

Resolution Of Architectural Control Committee Of Beech Mountain Lakes Association

In

Drums, Pennsylvania

Policy on Fencing

Adopted July 19, 2004

Amended January 28, 2015

Recitals:

- (A) Whereas, The Beech Mountain Lakes Protective Covenants, Declarations and Rules & Regulations (hereinafter referred to as the 'Covenants'), describe how a property may be used, developed and maintained within the community; and
- (B) Whereas, The Architectural Control Committee (hereinafter referred to as the 'ACC'), under section 13, of the Beech Mountain Lakes protective Covenants has the power to implement general use restrictions including section 13.4; and
- (C) Whereas, The Beech Mountain Lakes Community and the ACC are in need of a uniform policy for the use of fencing as a barrier or enclosure; and
- (D) Whereas, The Property Owner, under section 3.0 of the Covenants, is charged with certain responsibilities regarding the care, maintenance, service & preservation of property within Beech Mountain Lakes Association in Drums, Pennsylvania; and
- (E) Whereas the ACC wishes to adopt a uniform policy for the use of fencing as a barrier or an enclosure; and
- (F) Whereas, Property Owners that received written permission from the ACC prior to the adoption of this policy, to the extent possible shall comply with all terms of this policy, but shall not be required to separately apply for a hearing before the ACC.

Now, therefore, be it resolved as follows:

The Architectural Control Committee hereby adopts the following policy regulating fences.

- 1) Written permission as required by the Covenants.

No fence shall be placed, constructed, erected or permitted on any property in the Beech Mountain Lakes Development without express written permission of the ACC after proper application by the property owner to, and hearing by the ACC.

- 2) Fencing as an enclosure.

Fencing may be permitted in the rear of the property.

3) Fencing as a barrier.

Fencing may be permitted as a barrier where there is a steep embankment with at least a (3') foot drop off with a grade of 30% or more.

4) Fencing to protect landscaping.

- a) Individual trees, shrubs and/or flower beds may be screened with an ACC approved material.
- b) A sample of the desired material must be included with the plot plan showing areas to be protected.
- c) Split rail as defined in #5 is NOT approved for this purpose.

5) Materials and Location

Any and all fences allowed by the ACC shall comply with the following material and location requirements:

- a) A wood, unpainted three rail split rail is the only acceptable material. A non-refundable ACC fence variance application fee of \$100 is required for any other material. If variance is not approved by the ACC, an appeal may be made to the Board of Directors. A non-refundable fee of \$200 must be paid at the time the appeal is filed. The Appellant will be notified of the date & time to appear before the Board of Directors.
- b) Wooden posts for fencing shall not be set in concrete.
- c) Chicken wire, or other pre-approved wire material, only may be used to line the inside of the fence.
- d) Fencing may not exceed four feet (4') in height without ACC approval.
- e) Fencing may only be erected/constructed in the rear yard of the property. The rear yard being defined as the side of the house with the forty foot (40') setback.
- f) Fencing shall follow the line of the house on each side and must be no less than ten feet (10') from the rear property line.

6) Aesthetics

Any and all fences to be located in the Beech Mountain Lakes Development shall be aesthetically pleasing and shall not detract from the natural beauty of the surrounding properties, open spaces, green spaces, nor shall they be allowed where such fence would impede the ingress or egress of any property owner in the development from gaining access to/from any open space, green space, roadway, common area, common facility or other areas which owners have a right to travel.

7) Separability

Nothing in this policy shall be interpreted to negate or limit any other portions of the Covenants, the powers of the ACC or the Association.

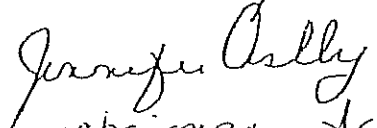
All provisions of the BML Board Variance Policy shall be followed including fees, applications and forms. A copy of the policy shall be available at the Association Office and the Beech Mountain Lakes website.

8) Effective Date

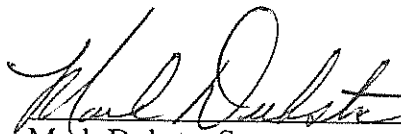
The aforementioned policy shall be effective upon adoption of the ACC, and the execution of this resolution.

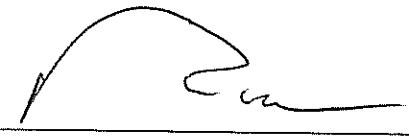
In Witness whereof, the undersigned have executed this resolution the 19th day of July 2004.


SER - ACC


-chairman, ACC

Amended by Motion and unanimous vote of the Board of Directors on January 28, 2015 to remove Decorative Fencing section, Change Materials & Location Section 5 & remove Adjoining Properties section.


Mark Duksta, Secretary


Kevin Walsh, President