUBMISSIONS TO DACC

Whenever an owner proposes to build, reconstruct, refinish the exterior, or complete other work requiring approval in accordance with these Regulations and Guidelines, he/she must complete a submission package, under cover of Appendix C or D form "Request for Approval" as appropriate. A preliminary submission may be submitted if the owners propose to construct a house that may not meet the regulations, and they wish to get guidance and preliminary approval prior to finalizing their plans. The preliminary submission should indicate the nature and scope of the project. If such a submission is contemplated, it should be discussed with the DACC Chair ahead of time. Otherwise, only a final submission is required.

One complete submission package shall be submitted for review to each of the DACC Members designated by the Chair. If the submission is incomplete, the omissions must be corrected and submitted before it can be reviewed. Once the review has occurred, if there are comments that need to be addressed, they can be resolved either by revision and a revised submission, or at the site meeting. If issues are resolved at the site meeting, all must sign the agreement at that time, and if revised drawings are needed, they shall be submitted to DACC for review and approval. All agreements made at the site meeting carry the weight of the approval and penalty process. If, after the review, the submission is not recommended for approval, DACC shall recommend disapproval to the Board, within twenty calendar days of receipt of the completed submission. The Board shall either approve or disapprove the request for building approval within ten calendar days of submission to the Board.

A submission package for the construction of a new house or major addition of the plans and site development must include, as a minimum, the following items:

- a. a completed "Request for Approval For New Construction and Major Additions" form (Appendix C);
- b. a SITE PLAN that includes as a minimum:
 - i. the lot number and owner(s)' name;
 - ii. a north arrow; lot dimensions, house distances from lot lines, revised and proposed grading, driveway, parking and walkway dimensions, landscaping, and all other constructed elements;
 - iii. contour lines with 2 foot intervals (checked at site);
 - iv. location of all existing or proposed improvements and driveway layout including water, sewer, telephone, and electric routing;
 - v. direction and width of proposed vistas;
 - vi. location of all trees measuring 6" or more at a point 12" above the ground level that are located in the area of construction (house, driveway, utilities, etc.). Trees proposed for removal shall be identified. The location of all proposed utility installations must be included. Trees not located in the general area of the proposed construction, including site improvements, need not be shown;
 - vii. the proposed drainage plan; showing revised grading to accomplish adequate drainage;
 - viii. the proposed location of the water meter and septic tanks, and the proposed point of hook-up to the sewer. Upon completion the homeowner will supply the DACC with a final as-built site plan showing actual locations;
- c. BUILDING PLANS - Drawings at a scale not less than 1/4 inch equals 1 foot showing as a minimum:
 - i. a structural plan of each floor level and a roof framing plan showing the kind, size, spacing of members and structural aspects of the construction;
 - ii. a foundation plan identifying the size and depth of the footings, the foundation walls and the required reinforcement;
- d. EXTERIOR VIEWS - Drawings at a scale not less than 1/4 inch equals 1 foot showing as a minimum:

i. elevations of house exterior from all four sides relating to the proposed topographical plan;

e. EXTERIOR DETAILS - include the following as a minimum:

i. manufacturers' name and numbers proposed for all exterior building surfaces, including siding, trim, fascia, soffits, doors, windows, roofing; actual color samples of all exterior, paint and roof samples shall be reviewed at the site visit;

ii. specifications which describe in detail the materials to be used. It is recommended that these and the drawings be completed in as much detail as possible. This shall help assure the owners that: they are getting what they want; they know the cost up front; and the builder agrees, by written contract, to provide it.

The requirements for a "Request for Approval" submission for Renovations and Changes To Existing Houses will vary depending on the nature of the proposed changes and must be agreed upon with the DACC Chair.

If a preliminary approval has been requested, a written approval of the preliminary plans from the DACC to the owner will be provided within thirty calendar days. Owners may proceed with the development of the final plans and documentation taking into account the review comments from the preliminary submission. The final submission package shall be reviewed within thirty calendar days. A decision shall be made within 30 calendar days, after full and complete plans are submitted for each submission. NOTE: Any changes to the approved site plan, utilities, and building exterior must be approved by the DACC prior to implementation.

The Committee shall attempt to expedite both the preliminary and final plan approval process. A necessary part of this process, however, is the walking of the property by the DACC in the company of the owner and the builder.

A detailed checklist of these "*Regulations and Guidelines*" shall be sent to homebuilders when they alert DACC that they are beginning the process. DACC can also provide a guideline that includes important factors to consider when selecting an architect, an inspector or contractor. DACC can also identify other homeowners who have recently built homes on the mountainside who are willing to share information about the process, their contractor, etc., which could prove useful.

III. ENFORCEMENT

Failure to conform to the regulations contained within these "*Regulations and Guidelines*" shall constitute grounds for the rejection or revocation of the application under the authority provided in the Bylaws and Covenants.

Owners who do not conform to the regulations or the approvals by the DACC or the Board may be compelled to correct the construction at

their expense and/or provide restitution for certain activity (such as tree cutting) that did not receive prior approval.

CMA may initiate such legal action as it may required to enforce the regulations that are part of these "Regulations and Guidelines" including legal action in the form of injunction or restraining order.

IV. WAIVERS

Application of the requirements in these "*Regulations and Guidelines*" may sometimes cause undue hardship because of unusual or special circumstances, such as natural obstacles or prior exceptions. Therefore, an owner may request in writing a waiver of one or more such requirements for good cause shown. The DACC or the Board may grant such a waiver, in whole or in part, provided: it is the minimum reasonably necessary to mitigate the problem; it is subject to such conditions as may be required to protect CMA's interest (e.g., it is limited to the duration of the conditions that warrant the waiver); and it will not have a significantly adverse effect on other lots or common property.

V. RIGHT OF APPEAL

DACC has the authority to approve construction applications and building plans and to recommend denials. Denial appeals are made to the CMA Board of Directors, which is solely responsible for denial decisions.

December 2003

APPENDIX A

Design Review Procedures for New Construction And Major Additions

The following are the procedures for work that requires approval of new construction and major additions (i.e. addition of new living space or significant change to the external appearance).

1. Call the current chair of the DACC to discuss what you are planning and to review the procedures. This should be done when you begin your planning so that the lines of communication are open and everyone is aware of what is being proposed and a tentative schedule can be developed. The complete checklist will be sent at this time.

When contacted, DACC will provide advice regarding the process of obtaining an accurate topographic map. This is the first thing that one should do when beginning to think about building. The site should guide you into the design of your house and this is needed information prior to designing the house, or selecting stock plans. Considerations include: Which way does the lot face? How much does it slope? How wide or long can it be? Which way should the rooms face, and which way is a view? How will the driveway coordinate with the lot and with the entrances to the house?

The DACC is composed of volunteers; therefore, coordinating the schedule for a project visit can sometimes be time-consuming. Thirty days must be allowed for DACC or Board review, after receipt of a completed application and a complete submission. While DACC will always try to expedite this schedule, construction schedules must include thirty calendar days for this activity.

2. Your submission to the DACC will consist of filled out copies of Appendix C, Site Plan, Building Plan, Exterior Views and Exterior Details. DACC will review and comment on the submission and the site visit will be scheduled to take place within the thirty calendar day approval window.

3. The site visit shall include the owner(s), the architect or designer, the contractor, and the DACC. The professional who will be conducting the building inspections shall also be present. If the inspector is known to DACC, understands DACC requirements and has previously attended a site visit, DACC may waive the inspector's participation. The process includes walking the site, posing questions and offering suggestions and comments. The DACC Site Visit Checklist (Appendix F) will be reviewed and annotations made, if required. At the end of the visit, all items of construction will have been agreed upon. All parties present will execute the agreement; it is considered a legal and binding agreement, as to what is required to be constructed. Copies will be made and distributed.

4. The footings must be inspected prior to the pouring of the concrete, and after the pouring. It is the responsibility of the contractor to coordinate this review and of the owners to submit the certification of inspections to DACC.

5. The professional person(s) responsible for reviewing the site utilities (water and sewer installation and electric and telephone routings) must be present at the site meeting. It is the responsibility of the contractor to coordinate these required reviews with the professional. If work is completed without a required inspection, the contractor will be required to accommodate such an inspection at its cost.

Electric rough-in work is inspected by firms certified by Allegheny Power for conformance to the National Electric Code. They are not expected to be at the site meeting.

6. Any and all changes that occur during the construction (i.e. additional trees to be removed, a change in location, a change in size or of any item that is required in the Regulations and Guidelines, and or agreed to at the site visit etc.) shall be approved in advance and in writing by the DACC. If changes are made without approval, the owner may be required to correct the construction to the approved plans.

7. When the house is substantially complete, defined as adequate for the intended use, all systems functioning, and ready for occupancy, the owner has 30 calendar days to submit the record drawings (see item 8 below) to DACC. There may be a punch list of minor items that remain to be corrected at this time. Prior to the owner's making the final payment to the contractor, the site must be completely cleaned and the grade restored to its original natural condition.

8. The contractor must submit revised drawings to both the owner and the DACC. The revised drawings shall identify, at a minimum, all changes to the site: contours, water, sewer, telephone and electrical connections and locations, and changes to the exterior of the house. These drawings may be sketched on the original approved plans, with any important dimensions noted.

9. At the time of substantial completion, DACC will advise the treasurer of CMA that the house is complete. The treasurer will bill the owner for the difference in the assessment of a lot and a house pro-rated for the remainder of the year. At this time, there will also be a hookup fee for the utility connections required and billing for water and sewer will commence.

10. It is recommended that the owner keep record copies of the original construction plans and specifications, any approved changes and all DACC correspondence for future reference and for transfer to a new owner in the event of future sale. This information is also helpful for maintenance and replacement.

APPENDIX B

Design Review Procedures For Renovations And Changes To Existing Houses

The following are the procedures for work that requires approval, after original construction is completed. Work requiring approval is defined as any exterior change, addition or alteration to the exterior of the house and or to the property that meets the criteria defined in these "Regulations and Guidelines". Major additions will be treated as new construction.

A written request to the DACC is required from any owner wishing to paint or stain his/her house or trim after the initial approval that was obtained prior to construction. This applies also to the owners who wish to repaint or re-stain with the same color. The same rules outlined in II.A.3 of the "Regulations and Guidelines" apply. The owner must submit a sample of the paint or stain to the DACC for approval prior to putting the new material on the house or trim. The paint sample, along with the manufacturer and the number is required to be submitted.

1. The owner should call the current chair of the DACC to discuss what is being planned and to review the procedures. This should be done when you begin your planning so that the lines of communication are open and everyone is aware of what is being proposed. As it is impossible to detail every possible project that might be submitted in these Regulations and Guidelines, along with their requirements for approval, this procedure is general.

The DACC is composed of volunteers; therefore, coordinating the schedule for a project visit can sometimes be time-consuming. Ample time, 30 calendar days, must be allowed for review after receipt of a complete submission. While DACC will always try to expedite this, construction schedules should include 30 calendar days for this activity.

At the time of the original consultation, DACC will advise the owners what to submit and how many copies to which members of the committee.

2. An application will be submitted. See Appendix D. If the project is structural in nature, a registered architect or engineer, currently licensed in the states of West Virginia, Virginia, Maryland, Pennsylvania, or Washington DC, shall certify plans. Decks that are being replaced will require structural certification, as will any other structural work. If this is a replacement of a previously approved deck, owners may submit their original drawings, certifications and approvals. Decks shall be designed to carry 40 pounds per square foot of live load capacity.

3. If the work involves changes in the site, then a site plan must be submitted, which may require the services of a registered engineer. If the work relates to the exterior of the house (new windows, etc.) then a drawing showing the new elements shall be submitted. However, if the work is minor in nature, e.g., it is one window, a photograph, sketch or a verbal description may suffice.

4. Depending on the nature and the complexity of work, two persons on the Committee may grant approval. The project will be reviewed with comments and/or approvals provided. If a project is disapproved, it will be pursuant to Board review and direction. A site visit may be required by the Board and should be conducted within 30 days of Committee disapproval.

APPENDIX C

COOLFONT MOUNTAINSIDE ASSOCIATION
DEVELOPMENT & ARCHITECTURAL CONTROL COMMITTEE
Request for Building Approval
For New Construction & Major Additions

Preliminary _____ or Final _____ (check as appropriate)

In accordance with the "REGULATIONS AND GUIDELINES" FOR BUILDING at COOLFONT dated December 2003, I/we the undersigned owner(s) of Lot _____ submit the following information for consideration by the Development and Architectural Control Committee:

- 1. SITE PLAN - Attach drawing showing location of building, utilities and driveway at a scale not less than 1 inch equals 30 feet. Also show terrain contours at two foot spacing or less. (See II.E.2.b)
- 2. BUILDING PLANS - Attach drawings showing foundation, floor and structural plans at a scale not less than 1/4 inch equals 1 foot. (See II.E.2.c)
- 3. EXTERIOR VIEWS - Attach drawings showing elevations of house exterior from all four sides.
- 4. EXTERIOR DETAILS - Provide descriptive information (color, name, manufacturer's number, material, landscaping, etc.) on the following items related to the exterior of your proposed house. Actual color samples of all exterior materials, roofing, siding and trim, etc., will be required at the site visit.

- A. Siding: _____
- B. Foundation: _____
- C. Fascia & Trim: _____
- D. Doors: _____
- E. Windows: _____
- F. Door and Window Trim: _____
- G. Roofing Material: _____
- H. Retaining Walls (if any): _____
- I. Special Features (if any): _____

We (the owner and the contractor) certify that we have received, read and fully understand the "REGULATIONS AND GUIDELINES FOR BUILDING AT COOLFONT". We agree to give due consideration to the recommendations

(guidelines), and consent to be bound by the mandatory provisions (regulations). Having done this, we certify that all features of construction and lot usage shall be in full compliance with the foregoing sentence.

We further acknowledge that legal action may be taken at any time by CMA to compel compliance as aforesaid.

Submitted by:

(Owners) Name(s) (Print Clearly)

Signature

Signature

Address: _____

Date: _____

Telephone: Work _____ Home _____

Plans Prepared by: Building Inspections to be done by:

(Name): _____ Name: _____

Firm: _____ Firm: _____

State and License #: _____ State Certification or License#:

Address: _____ Address: _____

Phone: _____ Phone: _____

Contractor: _____
Name(s) (Print Clearly)

(Contractor Signature)

WV License #: _____

Address: _____

Phone: _____

ADDITIONAL COMMENTS:

Approved by:

_____	Chair, DACC
_____	Member
_____	Member
_____	Date

Appendix D

COOLFONT MOUNTAINSIDE ASSOCIATION
DEVELOPMENT & ARCHITECTURAL CONTROL COMMITTEE

Request for Approval for Renovation or Changes to an Existing House

In accordance with the "REGULATIONS AND GUIDELINES" FOR BUILDING at COOLFONT dated December 2003, I/we the undersigned owner(s) of Lot _____ submit the following information for consideration by the Development and Architectural Control Committee:

Describe renovations proposed:

Drawings that may be required depending on the nature and complexity of the work include: site plan, floor plans, exteriors, samples of proposed paint colors, etc. To expedite the process discuss your plans with the chair of DACC prior to submitting.

We (the owner and the contractor) certify that we have received, read and fully understand the "REGULATIONS AND GUIDELINES FOR BUILDING AT COOLFONT". We agree to give due consideration to the recommendations, "guidelines", and consent to be bound by the mandatory provisions, "regulations". Having done this, we certify that all features of construction and lot usage shall be in full compliance with the foregoing sentence.

We further acknowledge that legal action may be taken at any time by CMA to compel compliance as aforesaid.

Submitted by: _____
(Owners Name(s)) (Print Clearly)

Signature

Signature

Address: _____

Date: _____

Telephone: Work: _____ Home: _____

Contractor: _____
Name(s) (Print Clearly)

Contractor Signature

Address: _____

Telephone: _____

ADDITIONAL COMMENTS:

Approved by:

_____ Chair, DACC

_____ Member

_____ Member

_____ Date

APPENDIX E

Inspection Form for Construction of a New House or Major Addition
(For the professional to use in inspecting the construction)

CMA shall use this certification provided by the professional inspector as part of its evaluation of compliance with these "Regulations and Guidelines". This form does not constitute a list of the total responsibilities of the builder and/or the owner but rather those areas of particular DACC concern.

Date: _____ Time: _____

Weather: _____

Lot Number: _____

Inspector: _____

Others present at the Inspection:

_____ % Completion

Work in progress:

Type of Inspection (all required, submit to DACC as process occurs, check appropriate items at time of visit and note key construction elements):

Footings

Before Pouring

After Pouring

Site Utilities

Water

Sewer

Electric & Telephone

Substantial Completion

Site Work (driveway, parking, landscaping, etc.)

Restoration of site to its natural condition

To the owner and DACC:

This is to certify that I have observed the construction of this house at Coolfont and find that construction is proceeding in accordance with current DACC Regulations and Guidelines and the approved construction documents.

Observations:

Signed: _____

APPENDIX F

Checklist for Construction of a New House or Major Addition

Attendees: _____ Date: _____

Owner: _____ Architect: _____ Builder: _____

Inspector: _____ DACC Members: _____, _____, _____

SITE PLAN

2' contour lines: _____ drainage plans: _____, driveway routing & culvert: _____, parking spaces _____, trees & vistas located _____, utility routing and connections _____, septic tank locations _____

BUILDING PLANS

- Foundation plan
- Floor Plans
- Roofing Plan
- Number of Bedrooms _____

EXTERIOR VIEWS

All elevations included _____
Ground level shown on all drawings _____

EXTERIOR DETAILS

Complete schedule of external materials _____

Submission Changes Required:

Site Visit Agreements:

Signed:
Owner: _____ Architect: _____

Builder: _____ Inspector: _____

DACC Members: _____, _____, _____