

Beech Mountain Lakes Association, Inc.
Resolution 2005 - 3

Erosion & Sedimentation Control and Control of Storm Water
Run-Off

Whereas, the Beech Mountain Lakes Association Declaration of Protective Covenants, Exceptions, Reservations, and Conditions, (hereinafter referred to as the "Covenants"), and Beech Mountain Lakes Association Rules and Regulations regulate the manner in which a property may be used, developed, and maintained within the community; and

Whereas, the Architectural Control Committee (hereinafter referred to as the "ACC"), under Article 13 of the Beech Mountain Lakes Association Covenants is granted the power to implement general use restrictions included in, but not limited to sections 12.1, 12.2 & 12.4; and

Whereas, the Beech Mountain Lakes Association and the ACC are in need of a uniform policy on Erosion and Sedimentation Control and Control of Storm Water Run-Off in conjunction with the Township of Butler and the Luzerne County Conservation District; and

Whereas, the property owner, under Article 3 of the Covenants, is charged with certain responsibilities regarding the care, maintenance, service, and preservation of property within Beech Mountain Lakes Development in Drums, PA; and

Whereas, the BMLA Board and the ACC desire to adopt a uniform policy on Erosion and Sedimentation Control and the Control of Storm Water Run-Off.

Now Therefore Be It Resolved; That the Beech Mountain Lakes Board of Directors hereby adopts the following policy regulating Erosion and Sedimentation Control and Control of Storm Water Run-Off, for any/all new construction conducted within the confines of the Beech Mountain Lakes Development:

RULES & REGULATIONS FOR EROSION & SEDIMENT CONTROL PLAN AND CONTROL OF STORM WATER RUN-OFF

- 1) Property owners that received written permission from the ACC prior to the adoption of this resolution, to the extent possible, shall comply with all terms of this resolution, but shall not be required to separately apply for a hearing before the ACC.
- 2) All applicants (for purposes of this Resolution, the property owner shall be considered the applicant when a building permit is required) for a building permit in Beech Mountain shall first obtain a determination letter of compliance requirements for Erosion & Sedimentation (E&S), Pollution Control and Storm Water Run-Off. Said certificate of compliance shall be presented in the form acceptable to the Board of Directors of the BMLA, and shall be provided by an Engineering Firm designated by the Board of Directors of BMLA.
- 3) Any and all costs associated in obtaining the Letter of Determination, and other services performed by the designated Engineering Firm shall be paid by the applicant.
- 4) All applicants shall submit the E&S Complete Plan Checklist, as may be required, to the Luzerne County Conservation District (LCD) and the Beech Mountain Lakes Association, if the engineering review above determines an approved plan is required, along with a Licensed Independent Engineered Storm Water Run-Off Plan. The requirements for this determination shall be provided to all applicants along with the building permit package, shall be as determined and outlined by the Engineering Firm designated by the board of Directors of BMLA., and shall be similar in form and content to the "Sediment Control and Storm Water Runoff Application Procedures" attached hereto as Exhibit "A". These procedures may be changed from time to time by the BMLA Board.
- 5) If a LCD approved E&S plan is required, it must be obtained before applying for a Butler Township Building Permit. The Township will also review and approve the Storm Water Run-Off Plan as submitted. All costs associated in obtaining the Township approvals and Permits shall be paid by the applicant.

6) Once the Butler Township Permit is issued the applicant must then submit all of the above Plans to the BMLA ACC for review and approval and final Permit.

7) Any/all E&S or other plans shall be reviewed by the BMLA ACC and shall receive their approval prior to the Building Permit being considered complete.

8) All homeowners are required to maintain in good working order any Storm Water Run-Off Plan Implemented on the property. The ACC and/or the BMLA Board can require corrective action be taken at the sole cost of the homeowner to any non functioning Storm Water Run-Off System installed, and in addition the property owner shall be required to reimburse the BMLA for any costs associated with enforcement, including, but not limited to engineering, inspection and Attorney or administration fees.

FEE AND FINES FOR THE IMPLEMENTATION AND/OR VIOLATION OF THIS RESOLUTION

FEE SCHEDULE

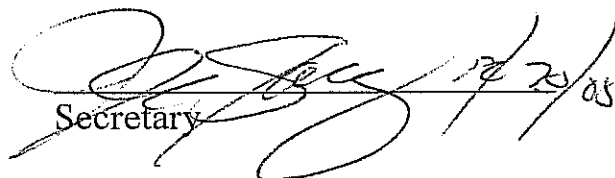
- a) Minimum required E&S Plan review - \$50.00
- b) LCD approved E&S & Storm Water Run-Off Plan review - \$100.00

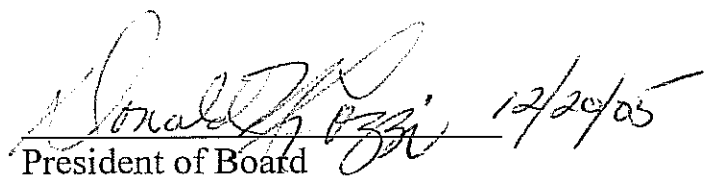
FINES

- a) Any ACC written request for implementation or maintenance of the E&S Plan is subject to a fine of \$25.00
- b) Any ACC issued STOP WORK order requires an inspection and removal fee of \$100.00
- c) Any removal of an ACC issued STOP WORK order by ANY person, other than by the ACC, the property owner and contractor shall be jointly and severally subject to a fine of \$600.00 per day.

Adopted this 20th day of December, 2005, by vote of the Beech Mountain Lakes Association, Inc. Board of Directors.

Attest:


Secretary


President of Board

BEECH MOUNTAIN LAKES ASSOCIATION
SEDIMENT CONTROL AND STORMWATER RUNOFF
APPLICATION PROCEDURES AND OUTLINE OF THE PROCESS

1. All applications for a building permit that will require earth disturbance must secure the earth disturbance package from Beech Mountain Lakes Association (BMLA). This package contains:
 - A copy of written resolution for the earth disturbance regulations
 - Step by step procedure
 - Typical BMP sketches for lots with less than 10% slopes
 - A blank lot sketch plan for the lot owner/developer to use. This sketch will be the document to record the topographic and possibly wetlands information on that particular lot. The lot owner/developer must secure the services to have their contractor, engineer or surveyor provide spot elevations and delineated wetlands on the sketch for BMLA's designate engineer to review in order to send a letter confirming the percent slope on the lot.
2. The lot owner secures services of a certified wetlands biologist to provide a site review to determine the presence of regulated wetlands on the property. The biologist must issue a letter:
 - Indicating that there are no wetlands present on the site, or
 - The site contains wetlands, and then provides a delineation and mapping of the wetlands
3. The lot owner secures services of a contractor, surveyor, or engineer to provide spot elevations and mapping of the wetlands on the sketch. Elevations must be numerous enough to determine the overall grades on the lot and any breaks, anomalies, and changes in the lot topography.
4. The lot owner/developer sends the sketch of grades to BLMA for engineering review with a deposit of \$500.00 to cover the cost of enforcement and review. The unused deposit will be returned.

Exhibit "A"

5. The engineer will visit the site and issue letter indicating concurrence with sketch or rejection, with comments why the sketch was rejected. If the sketch is acceptable, the engineer will issue a determination that the lot grades are either:
 - Equal to or less than 10% slope, or
 - Greater than 10% slope
6. This will be at a cost \$125.00 per review.
7. If rejected, the lot owner must revise and resubmit. The resubmission will require a fee of \$100.00 per resubmission. The reason for rejection would be due to the lack of sufficient data points to make a determination of slope, or illegible documentation.
8. If the sketch is deemed acceptable, one of two things will occur:
 - The lot slope is less than or equal to 10. In this case the lot owner/developer can use one of the applicable sketches and construction requirements already in the package.
 - If the lot slope is greater than 10%, the lot owner/developer is required to:
 - a. Secure the services of an engineer, surveyor, or landscape architect who complies with the experience requirements of the PADEP/Luzerne Conservation District in the preparation of an Erosion and Sedimentation Control Plans, and
 - b. File an Erosion and Sedimentation Control Plan with the Luzerne Conservation District and
 - c. File a stormwater plan with Butler Township. (PAI can prepare this and will have templates available as a cost effective solution, but not if the Lot Owner selects another Professional)

Specific details and plan filing requirements for Luzerne County Conservation and Butler Township are the responsibility of the lot owner/developer. Filing requirements listed above are for BMLA reviews only.

All of the above engineering services can be provided by the BMLA's engineer if so desired, but this is not a requirement.