

Echo Hill South Association, Inc.

TREE REMOVAL AND EXTERIOR ARCHITECTURAL CHANGES

APPLICANT GUIDELINES*

A. Association Restrictions

The Echo Hill South neighborhood was designed for harmony with its natural wooded setting. The layout of the lanes and road eyebrows, the house styles and their situation on single lots, the retention of mature trees, and the inclusion of common land reflect the developer's desire to preserve the natural character of the landscape.

To help maintain the character of this special neighborhood, the Echo Hill South Association's "Declaration of Covenants and Restrictions" established guidelines governing private lots and the common land. According to the restrictions, proposed changes to houses or lots must be submitted for review and be approved by the Association's Architectural Committee. The committee seeks to insure that changes are made in harmony with surrounding structures and with the character of the neighborhood. Only with the approval of the Committee, or of the Board of Directors, can homeowners undertake regulated changes.

These procedures are designed to reduce conflict between neighbors, and to maintain our neighborhood's appeal and so the value of our homes.

B. Types of Changes Covered by the Covenants and Restrictions

In general, changes affecting the exterior appearance of a house or lot require approval. The *Covenants and Restrictions* regulate the following types of changes:

1. **Structural.** "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...have been submitted and approved..." (Article VII, Section 1).

2. **Tree Removal.** "No tree in excess of six (6) inch diameter upon any lot shall be cut down except by the [original] Developer or by order of the tree warden of the Town of Amherst ...or approval of the Architectural Committee" (Article VI, Section 8). The determination of a tree's diameter is made approximately 4 feet above the ground.

3. **Storage Containers.** "No fuel oil storage tank shall be maintained outside any buildings unless the same shall be buried. No garbage can shall be maintained outside of any building unless the same shall be maintained out of view in a receptacle approved by the Architectural Committee" (Article VI, Section 6).

Liquid propane fuel tanks need to be buried or adequately screened from view with shrubbery or wooden fencing constructed and painted to blend with other existing structures on the lot. Proposals to install and screen tanks in this manner must be submitted to the Architectural Committee for approval.

4. **Common Property.** No alterations may be made to the common property without the explicit approval of the Board of Directors.

Adopted by the Board of Directors, 1/9/94 (revised 10/29/04, JGK).

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C. Procedures for Applicant

1. **Application.** An Association member proposing tree removal or exterior structural changes must complete an " Architectural Change Application. " The instructions and an application form are available from the Architectural Committee or the Board of Directors, and the form is returned to the Architectural Committee Chair or the President of the Association. Applicants' Association Dues must be paid in full for the Application to be considered.

Section A of the application asks for the nature of the change and its rationale. The applicant should describe the planned work with a diagram of the lot detailing the change(s) to be made and indicating the specific location of the change(s). The application must also specify how and when any debris will be removed. For structural changes, such as additions to a house, fences and walls, the description should include location, dimensions, materials, etc. Attach any other information that helps to explain the nature of the change and how it relates to the character of the neighborhood, its structures, and topography.

Applications for tree removal should include a diagram of the lot that clearly identifies the property borders, those trees that are to be removed and the trees that will remain. The applicant must mark the tree: to be cut down with brightly colored tape and note the color of the tape on the diagram.

In all cases of approved tree removal, it is the complete responsibility of the homeowner to remove all branches and debris created by the tree removal. Under no circumstances should this debris be deposited on common land, nor is it to be included in the annual brush pick up.

In Section B, the applicant identifies the abutters to the property and any other neighbors who, in the opinion of the applicant, may be affected by the change. Because of the small lot sizes, any property owner who has a boundary within 120 feet of the applicant's lot is considered an abutter, including lots behind the house and across the street. The site team will contact abutters, and a notice of the application may be delivered to abutters and other owners on the street/eyebrow to solicit their comments.

2. **Review Process.** Within 30 days of receipt of the application, several members of the Architectural Committee will conduct a review of the proposal. The review will include a site visit and solicitation of opinion from neighbors whom the change might affect. The committee may seek additional information from the applicant and may take photographs of the site. Please remember that the individuals reviewing the proposal are Association members who voluntarily give of their personal time. Proposals should be submitted well ahead of the planned work to enable the committee to conduct a responsible review. The committee, for its part, strives to respond to applications as quickly as possible.

3. **Approval.** Following the review, a copy of the form will be returned to the applicant indicating the committee's decision. If the committee feels that modifications to the proposal would make it acceptable, conditions to that effect will also be included. An approval is good for one year from the date the application is signed by the Architectural Committee, after which time the proposal must be resubmitted for a new review.

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Procedures for the Applicant (continued)

4. ***Appeal.*** For a rejected proposal, the reasons will be included in the "comments" section of the form. The applicant may appeal the committee's decision by resubmitting the original form along with the reason(s) for the appeal directly to the full Board of Directors. In this case, a new 30 day period will begin. The decision of the Board of Directors is final.

5. ***Notification by Owner.*** The owner shall notify the Architectural Committee chair or site visit team leader of the date the work will begin, and inform one of them when the work is finished.

6. ***Posting of Approved Application.*** While the work is occurring, the owner will post a copy 4 approved application in a visible location near the work area.

7. ***Final Review.*** The site review team leader will inspect the site with the owner upon completion of the work. Any apparent violation of the approved agreement will be addressed by the Board of Directors.

8. ***Liability for the Common Land.*** The Common Land may not be entered or disturbed in any way during the process of tree removal or architectural change except with explicit prior approval by the Board of Directors. The private property owner is responsible for restitution to the Association for any damage to the Common Land which occurs during the approved change on his/her property, even if the contractor fault.

9. ***Approved Application Transfer to New Owner.*** An approved application may be transferred to a new owner who adds this statement to a copy of the application and signs it: "I will abide by the conditions of the approval and assume full responsibility that the work performed will conform to the approved plan." A copy with the new owner's signed and dated statement must be returned to the Association President before any work may begin. The original one year timeline still applies.

D. Tree Emergency Situation

When a tree is uprooted or damaged by a storm and said tree constitutes an imminent danger, a quick approval process for the emergency trimming or removal of such a tree may be initiated by contacting any member of the Architectural Committee or Board of Directors by phone. Phone numbers are available at